

Queensland



**TRANSPORT OPERATIONS
(PASSENGER TRANSPORT)
AMENDMENT ACT 1996**

Act No. 43 of 1996

Queensland



TRANSPORT OPERATIONS (PASSENGER TRANSPORT) AMENDMENT ACT 1996

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**Transport Operations (Passenger Transport)
Amendment Act 1996**

Act No. 43 of 1996

**An Act to amend the *Transport Operations (Passenger Transport) Act*
1994**

[Assented to 7 November 1996]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Transport Operations (Passenger Transport) Amendment Act 1996*.

Commencement

2. Sections 4 and 5 commence on a day to be fixed by proclamation.

Act amended

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

Amendment of s 74 (Conditions of taxi service licences)

4. Section 74(2)(c), ‘prescribed by regulation’—
omit, insert—
‘published in the gazette under section 74A’.

Insertion of new s 74A

5. After section 74—
insert—

‘Maximum taxi fares

‘74A.(1) The chief executive may, by gazette notice, decide maximum fares for taxis.

‘(2) However, the chief executive may, by gazette notice, decide that the maximum fares do not apply to a type of taxi stated in the notice if the chief executive is satisfied that under the procedure used to book the type of taxi—

- (a) the hirer has to specifically ask for the type of taxi; and
- (b) the operator and the hirer have to agree on the amount of the fare at the time of booking.’.

Amendment of s 156 (Application of Judicial Review Act to certain transitional decisions)

6. Section 156(2), ‘3 years’—

omit, insert—

‘6 years’.

Amendment of s 157 (Compensation not recoverable for certain decisions)

7. Section 157(2), ‘3 years’—

omit, insert—

‘6 years’.

Amendment of s 158 (Continued application of State Transport Act, s 77 to certain decisions etc.)

8. Section 158(2), ‘3 years’—

omit, insert—

‘6 years’.

Amendment of s 159 (Operators of scheduled passenger services)

9.(1) Section 159(3), ‘2 years’—

omit, insert—

‘5 years’.

(2) Section 159(4), ‘2 years’—

omit, insert—

‘5 years’.

(3) Section 159(5)(d), ‘2 years’—

omit, insert—

‘5 years’.

(4) Section 159(6), ‘2 years’—

omit, insert—

‘5 years’.

Amendment of s 160 (Contracts to provide scheduled urban bus services)

10.(1) Section 160, after subsection (3)—

insert—

‘**(3A)** If a contract (an “**expired contract**”) for the services expires, to ensure continuity of the services the chief executive may, subject to sections 172B and 172C, enter into a temporary service contract on substantially the same conditions, other than conditions about the term of the contract, as the expired contract.

‘**(3B)** A temporary service contract under subsection (3A) ends at the time stated in subsection (6).

‘**(3C)** If the chief executive enters into a temporary service contract under subsection (3A), the chief executive is taken to have declared, under section 42 that a service contract is required to provide the service.’.

(2) Section 160(4)(c)—

omit.

(3) Section 160(5)(c)—

omit.

(4) Section 160(6), after ‘section 10’—

insert—

‘, a temporary service contract under subsection (3A)’.

(5) Section 160(6)(d), ‘2 years’—

omit, insert—

‘5 years’.

(6) Section 160(7), ‘2 years’—

omit, insert—

‘5 years’.

Amendment of s 161 (Arrangements for school transport—fixed term contracts)

11.(1) Section 161(5)—

omit, insert—

‘(5) This section ceases to apply to an operator at the sooner of—

- (a) the end of the term of the existing arrangement; or
- (b) 7 November 1999.’.

(2) Section 161(8), ‘4 years’—

omit, insert—

‘5 years’.

Amendment of s 162 (Arrangements for school transport—other contracts)

12.(1) Section 162(4)(c), ‘2 years’—

omit, insert—

‘5 years’.

(2) Section 162(6), ‘2 years’—

omit, insert—

‘5 years’.

Replacement of s 172 (Preservation of financial arrangements)

13. Section 172—

omit, insert—

‘Preservation of financial arrangements—interest subsidy

‘172.(1) If the Minister had, before 7 November 1994, approved under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 18, the payment of an interest rate subsidy mentioned in section 17(1)(a) of that Act to an operator of public passenger services, the subsidy may continue to be paid to the operator on the terms on which it was being paid before 7 November 1994 while the operator—

- (a) holds a licence or permit to which section 159 applies to operate the services; or
- (b) holds a service contract under chapter 6 to operate the services or similar services.

‘(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.

‘(3) If a subsidy is granted under subsection (2), it may continue to be paid while the operator—

- (a) holds the licence or permit to which section 159 applies to operate

the services; or

- (b) holds a service contract under chapter 6 to operate the services or similar services.

‘(4) An agreement to pay an interest rate subsidy of the kind mentioned in the *Urban Passenger Service Proprietors Assistance Act 1975*, section 17(1)(a) must not be entered into under section 52 in a service contract under chapter 6 after 7 November 1999.

‘(5) An interest rate subsidy mentioned in subsection (4) must not be paid after 7 November 2009.

‘(6) Despite the repeal of the *Urban Passenger Service Proprietors Assistance Act 1975*, sections 17, 18 and 19 of the Act continue to have effect for the purposes of the subsidies.

‘(7) This section expires on 30 November 1996.

‘(8) The *Acts Interpretation Act 1954*, section 20A applies to this section.

‘**Preservation of financial arrangements—gross fare revenue**

‘**172A.(1)** The Minister may continue to pay to an operator of a public passenger service who holds a licence or permit to which section 159 applies, subsidies calculated on the basis of gross fare revenue under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 17, 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 subsidies under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 18; and
- (b) the operator continues to hold the licence or permit.

‘(2) However, to remove doubt it is declared that from 7 November 1994 the subsidy payable to an operator under subsection (1) is to be calculated using the same percentage of gross fare revenue that was used to calculate the subsidy payable to the operator for the year starting on 1 July 1994.

‘(3) Payments under subsection (1) to an operator of a public passenger service end on the sooner of—

-
- (a) 30 November 1996; or
 - (b) if the operator enters into a service contract under chapter 6 for the service—the day the operator enters into the service contract.

‘(4) Despite the repeal of the *Urban Passenger Service Proprietors Assistance Act 1975*, sections 17, 18 and 19 of the Act continue to have effect for the purposes of the subsidies.

‘(5) This section expires on 30 November 1996.

‘Preservation of other financial arrangements

‘172B.(1) If immediately before 7 November 1994, amounts were payable to an operator of a scheduled urban bus service under a contract¹ mentioned in section 160, the Minister may continue to pay amounts to the operator in accordance with the contract and by the authority of this section.

‘(2) Payments under this section end on the sooner of—

- (a) 30 November 1996; or
- (b) if the operator enters into a service contract under chapter 6 for the service—the day the operator enters into the service contract.

‘(3) This section expires on 30 November 1996.

‘Financial arrangements for operator without service contract

‘172C.(1) This section applies to an operator who—

- (a) has received payments under section 172A or 172B for a service; and
- (b) has not entered into a service contract, other than a temporary service contract, for the service before 2 December 1996; and
- (c) continues to hold a licence or permit mentioned in section 159² or

¹ These contracts were made between the operator and the corporation sole established under the *Urban Public Passenger Transport Act 1984*, section 10.

² Section 159 (Operators of scheduled passenger services)

a contract or temporary service contract mentioned in section 160.³

‘(2) The Minister is to pay the operator for the service—

- (a) the amount the operator would receive under section 52(2)(b),⁴ were the service performed under a service contract; and
- (b) an additional amount decided by the Minister.

‘(3) However, for the first year of payment starting from 1 December 1996, the Minister must pay the operator a payment equal to the payment that the operator received under section 172A or 172B for the year ending on 30 November 1996.

‘(4) The payment under subsection (2)(b) in following years must—

- (a) not be more than the amount paid under subsection (2)(b) for the first year; and
- (b) reduce to zero by 30 November 2001.

‘(5) Despite subsection (3), if the Minister is not satisfied the operator has maintained at least the level of service that existed at 30 November 1996, the Minister may reduce the payments under subsection (2)(b) as the Minister considers appropriate.

‘(6) This section expires on 30 November 2001.

‘Financial arrangements for operators with service contracts entered into between commencement and 1 December 1996

‘172D.(1). This section applies to an operator who—

- (a) has received payments under section 172A or 172B for a service; and
- (b) enters into a service contract, other than a temporary service contract, between the commencement and 1 December 1996.

³ Section 160 (Contracts to provide scheduled urban bus services)

⁴ Section 52 (Approval of basis for funding or other financial assistance by State)

‘(2) In addition to the amount the operator has the right to receive under the service contract under section 52(2)(b), the Minister is to pay the operator for the service an amount decided by the Minister.

‘(3) However, for the first year of payment starting from the beginning of the contract, the amount decided by the Minister must be the amount, that when added with the amount payable to the operator under section 52(2)(b) for the year, is equal to the payment that the operator received under section 172A or 172B for the year before entering into the service contract.

‘(4) The payment under subsection (2) for the subsequent 4 years must—

- (a) not be more than the amount paid under subsection (2) for the first year; and
- (b) reduce to zero over that time.

‘(5) This section expires on 30 November 2001.

‘Financial arrangements for operators with service contracts entered into on or after 2 December 1996

‘172E.(1) This section applies to an operator who—

- (a) has received payments under section 172C for a service; and
- (b) enters into a service contract on or after 2 December 1996.

‘(2) The Minister is to continue paying the operator in the way stated in section 172C(2) to (4) (the “provisions”) as if—

- (a) the service contract had been entered into on 1 December 1996; and
- (b) the operator had the right to the payments under the provisions.

‘(3) This section expires on 30 November 2001.

‘Preservation of financial arrangements—local pensioner fares

‘172F.(1) This section applies if the Minister had, before 7 November 1994, approved under the *Urban Passenger Service Proprietors Assistance Act 1975*, section 18, the payment of a subsidy for local pensioner services

mentioned in section 17(3)⁵ of that Act to an operator of public passenger services.

‘(2) The Minister may continue to pay the subsidy to the operator on the terms on which it was being paid before 7 November 1994 while the operator holds a licence or permit to which section 159 applies to operate the public passenger services.

‘(3) Despite the repeal of the *Urban Passenger Service Proprietors Assistance Act 1975*, sections 17, 18 and 19 of the Act continue to have effect for the purposes of the subsidies.

‘(4) This section expires on 7 November 1999.’.

Amendment of s 179 (Expiry of part)

14. Section 179, ‘2 years’—

omit, insert—

‘5 years’.

Amendment of sch 2 (Appeals against administrative decisions)

15. Schedule 2—

insert—

‘172C(5)	Reduction of payment	District or Magistrates’.
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⁵ Section 17 (Payment of subsidy)