



Queensland

Transport and Other Legislation Amendment Bill (No. 2) 2004



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2004

A Bill

for

An Act to amend the *Transport Infrastructure Act 1994*, other transport-related Acts and the *Integrated Planning Act 1997*

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	The Parliament of Queensland enacts—	1
	Part 1 Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Transport and Other Legislation Amendment Act (No. 2) 2004</i> .	4 5
Clause 2	Commencement	6
	This Act, other than part 4, ¹ commences on a day to be fixed by proclamation.	7 8
	Part 2 Amendment of Transport Infrastructure Act 1994	9 10
Clause 3	Act amended in pt 2	11
	This part amends the <i>Transport Infrastructure Act 1994</i> .	12
Clause 4	Replacement of s 258 (Impact of certain decisions by local governments on railways)	13 14
	Section 258—	15
	<i>omit, insert—</i>	16
‘258	Impact of particular development on railways	17
	‘(1) This section applies if the chief executive is an assessment manager or a referral agency under the <i>Integrated Planning Act 1997</i> for a development application under that Act.	18 19 20

1 Part 4 (Amendment of Transport Operations (Road Use Management) Act 1995)

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- ‘(2) Also, this section has as its purpose ensuring the safety and operational integrity of railways and future railways. 1
2
- ‘(3) For performing the chief executive’s functions as assessment manager or referral agency, the chief executive must consider the impact of the proposed development on the safety and operational integrity of railways and future railways. 3
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- ‘(4) Subsection (3) is in addition to, and does not limit, the *Integrated Planning Act 1997*, section 3.3.15 and chapter 3, part 5, division 2.² 7
8
9
- ‘258A Impact of change of management of local government road on railways 10
11**
- ‘(1) A local government must apply to the chief executive to obtain the chief executive’s written approval to make a change to the management of a local government road that, if made— 12
13
14
- (a) would require works to be carried out on a railway; or 15
- (b) would have a significant adverse impact on the safety and operational integrity of a railway or a future railway. 16
17
- ‘(2) The chief executive— 18
- (a) must consider the application within— 19
- (i) 30 days after receiving it; or 20
- (ii) the longer time notified to the local government by the chief executive, in writing, before the end of the 30 days; and 21
22
23
- (b) may— 24
- (i) approve the proposed change, with or without conditions; or 25
26
- (ii) refuse to approve the proposed change. 27
- ‘(3) The chief executive must give the local government written notice of the chief executive’s decision on the application. 28
29

² *Integrated Planning Act 1997*, section 3.3.15 (Referral agency assesses application) and chapter 3 (Integrated Development Assessment System (IDAS)), part 5 (Decision stage), division 2 (Assessment process)

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‘(4) If the chief executive does not do any of the following within the 30 days, the chief executive is taken to have approved the proposed change—	1 2 3
(a) approve the proposed change;	4
(b) refuse to approve the proposed change;	5
(c) give the local government a notice under subsection (2).	6
‘(5) A failure of a local government to obtain an approval under subsection (1) does not invalidate the local government’s decision to make the change to which the decision relates.	7 8 9
‘(6) This section does not apply if the chief executive has considered the change to the management of the local government road as part of the chief executive’s consideration of a development application under IDAS.	10 11 12 13
‘(7) In this section—	14
<i>IDAS</i> see the <i>Integrated Planning Act 1997</i> , section 3.1.1. ³	15
‘258B Guidelines for ss 258-258A	16
‘(1) For the purposes of sections 258 and 258A, the chief executive may make guidelines to which a person must have regard when—	17 18 19
(a) carrying out development under the <i>Integrated Planning Act 1997</i> ; or	20 21
(b) making changes to the management of a local government road.	22 23
‘(2) The chief executive must give a copy of the guidelines to each local government affected by the guidelines.’.	24 25

³ *Integrated Planning Act 1997*, section 3.1.1 (What is IDAS)

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	Part 3	1
	Amendment of Transport Operations (Passenger Transport) Act 1994	2 3
Clause 5	Act amended in pt 3	4
	<i>This part amends the Transport Operations (Passenger Transport) Act 1994.</i>	5 6
Clause 6	Amendment of ch 6, pt 2, div 2 hdg	7
	Chapter 6, part 2, division 2, heading, ‘scheduled service’— <i>omit, insert—</i>	8 9
	‘scheduled passenger services’.	10
Clause 7	Omission of ss 145-146	11
	Sections 145 and 146— <i>omit.</i>	12 13
Clause 8	Amendment of sch 2 (Reviewable decisions)	14
	Schedule 2, entries for section 145(1) and (3)— <i>omit.</i>	15 16
Clause 9	Insertion of new ch 13, pt 1B	17
	Chapter 13, after section 163— <i>insert—</i>	18 19
‘Part 1B	Transitional Provisions for Transport and Other Legislation Amendment Act (No. 2) 2004	20 21 22 23

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'164	Provisions dealing with impact of decisions of local governments on public passenger transport	1 2
'(1)	This section applies if under section 145 as in force immediately before the commencement of part 3 of the amending Act a local government applied to the chief executive for approval for a matter and the chief executive's decision on the application has not been made.	3 4 5 6 7
'(2)	Sections 145 and 146 and schedule 2, as in force immediately before the commencement, continue to apply in relation to the matter as if the amending Act had not been enacted.	8 9 10
'(3)	In this section— <i>amending Act</i> means the <i>Transport and Other Legislation Amendment Act (No. 2) 2004</i> .'	11 12 13
 Part 4	 Amendment of Transport Operations (Road Use Management) Act 1995	 14 15 16
 Clause 10	 Act amended in pt 4 This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	 17 18 19
 Clause 11	 Amendment of s 18 (Grounds for amending, suspending or cancelling approvals) Section 18— <i>insert—</i> '(h) for any approval other than an approval mentioned in paragraph (g)—public safety has been endangered, or is likely to be endangered, because of the approval; '(i) the chief executive considers it necessary in the public interest.'	 20 21 22 23 24 25 26 27 28

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Clause 12	Amendment of s 31 (Power to stop private vehicles)	1
	(1) Section 31(2), after ‘subsection (1)’—	2
	<i>insert</i> —	3
	‘or (2)’.	4
	(2) Section 31(3), after ‘subsection (1)’—	5
	<i>insert</i> —	6
	‘or (2)’.	7
	(3) Section 31(2) and (3), as amended—	8
	<i>renumber</i> as section 31(3) and (4).	9
	(4) Section 31—	10
	<i>insert</i> —	11
	‘(2) In addition, an authorised officer may require the person in control of a private vehicle to stop the vehicle to find out whether the vehicle is carrying explosives within the meaning of the <i>Explosives Act 1999</i> if—	12
	(a) the officer is also an inspector under the <i>Explosives Act 1999</i> ; and	13
	(b) the officer reasonably believes the vehicle is carrying explosives within the meaning of the <i>Explosives Act 1999</i> .’.	14
		15
		16
		17
		18
		19
		20
Clause 13	Amendment of s 32 (Power to stop heavy vehicles)	21
	(1) Section 32(2)—	22
	<i>renumber</i> as section 32(3).	23
	(2) Section 32(3), ‘subsection (2)’—	24
	<i>omit, insert</i> —	25
	‘subsection (3)’.	26
	(3) Section 32(4), penalty, ‘subsection (4)’—	27
	<i>omit, insert</i> —	28
	‘subsection (5)’.	29

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- (4) Section 32(3) and (4), as amended— 1
renumber as section 32(4) and (5). 2
- (5) Section 32— 3
insert— 4
- ‘(2) In addition, an authorised officer who is also an inspector 5
under the *Explosives Act 1999* may require the person in 6
control of a heavy vehicle to stop the vehicle to check whether 7
the vehicle is carrying explosives within the meaning of the 8
Explosives Act 1999.’ 9

Clause 14 Insertion of new s 39A 10

Part 3, division 2, after section 39— 11
insert— 12

**‘39A Additional power for Explosives Act 1999 for 13
particular authorised officers** 14

- ‘(1) This section applies if an authorised officer who is also an 15
inspector under the *Explosives Act 1999* stops a vehicle under 16
section 31(2) or 32(2). 17
- ‘(2) The authorised officer may check the vehicle to find out— 18
- (a) whether the vehicle is carrying explosives within the 19
meaning of the *Explosives Act 1999*; and 20
- (b) if the vehicle is carrying explosives—whether the 21
explosives are being carried as required under the 22
Explosives Act 1999. 23
- ‘(3) The authorised officer may exercise powers the person has 24
under this Act or the *Explosives Act 1999*, or both.’. 25

Clause 15 Amendment of s 47 (Power to set up checkpoints) 26

- (1) Section 47(2)— 27
renumber as section 47(3). 28
- (2) Section 47— 29
insert— 30

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- (b) a ferry terminal, jetty, pontoon or landing for ferry services;
1
2
- (c) a bus stop, bus shelter, bus station or bus lay-by;
3
- (d) a busway station;
4
- (e) a taxi rank, limousine rank or limousine standing area;
5
- (f) a railway station;
6
- (g) vehicle parking and set-down facilities;
7
- (h) pedestrian and bicycle paths and bicycle facilities.
8
- road*, for part 2A, see the *Transport Infrastructure Act 1994*, schedule 6, definition *road*, paragraphs (c) and (d).
9
10
- road works* see the *Transport Infrastructure Act 1994*, schedule 6.
11
12
- scheduled passenger service* see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.7.
13
14

- Clause 18 Insertion of new pt 2A** 15
- After section 8— 16
- insert*— 17
- ‘Part 2A Land use and transport coordination** 18
19
- ‘8A Object of pt 2A** 20
- ‘(1) The object of this part is to enable the chief executive to encourage increased integration between land use and transport. 21
22
23
- ‘(2) The way the object is to be achieved includes— 24
- (a) ensuring, as far as practicable, development does not have a significant adverse impact on existing and future public passenger transport; and
25
26
27
 - (b) ensuring, as far as practicable, public passenger transport offers an attractive alternative to private
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29

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	transport in a way that reduces the overall economic, environmental and social costs of transport; and	1 2
	(c) promoting urban development that maximises the use of public passenger transport; and	3 4
	(d) increasing opportunities for people to access public passenger transport, including access by cycling and walking; and	5 6 7
	(e) ensuring, as far as practicable, the provision of public passenger transport infrastructure to support public passenger transport.	8 9 10
‘8B	Impact of particular development on public passenger transport	11 12
	‘(1) This section applies if the chief executive is an assessment manager or a referral agency under the <i>Integrated Planning Act 1997</i> for a development application under that Act.	13 14 15
	‘(2) For performing the chief executive’s functions as assessment manager or referral agency, the chief executive must consider the extent to which the proposed development satisfies the objectives of this part.	16 17 18 19
	‘(3) Subsection (2) is in addition to, and does not limit, the <i>Integrated Planning Act 1997</i> , section 3.3.15 and chapter 3, part 5, division 2. ⁴	20 21 22
‘8C	Impact of road works on local government road	23
	‘(1) This section applies in relation to road works on a local government road if the road works—	24 25
	(a) are to be carried out on a road that forms part of a route used for a public passenger service; or	26 27
	(b) will do either of the following while the works are being carried out or when the works are finished—	28 29

⁴ *Integrated Planning Act 1997*, section 3.3.15 (Referral agency assesses application) and chapter 3 (Integrated Development Assessment System (IDAS)), part 5 (Decision stage), division 2 (Assessment process)

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(i) restrict or limit access to public passenger transport infrastructure;	1 2
(ii) result in the removal of public passenger transport infrastructure.	3 4
‘(2) However, this section applies in relation to a route used for a public passenger service only if the chief executive advises the relevant local government, in writing, that a code for IDAS applies to the route.	5 6 7 8
‘(3) Without limiting subsection (2), the chief executive may identify as a route to which a code for IDAS applies—	9 10
(a) a route used for a scheduled passenger service; or	11
(b) a route used for a long distance scheduled passenger service; or	12 13
(c) a route identified in a passenger transport implementation strategy or program under the <i>Transport Operations (Passenger Transport) Act 1994</i> .	14 15 16
‘(4) A person who undertakes road works on a local government road to which this section applies must comply with a code for IDAS prescribed under a regulation for this section.	17 18 19
‘8D Impact of change of management of local government road on public passenger transport	20 21
‘(1) A local government must apply to the chief executive to obtain the chief executive’s written approval to make a change to the management of a local government road that, if made, would have a significant adverse impact on the provision of public passenger transport.	22 23 24 25 26
<i>Examples—</i>	27
1. The closure of a road or lane that is part of a public passenger transport route.	28 29
2. The removal or alteration of a bus lane or transit lane.	30
3. A change in the direction of traffic flow along a road that is part of a public passenger transport route.	31 32
4. A change in priority settings on a road that is part of a public passenger transport route.	33 34

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- ‘(2) The chief executive— 1
- (a) must consider the application within— 2
- (i) 21 days after receiving it; or 3
- (ii) the longer time notified to the local government by 4
the chief executive, in writing, before the end of 5
the 21 days; and 6
- (b) may— 7
- (i) approve the proposed change, with or without 8
conditions; or 9
- (ii) refuse to approve the proposed change. 10
- ‘(3) The chief executive must give the local government written 11
notice of the chief executive’s decision on the application. 12
- ‘(4) If the chief executive does not do any of the following within 13
the 21 days, the chief executive is taken to have approved the 14
proposed change— 15
- (a) approve the proposed change; 16
- (b) refuse to approve the proposed change; 17
- (c) give the local government a notice under subsection (2). 18
- ‘(5) A failure of a local government to obtain an approval under 19
subsection (1) does not invalidate the local government’s 20
decision to make the change to which the decision relates. 21
- ‘(6) Part 5 applies to a decision of the chief executive under 22
subsection (2)(b). 23
- ‘(7) This section does not apply if— 24
- (a) the chief executive has considered the change of 25
management of the local government road as part of the 26
chief executive’s consideration of a development 27
application under IDAS; or 28
- (b) it is reasonably necessary for the change to be made 29
without delay including, for example, because of an 30
emergency affecting the safety of the road network. 31

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‘(8) In this section—	1
<i>IDAS</i> see the <i>Integrated Planning Act 1997</i> , section 3.1.1. ⁵	2
‘8E Guidelines for ss 8B-8D	3
‘(1) For the purposes of sections 8B to 8D, the chief executive may make guidelines to which a person must have regard when—	4 5
(a) carrying out development under the <i>Integrated Planning Act 1997</i> ; or	6 7
(b) making changes to the management of a local government road.	8 9
‘(2) The chief executive must give a copy of the guidelines to every local government affected by the guidelines.’.	10 11
Clause 19 Amendment of s 38 (Regulations)	12
(1) Section 38, heading—	13
<i>omit, insert—</i>	14
‘38 Regulation-making power’.	15
(2) Section 38—	16
<i>insert—</i>	17
‘(2) Without limiting subsection (1), a regulation may be made about—	18 19
(a) a code for <i>IDAS</i> for proposed activities mentioned in part 2A; or	20 21
(b) consideration, whether monetary or otherwise, to be given to compensate the chief executive in taking action to rectify the impact a proposed activity mentioned in part 2A will have; or	22 23 24 25
(c) action to be taken to rectify the impact a proposed activity mentioned in part 2A will have.’.	26 27

⁵ *Integrated Planning Act 1997*, section 3.1.1 (What is *IDAS*)

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	Part 6	1
	Amendment of Integrated Planning Act 1997	2
Clause 20	Act amended in pt 6	3
	This part amends the <i>Integrated Planning Act 1997</i> .	4
Clause 21	Amendment of s 1.3.5 (Definitions for terms used in <i>development</i>)	5 6
	Section 1.3.5, definition <i>operational work</i> , item 1—	7
	<i>insert—</i>	8
	‘(1) undertaking roadworks on a local government road.’.	9
Clause 22	Amendment of s 3.5.32 (Conditions that can not be imposed)	10 11
	Section 3.5.32(2)—	12
	<i>omit, insert—</i>	13
	‘(2) This section does not stop a condition being imposed that requires a monetary payment, or works to be carried out—	14 15
	(a) to protect or maintain—	16
	(i) the safety or efficiency of existing or proposed State owned or State controlled transport infrastructure; or	17 18 19
	(ii) the safety or efficiency of railways under the <i>Transport Infrastructure Act 1994</i> ; or	20 21
	(b) to ensure the efficient provision of public passenger transport through public passenger transport infrastructure within the meaning of the <i>Transport Planning and Coordination Act 1994</i> , whether or not the infrastructure is State owned or State controlled.’.	22 23 24 25 26
Clause 23	Amendment of s 4.3.8 (Application of div 2)	27
	Section 4.3.8—	28

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insert—

‘(aa) work the authority reasonably believes is an immediate threat to the safety or operational integrity of a railway; or’.

Clause 24 Amendment of s 5.1.28 (Conditions State infrastructure provider may impose)

(1) Section 5.1.28(2)—

insert—

‘(c) protecting or maintaining the safety and efficiency of public passenger transport.’.

(2) Section 5.1.28(2), examples—

insert—

5. Provision of a bus stop and adjacent pull-in bay in a large residential subdivision to accommodate a public passenger transport service.

6. Provision of a bus turning lane at an intersection for a shopping centre development because of increased traffic loading.

7. Upgrade of traffic control devices at a rail level crossing because of increased vehicular crossings from nearby residential development.’.

Clause 25 Amendment of sch 8, pt 1 (Assessable development)

(1) Schedule 8, part 1, table 2—

insert—

‘For public passenger transport	
6	Making a material change of use of premises prescribed under a regulation for this table.
For railways	
7	Making a material change of use of premises prescribed under a regulation for this table.’.

(2) Schedule 8, part 1, table 4—

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insert—

1

‘For railways	
9	Operational work prescribed under a regulation for this table.’.

(3) Schedule 8, part 2, table 4—

2

insert—

3

‘For local government roads	
5	For assessing road works on a local government road under the <i>Transport Planning and Coordination Act 1994</i> , section 8C, operational works that are road works on a local government road.’.

Clause 26 Amendment of sch 8A (Assessment manager for development applications)

4

5

Schedule 8A, table 4—

6

insert—

7

‘8	If table 1, 2 or 3 does not apply and the application is for— (a) development prescribed under a regulation for schedule 8, part 1, table 2; and (b) no other assessable development.	The chief executive administering the <i>Transport Infrastructure Act 1994</i> or the <i>Transport Planning and Coordination Act 1994</i>
9	If table 1, 2 or 3 does not apply and the application is for— (a) development prescribed under a regulation for schedule 8, part 1, table 4; and (b) no other assessable development.	The chief executive administering the <i>Transport Infrastructure Act 1994</i> or the <i>Transport Planning and Coordination Act 1994</i> ’.

Clause 27 Amendment of sch 10 (Dictionary)

8

Schedule 10—

9

insert—

10

‘local government road has the same meaning as in the *Transport Planning and Coordination Act 1994*.

11

12

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road works see the *Transport Infrastructure Act 1994*,
schedule 6.’ 1
2