

Queensland



**TRANSPORT PLANNING
AND COORDINATION
AMENDMENT ACT 1995**

Act No. 48 of 1995

Queensland



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COORDINATION AMENDMENT ACT
1995**

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Queensland



**Transport Planning and Coordination
Amendment Act 1995**

Act No. 48 of 1995

**An Act to amend the *Transport Planning and Coordination Act 1994*,
and for related purposes**

[Assented to 22 November 1995]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Transport Planning and Coordination Amendment Act 1995*.

Commencement

2. This Act commences on a day fixed by proclamation.

PART 2—AMENDMENT OF TRANSPORT PLANNING AND COORDINATION ACT 1994

Act amended in pt 2

3. This part amends the *Transport Planning and Coordination Act 1994*.

Amendment of s 4 (Definitions)

4. Section 4—

insert—

‘ “SEQTA” see section 8AB.

“SEQTA area” means the area declared under a regulation to be in the SEQTA area.’.

Amendment of s 7 (Transport coordination plan to be consistent with overall strategic planning for Government etc.)

5. After section 7(a)—

insert—

‘(aa) for the SEQTA area—not be inconsistent with any integrated regional transport plan for the area; and’.

Insertion of new pt 2A—

6. After part 2—

insert—

**‘PART 2A—THE SOUTH-EAST QUEENSLAND
TRANSIT AUTHORITY**

‘Object of part

‘**8AA.(1)** The object of this part is to establish a framework for the strategic planning and operation of an integrated transport system in south-east Queensland that ensures that the provision of the transport system is integrated with the objectives of land use planning.

‘**(2)** The object of this part includes increasing public passenger transport use in a way that takes account of social, economic and environmental influences of transport.

‘**(3)** The way the object of this part takes account of social, economic and environmental influences of transport includes—

- (a) ensuring, as far as is practicable, measures taken to achieve the object have minimal adverse effects on the environment; and
- (b) ensuring transport infrastructure is provided in a coordinated and efficient way; and
- (c) ensuring public passenger transport becomes a more desirable and effective travel alternative to private motor vehicles; and
- (d) ensuring road capacity is used efficiently by—

- (i) investing in public transport; and
- (ii) developing travel demand management initiatives; and
- (e) providing—
 - (i) affordable public passenger transport services and ensuring better access to the services; and
 - (ii) a more flexible approach to the development and integration of public passenger transport systems; and
- (f) promoting urban development that maximises the use of public passenger transport; and
- (g) developing opportunities for people to walk or cycle.

‘(4) It is Parliament’s intention that the objects of this part be achieved in a way that reflects a cooperative relationship between units of the public sector and GOCs involved in the provision of transport infrastructure and operations.

‘The South-East Queensland Transit Authority

‘**8AB.(1)** An office called the South-East Queensland Transit Authority (“**SEQTA**”) is established.

‘(2) SEQTA consists of the chief executive of SEQTA and the staff of SEQTA.

‘Control of SEQTA

‘**8AC.(1)** Subject to the Minister, the SEQTA chief executive is to control SEQTA.

‘(2) Subsection (1) does not prevent the attachment of SEQTA to the department for ensuring that SEQTA is supplied with the administrative support services it requires to carry out its functions effectively and efficiently.

‘Functions of SEQTA

‘8AD.(1) The principal function of SEQTA is to—

- (a) coordinate the strategic planning and operation of an integrated transport system in south-east Queensland; and
- (b) manage the allocation of funds to achieve this outcome.

‘(2) Without limiting subsection (1), SEQTA is to achieve its function by—

- (a) ensuring more effective integration of land use and transport planning by—
 - (i) evaluating the effectiveness of proposed and existing transport systems in the SEQTA area; and
 - (ii) developing and implementing integrated regional transport plans that complement the objectives of regional and land use plans in south-east Queensland; and
 - (iii) allocating transport funds to transport needs that provide the highest possible overall community benefit, taking into account social, environmental and economic considerations; and
- (b) ensuring the effective planning and development of transport infrastructure; and
- (c) setting standards for provision and operation of transport infrastructure and ensuring that they are observed; and
- (d) coordinating the delivery of integrated public passenger transport services; and
- (e) developing and implementing travel demand management initiatives, including marketing and promotion initiatives, to more efficiently use road capacity.

‘(3) In performing its functions, SEQTA must—

- (a) adopt a consultative role in the development of an integrated transport system for south-east Queensland; and

- (b) ensure, as far as practicable, that this part is administered in consultation with, and having regard to the views and interests of interested groups and persons and the community generally.

‘SEQTA’s powers

‘**8AE.(1)** Subject to the Minister, the SEQTA chief executive has the functions and powers of the chief executive under a transport Act.

‘(2) However, the SEQTA chief executive has those powers only for achieving SEQTA’s functions in the SEQTA area.

‘Staff of SEQTA

‘**8AF.(1)** The staff of SEQTA (including the chief executive) are to be appointed under the *Public Service Management and Employment Act 1988*.

‘(2) The SEQTA chief executive has all the functions and powers of the chief executive of a department, so far as the functions relate to the organisational unit comprising the staff of SEQTA, as if—

- (a) the unit were a department within the meaning of the *Public Service Management and Employment Act 1988*; and
- (b) the SEQTA chief executive were the chief executive of the department.

‘(3) To remove any doubt, the SEQTA chief executive is not the accountable officer under the *Financial Administration and Audit Act 1977*.

‘Development of integrated regional transport plan

‘**8AG.(1)** The SEQTA chief executive must from time to time develop for the Minister’s approval an integrated regional transport plan for the SEQTA area.

‘(2) Part 2 applies to an integrated regional transport plan as if it were a transport coordination plan for the SEQTA area and the reference in part 2 to the chief executive were a reference to the SEQTA chief executive.

‘(3) If a proposed integrated regional transport plan is inconsistent with a transport coordination plan, the inconsistency must be resolved before the Minister approves the proposed integrated regional transport plan.

‘SEQTA board

‘8AH. There is a SEQTA board.

‘SEQTA board’s composition

‘8AI.(1) The SEQTA board consists of the SEQTA chief executive and not more than 6 other members.

‘(2) The Minister is to appoint the members of the board.

‘(3) The Minister is to appoint 1 of the members as the chairperson of the board.

‘(4) The Minister must ensure, as far as practicable, the board’s membership provides balanced representation of government and community interests appropriate to achieving SEQTA’s functions.

‘Duration of appointment

‘8AJ.(1) A SEQTA board member must be appointed for a term of not longer than 2 years.

‘(2) The office of a SEQTA board member becomes vacant if the member—

- (a) resigns by signed notice of resignation given to the Minister; or
- (b) is absent from 3 consecutive meetings of the board without the board’s leave and without reasonable excuse; or
- (c) is convicted of an indictable offence; or
- (d) becomes—
 - (i) a contractor for SEQTA; or
 - (ii) an employee of a contractor for SEQTA; or

(iii) a member of SEQTA's staff (other than the SEQTA chief executive); or

(e) is removed from office by the Minister under subsection (4).

'(3) Subsection (2)(d)(i) and (ii) do not apply if the contractor is the State or a local government.

'(4) The Minister may remove a SEQTA board member from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) does anything else that, in the Minister's opinion, is a reasonable justification for removal from office; or
- (e) is convicted of an offence against a transport Act.

'SEQTA board's functions

'8AK. A regulation may prescribe the following about the SEQTA board—

- (a) the board's functions;
- (b) meetings, including meetings by telephone, closed circuit television or another form of electronic communication, and meeting procedures.

'Effect of SEQTA board's decisions

'8AL. To remove any doubt, a decision of the SEQTA board is advisory only and does not bind the State.

'Fees and allowances

'8AM. A member of the SEQTA board may be paid the fees and allowances approved by the Governor in Council.

‘Annual report

‘**8AN.(1)** Not later than 4 months after the end of each financial year, the SEQTA chief executive must prepare and give to the Minister a report on SEQTA’s operations during the year.

‘**(2)** Without limiting subsection (1), the SEQTA chief executive must include in the report—

- (a) an outline of SEQTA’s goals and objectives; and
- (b) particulars of SEQTA’s principal activities for the year; and
- (c) an outline of SEQTA’s organisational structure and resources; and
- (d) an assessment of the progress made towards achieving the objects of this part; and
- (e) a statement of how SEQTA has given effect to any integrated regional transport plan for the SEQTA area.

‘**(3)** The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the Minister receives it.

Amendment of s 25 (Delegation by Minister or chief executive)

7. Section 25(1)—

omit, insert—

‘**25.(1)** The Minister, chief executive, or SEQTA chief executive (the “**delegator**”) may delegate to a person a power of the delegator under this or another Act.’.

Insertion of new s 27 (Numbering and renumbering of Act)

8. After section 26—

insert—

‘Numbering and renumbering of Act

‘27. In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.

PART 3—AMENDMENT OF TRANSPORT INFRASTRUCTURE ACT 1994

Act amended

9. This part amends the *Transport Infrastructure Act 1994*.

Amendment of s 6 (Contents of transport infrastructure strategies)

10. Section 6—

insert—

‘(4) Transport infrastructure strategies for the SEQTA area under the *Transport Planning and Coordination Act 1994* must not be inconsistent with, and must give effect to any integrated regional transport plan in force for the area.’.

Amendment of s 225 (Existing regulations)

11. Section 225(3) and (4)—

omit, insert—

‘(3) The regulation expires 1 year after the commencement of this section unless earlier repealed.

‘(4) This section expires 1 year after its commencement.’.

PART 4—AMENDMENT OF TRANSPORT OPERATIONS (PASSENGER TRANSPORT) ACT 1994

Act amended

12. This part amends the *Transport Operations (Passenger Transport) Act 1994*.

Amendment of s 6 (Contents of passenger transport strategies)

13. Section 6—

insert—

‘(4) Passenger transport strategies for the SEQTA area under the *Transport Planning and Coordination Act 1994* must not be inconsistent with, and must give effect to any integrated regional transport plan in force for the area.’.

PART 5—AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1995

Act amended

14. This part amends the *Transport Operations (Road Use Management) Act 1995*.

Amendment of s 8 (Contents of strategies)

15. Section 8—

insert—

‘(4) A road use management strategy for the SEQTA area under the *Transport Planning and Coordination Act 1994* must not be inconsistent with, and must give effect to any integrated regional transport plan in force for the area.’.

Amendment of sch 3 (Dictionary)

16. Schedule 3, definition “GVM”, paragraph (b)—
omit, insert—

‘(b) stated in a way prescribed under a regulation.’.

SCHEDULE**ADDITIONAL AMENDMENTS OF TRANSPORT
OPERATIONS (PASSENGER TRANSPORT) ACT 1994**

section 12

1. Section 42(2)—*omit, insert—*

‘(2) The chief executive may, by public notice, declare that a service contract will be required to provide a public passenger service of a specified kind for a specified area or route.

‘(3) In the notice given under subsection (2) or another public notice, the chief executive must fix the day on and from which the service contract is required.’.

2. Section 159(5)(b), after ‘route’—*insert—*

‘and the chief executive notifies the operator in writing that this section ceases to apply from a day fixed in the notice—on the fixed day’.

3. Section 159(5)(c), after ‘apply’—*insert—*

‘from a day fixed in the notice—on the fixed day’.

4. Section 160(6)(b), after ‘route’—*insert—*

‘and the chief executive notifies the operator in writing that this section ceases to apply from a day fixed in the notice—on the fixed day’.

5. Section 160(6)(c), after ‘apply’—*insert—*

‘from a day fixed in the notice—on the fixed day’.

6. Section 162(4)(a), after ‘route’—*insert—*

‘and the chief executive notifies the operator in writing that this section ceases to apply from a day fixed in the notice—on the fixed day’.

7. Section 162(4)(b), after ‘apply’—*insert—*

‘from a day fixed in the notice—on the fixed day’.

8. Section 168(1), ‘the end of 1 year after the commencement’—*omit, insert—*

‘the day fixed under a regulation’.

9. Section 168(2)—*omit, insert—*

‘(2) This section expires 3 years after it commences or, if prescribed under subsection (1), that day.’.

10. Section 170(1), ‘the end of 1 year after the commencement’—*omit, insert—*

‘the day fixed under a regulation’.

11. Section 170(2)—*omit, insert—*

‘(2) This section expires 3 years after it commences or, if prescribed under subsection (1), that day.’.

12. Section 172(1)(a), ‘148’—

omit, insert—

‘159’.

13. Section 172(2)—

omit, insert—

‘(2) A person who holds a licence or permit to which section 159 applies to operate public passenger services—

- (a) may apply under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 18 for payment of an interest rate subsidy mentioned in section 17(1)(a) of that Act for the services; or
- (b) if the person is eligible under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 17(1)(a) for payment of an interest rate subsidy—may apply under this section for payment of an interest rate subsidy on a financial lease of a bus used to provide the services.’.

14. Section 172(6)—

omit, insert—

‘(6) The Minister may, under this section, continue to pay to an operator of a public passenger service who holds a licence or permit to which section 159 applies, amounts calculated on the basis of gross fare revenue and amounts payable for revenue foregone for providing concessions to holders of seniors’ cards if—

- (a) the Minister had, before 7 November 1994, approved the payments under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 18; and
- (b) the operator continues to hold the licence or permit.’.

15. Section 172(7), from ‘during’ to ‘commencement’—*omit, insert—*

‘while the contract remains in force’.

16. After section 172(7)—*insert—*

‘(7A) Payments under subsections (6) and (7) to an operator of a public passenger service cease on 7 November 1996 if the operator does not enter into a service contract under chapter 6.’.

17. Section 172(8), after ‘State’—*omit, insert—*

‘in the year immediately before the operator signs a service contract under chapter 6, are to be reduced to zero over a 5 year period starting from the start of the service contract and in a way decided by the Minister.’.

18. After section 172(9)—*insert—*

‘(9A) During the first year of a service contract entered into by an operator under chapter 6, the Minister is to pay the operator an amount equal to payments received by the operator under subsections (6) and (7) for the year immediately before the operator signed the contract.’.

19. Section 172(10) and (11)—*omit.***20. Section 172(15)—***omit, insert—*

‘(15) This section expires 7 years after it commences.’.

21. Section 172(7A) to (16)—

renumber.