



Queensland

Transport Operations Legislation Amendment Act 2007

Act No. 25 of 2007



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Transport Operations Legislation Amendment Act 2007

Act No. 25 of 2007

An Act to amend the *Transport Operations (Passenger Transport) Act 1994*, and for other purposes

[Assented to 28 May 2007]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Transport Operations Legislation Amendment Act 2007*.

2 Commencement

Part 2, other than section 7A, commences on a day to be fixed by proclamation.

Part 2 Amendment of Transport Operations (Passenger Transport) Act 1994

3 Act amended in pt 2

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

4 Amendment of s 70 (Requirement for taxi service licences)

Section 70, after the penalty—
insert—

- ‘(2) Subsection (1) does not apply to a person providing a taxi service prescribed under a regulation as a taxi service to which this section does not apply.’

5 Amendment of s 74AA (Notice to be kept in taxi)

Section 74AA, after ‘a taxi service’—

insert—

‘for which a taxi service licence is required’.

6 Insertion of new ss 80A and 80B

Chapter 7, after section 80—

insert—

‘80A Annual taxi industry security levy payable

- ‘(1) A person who holds a taxi service licence for a taxi service area prescribed under a regulation (the *licence holder*) must pay a taxi industry security levy (the *annual levy*) in relation to the licence to the chief executive for each financial year.
- ‘(2) The annual levy is the amount prescribed under a regulation.
- ‘(3) However, for the financial year starting on 1 July 2007, the annual levy is \$300.
- ‘(4) A regulation must not increase the annual levy for a financial year by more than the CPI percentage increase for the financial year.
- ‘(5) If a regulation prescribing the annual levy for a later financial year has not been notified in the gazette on or before 31 May in the preceding financial year, the annual levy for the later financial year is the same amount as the annual levy for the preceding financial year.
- ‘(6) The chief executive must give the licence holder written notice of the amount of the levy.
- ‘(7) The licence holder must pay the levy on or before the date shown in the notice as the date for payment.
- ‘(8) A levy amount not paid to the chief executive on or before the date for payment may be recovered by the chief executive as a debt.

‘(9) In this section—

CPI means the all groups consumer price index for Brisbane published by the Australian statistician.

CPI percentage increase, for a financial year, means the percentage increase between—

- (a) the CPI published for the quarter ending immediately before the start of the financial year; and
- (b) the CPI published for the quarter ending immediately before the end of the financial year.

preceding financial year, in relation to a later financial year, means the financial year immediately preceding the later financial year.

‘80B **Taxi Industry Security Fund**

- ‘(1) The Taxi Industry Security Fund (the *fund*) is established.
- ‘(2) The *Financial Administration and Audit Act 1977* applies to the fund.
- ‘(3) Accounts for the fund must be kept as part of the departmental accounts of the department.
- ‘(4) Amounts received for the fund must be deposited in a departmental financial-institution account of the department but may be deposited in an account used for depositing other amounts of the department.
- ‘(5) Amounts received for the fund must be recorded in the department’s controlled statement of financial position.
- ‘(6) Amounts received for the fund include taxi industry security levies.
- ‘(7) Amounts may be paid out of the fund for the costs of improving the security of taxi services, including, for example, the costs of engaging rank marshals and security guards at taxi ranks.
- ‘(8) If there is a surplus in the fund at the end of a financial year, the surplus must remain in the fund.

‘(9) In this section—

controlled statement of financial position has the meaning given in the *Financial Administration and Audit Act 1977*, section 4(4).

departmental accounts, of a department, means the accounts of the department under the *Financial Administration and Audit Act 1977*, section 12.

departmental financial-institution account, of a department, means an account of the department kept under the *Financial Administration and Audit Act 1977*, section 18.

other amounts, of a department, means amounts received by the department other than amounts received for the fund.’.

7 **Amendment of s 143AJ (Person given direction to be told particular things)**

Section 143AJ, ‘this part’—

omit, insert—

‘this chapter’.

7A **Amendment of s 144 (Transport arrangements for pupils)**

(1) Section 144, heading, ‘pupils’—

omit, insert—

‘**students**’.

(2) Section 144(1) and (2)(a), ‘pupils’—

omit, insert—

‘students’.

(3) Section 144(2)(b), ‘pupils’—

omit, insert—

‘students’.

(4) Section 144—

insert—

- ‘(3) The chief executive may ask an education authority to give the chief executive information about a student, or a student’s parent, that is relevant to the administration of the arrangements, including, for example, information relevant to the student’s eligibility for assistance under the arrangements.

Examples of information that may be relevant to the administration of arrangements—

- the home address of a student or a student’s parent
 - information about whether or not a student is enrolled in a stated educational establishment
 - information about a student’s attendance at the student’s educational establishment
 - a student’s date of birth or year level at the student’s educational establishment
- ‘(4) If the chief executive makes a request under subsection (3), the education authority must give the chief executive the requested information.
- ‘(5) Subsection (4) applies to requested information in the education authority’s possession or to which the authority has access.
- ‘(6) Subsection (4) applies despite any other Act or law of the State, including, for example, the *Education (General Provisions) Act 2006*, section 426.
- ‘(7) A relevant person who has gained or has access to information obtained under subsection (4) must not make a record of the information, use the information or disclose the information to anyone else, unless the recording, use or disclosure is—
- (a) for a purpose of this Act; or
 - (b) with the written consent of the person to whom the information relates or, if the person is a student who is a child, of the student’s parent; or
 - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
 - (d) permitted or required by another Act.

Maximum penalty—50 penalty units.

‘(8) In this section—

disclose, information, includes give access to the information.

education authority means—

- (a) the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered; or
- (b) the principal of a State instructional institution as defined under the *Education (General Provisions) Act 2006*.

parent, of a student, means—

- (a) if the student is a child—a person who is the student’s parent as defined under the *Education (General Provisions) Act 2006*, section 10; or
- (b) if the student is an adult—a person who was the student’s parent as defined under the *Education (General Provisions) Act 2006*, section 10, immediately before the student stopped being a child.

relevant person means a person who—

- (a) is performing or has performed a function under this Act; or
- (b) is or was otherwise engaged in the administration of this Act.’.

8 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

‘*taxi industry security levy* see section 80A.’.

Part 3 **Amendment of Transport Operations (Marine Safety) Act 1994**

9 **Act amended in pt 3**

This part amends the *Transport Operations (Marine Safety) Act 1994*.

10 **Amendment of s 125 (Marine incidents must be reported)**

(1) Section 125(1)—

insert—

‘Maximum penalty—40 penalty units.’.

(2) Section 125(2)—

insert—

‘Maximum penalty—40 penalty units.’.

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

11 **Act amended in pt 4**

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

12 **Amendment of s 33 (Power to require vehicles to be moved)**

Section 33(2), ‘move to’—

omit, insert—

‘move it to’.

13 Amendment of s 131A (Removing absolute disqualification imposed before 13/3/2)

Section 131A, heading '13/3/2'—

omit, insert—

'13 March 2002'.