

Queensland



**TRANSPORT
INFRASTRUCTURE
AMENDMENT ACT 1998**

Act No. 23 of 1998

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Transport Infrastructure Amendment Act 1998

Act No. 23 of 1998

An Act to amend the *Transport Infrastructure Act 1994*

[Assented to 14 May 1998]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Transport Infrastructure Amendment Act 1998*.

Commencement

2. Sections 5(1) and (2) and 7 are taken to have commenced on 1 July 1994.

Act amended

3. This Act amends the *Transport Infrastructure Act 1994*.

Insertion of new s 227

4. Chapter 10, part 3—
insert—

‘Definitions

‘227. In this part—

“1986 permit” see section 233C.

“1992 permit” see section 233D.

“1994–95 permit” see section 233A.

“1996–97 permit” see section 233B.

“permit” means a permit for the removal of sand and gravel.’.

Amendment of s 233 (Continuation of certain by-laws)

5.(1) Section 233, heading—
omit, insert—

‘Continuation of certain by-laws and provisions of Harbours Act’.

(2) Section 233(1)—

omit, insert—

‘233.(1) The *Marine Land Dredging By-law 1987*, as well as the following provisions of the *Harbours Act 1955*, continue to have effect—

- (a) sections 67(2), 98 and 101¹ so far as they relate to the by-law;
- (b) any definitions in the Act relevant to the by-law and the provisions mentioned in paragraph (a).

‘(1A) The provisions of the *Harbours Act 1955* mentioned in subsection (1) have effect as if—

- (a) a reference to a harbour board or the Harbours Corporation were a reference to the chief executive of the department; and
- (b) for section 101—the words ‘under its seal’ were omitted.’.

(3) Section 233(3), (4) and (6)—

omit.

Insertion of new s 233A–233F

6. After section 233—

insert—

‘Validation of permits issued for Mackay Harbour

‘233A.(1) This section applies if—

- (a) under the repealed *Harbours (Mackay Port Authority) By-law 1988*, the Mackay Port Authority purported to issue a permit (a **“1994–95 permit”**) to a person; and
- (b) the 1994–95 permit was purportedly effective from 1 July 1994.

‘(2) The 1994–95 permit is taken to have been valid.

‘(3) For subsection (2), the by-law is taken to have continued to have had

¹ Sections 67 (Removal of certain materials from Queensland waters), 98 (Power to make by-laws) and 101 (By-laws made by Harbours Corporation).

effect as if this Act had not been enacted.

‘(4) This section expires the day after it commences.

‘Certain persons taken to have permits for Mackay Harbour

‘233B.(1) This section applies if—

- (a) under section 233A, a person held a 1994–95 permit for an area stated in it; and
- (b) the person continued to remove sand and gravel from the area after the expiry or cancellation of the person’s 1994–95 permit; and
- (c) a dredging permit was issued to the person under the *Marine Land Dredging By-law 1987* (the “**1996–97 permit**”) for the area.

‘(2) The person is taken to have held a permit under the by-law (subject to the same conditions as the 1994–95 permit) for the period starting on the day after the expiry or cancellation of the person’s 1994–1995 permit and ending on the day before the 1996–97 permit took effect.

‘(3) This section expires the day after it commences.

‘Certain persons taken to have had permits for Brisbane River under By-law No. 2, 1924

‘233C.(1) This section applies if—

- (a) under By-law No. 2, 1924, the Director of Harbours and Marine purported to issue a permit (a “**1986 permit**”) to a person for an area in the Brisbane River; and
- (b) the 1986 permit was purportedly issued on, and effective from, 14 March 1986 or 15 May 1986 (the “**effective date**”).

‘(2) The 1986 permit is taken to have been valid for the period starting on the effective date and ending on 21 May 1992.

‘(3) For subsection (2), the by-law is taken to have continued to have had effect as if the *Port of Brisbane Authority Act 1976* and the *Regulatory Reform Act 1986* had not been enacted.

‘(4) This section does not apply to a 1986 permit that was purportedly cancelled before 21 May 1992.

‘(5) This section expires the day after it commences.

‘Certain persons taken to have had permits for Brisbane River under Port of Brisbane Sand and Gravel By-law 1992

‘233D.(1) This section applies if—

- (a) under section 233C, a person held a 1986 permit for an area in the Brisbane River stated in the permit; and
- (b) after the commencement of the *Port of Brisbane Sand and Gravel By-law 1992*, the person continued to remove sand and gravel from the area.

‘(2) The person is taken to have held a permit (a “1992 permit”) under the by-law (subject to the same conditions as the 1986 permit) for the period starting on the commencement of the by-law and ending on 30 June 1994.

‘(3) However, the fees payable under a 1992 permit are taken to have been payable to the Port of Brisbane Authority.

‘(4) This section expires the day after it commences.

‘Certain persons taken to have permits for Brisbane River under Marine Land Dredging By-law 1987

‘233E.(1) This section applies if—

- (a) under section 233D, a person is taken to have held a 1992 permit for an area in the Brisbane River stated in the permit; and
- (b) despite the repeal, under the *Transport Infrastructure Act 1994*, of the *Port of Brisbane Sand and Gravel By-law 1992*, the person continued to remove sand and gravel from the area after 30 June 1994.

‘(2) The person is taken to have held a dredging permit under the *Marine Land Dredging By-law 1987* (subject to the same conditions as the 1992 permit) for the period starting on 1 July 1994 and ending on—

(a) if another permit for the area was issued under the *Marine Land Dredging By-law 1987* to the person—the day before the new permit commenced; or

(b) in any other case—30 September 1997.

‘(3) However, the fees payable under the permit—

(a) are taken to have been the amount stated in the schedule of the by-law; and

(b) are taken to have been payable to the chief executive of the department.

‘(4) This section expires the day after it commences.

‘Survey and supervision cost to be retained by Port of Brisbane Corporation

‘**233F.(1)** The amount held by the Port of Brisbane Corporation for survey and supervision costs for the period starting on 1 July 1994 and ending on 31 March 1995 in relation to permits held under the *Marine Land Dredging By-law 1987* for an area in the Brisbane River may be retained by the corporation.

‘(2) This section expires the day after it commences.’.

Amendment of s 236 (Continuation of certain provisions of Harbours Act requiring approval for certain matters)

7.(1) Section 236(1)—

insert—

- section 163 (Regulations) so far as it relates to the regulations mentioned in this subsection’.

(2) Section 236(2)(a), after ‘Council’—

insert—

‘(other than the reference in section 163(1))’.