

# **Transport and Other Legislation Amendment Bill 2011**

## **Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Anastacia Palaszczuk MP Minister for Transport and Multicultural Affairs**

### **Title of the Bill**

Transport and Other Legislation Amendment Bill 2011.

### **Objectives of the Amendments**

The amendments to be moved during consideration have been made to correct errors and omissions in the amendments to the *Transport Infrastructure Act 1994* and the *Transport Operations (Passenger Transport) Act 1994* contained in the Transport and Other Legislation Amendment Bill 2011.

### **Achievement of the Objectives**

The objectives are achieved by way of amendments to the Transport and Other Legislation Amendment Bill 2011.

### **Estimated cost for government implementation**

There are no additional administrative costs to the government for implementing the amendments to the Bill.

### **Consistency with fundamental legislative principles**

The amendments are consistent with the fundamental legislative principles.

## **Consultation**

No consultation has been undertaken as the amendments are minor technical issues.

## **Notes on provisions**

### **1 Clause 2 (Commencement)**

Clause 1 clarifies that current references to section 91, other than to the extent it inserts sections 191, should instead be references to sections 190 and 191. This clause also inserts sections 93, 94(3), (4) and (5) into the commencement clause. As a result, these sections commence on 1 August 2011.

### **2 Clause 2 (Commencement)**

Clause 2 clarifies that the reference to clause 91, other than to the extent it inserts section 191, should instead reference sections 190 and 191.

### **3 Clause 31 (Amendments of s 105GA (Declaration))**

Clause 3 inserts a comma into clause 31 to clarify the types of land which the Minister may declare to be a local government tollway.

### **4 Clause 32 (Amendment of s 105H (Declaration of land as local government tollway corridor land))**

Clause 4 inserts a comma into clause 32 to clarify the types of land which the Minister may declare to be local government tollway corridor land.

### **5 Clause 38 (Amendment of s 109 (Definitions for pt 2))**

Clause 5 inserts ‘a rail feasibility’ before ‘investigator’s authority’ in the section 109(b) definition of authority, clarifying that *authority* means ‘a rail feasibility investigator’s authority’ if an investigator is the relevant person.

**6 Clause 38 (Amendment of s 109 (Definitions for pt 2))**

Clause 6 omits ‘and’ from the section 109 definition of *relevant person*, inserting ‘or’ in its place to clarify that a relevant person is the chief executive or an investigator.

**7 Clause 51 (Insertion of new s 303AC)**

Clause 7 rewords new subsection 303AC(1) to clarify the subsection.

**8 Clause 56 (Amendment of s 355A (Licence in relation to light rail land or infrastructure))**

Clause 8 omits the reference to ‘355AB(8)’ in section 355A and replaces it with the correct reference to ‘355A(8)’.

**9 Clause 57 (Insertion of new s 355B)**

Clause 9 rewords new subsection 355B(1) to clarify the subsection.

**10 Clause 63 (Insertion of new ch 15A)**

Clauses 10 inserts ‘and other land that is State land on which busway transport infrastructure is situated’ into the definition of *transport interface object* for chapter 15A.

**11 Clause 63 (Insertion of new ch 15A)**

Clauses 11 inserts ‘and other land that is State land on which light rail infrastructure is situated’ into the definition of *transport interface object* for chapter 15A.

**12 Clause 68 (Amendment of sch 6 (Dictionary))**

Clause 12 inserts ‘under the Rail Safety Act’ after ‘operations’ in the definition of *light rail manager*.

**13 Clause 80 (Insertion of new ch 4A)**

Clause 13 amends clause 80 by removing subsection (4) from section 35R, which is a drafting anomaly. Subsection (5) will now be renumbered as a consequence.

**14 Clause 94 (Amendment of sch 3 (Dictionary))**

Clause 14 amends clause 94(3) to increase clarity and effectiveness.

**15 Clause 94 (Amendment of sch 3 (Dictionary))**

Clause 15 amends clause 94(3) to improve clarity in relation to driver disqualifying offences.

**16 Clause 94 (Amendment of sch 3 (Dictionary))**

Clause 16 amends clause 94(5) to provide greater drafting clarity in relation to driver disqualifying offences.

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