

# **TRANSPORT OPERATIONS (PASSENGER TRANSPORT) BILL 1994**

## **EXPLANATORY NOTE**

The *Transport Operations (Passenger Transport) Bill 1994* has been drafted consistent with current legislative drafting practice and has been written in plain english. As a consequence, particular clauses and sub-clauses require little or no specific further explanation. As a result certain clauses and sub-clauses have been repeated or summarised in general terms only.

## **GENERAL OUTLINE**

### **Objectives of Legislation**

The overall objective of the legislation is to be consistent with the *Transport Planning and Coordination Act 1994*, and to provide a system of public passenger transport in Queensland that achieves an appropriate balance between:

- enabling the effectiveness and efficiency of public passenger transport to be further developed; and
- regulating the provision of public passenger transport to ensure public safety.

In particular the objectives of the legislation are to be achieved by:

- the provision of strategic planning requirements for the planning and management of public passenger transport including resources in Queensland;
- the introduction of a system of operator accreditation to achieve higher levels of service delivery and safety in public passenger transport;

- the introduction of a system of driver authorisation to enhance standards of safety and customer service in public passenger transport;
- the introduction of a system of service contracts under which operators in restricted markets are to be held accountable for providing minimum levels of service; and
- unrestricted market entry except where it is in the public interest.

Specifically these objectives will establish a system of passenger transport that:

- is responsive to the needs of the community;
- provides an attractive alternative to private transport, thus reducing the overall environmental, economic and social costs of passenger transport;
- addresses the challenges of future growth;
- provides a reasonable level of access and mobility for the transport disadvantaged;
- provides a high level of accountability; and
- provides public passenger services at a cost that is acceptable to government and the community.

### **Reasons for Legislation**

Current legislation for the provision and control of public passenger transport is primarily vested in the *State Transport Act 1960*, the *Urban Passenger Service Proprietors Assistance Act 1975* and the *Urban Public Passenger Transport Act 1984*.

These Acts have not been regularly updated to reflect the changing transport needs of the community and have only been amended over time to address emergent “one off” issues. As a result the legislation is viewed as outdated, lacking a coherent approach, too prescriptive in nature and content, duplicates aspects of other Acts, restricts competitiveness and innovation, and overlaid with administrative process.

The administration of passenger transport under the existing legislation has resulted in operators being paid subsidies for inefficient operations

rather than seeking to encourage the efficient and effective targeting of funds to support the transport disadvantaged.

A review of passenger transport was initiated in December 1992 and was concluded in late 1993. It foreshadowed the need for major reforms to the passenger transport industry. The underlying outcome sought through this legislation is the delivery of better, more responsive and frequent public passenger services to the community with better value resulting from Government funding thus allowing further funds to be available to support the transport disadvantaged.

The *Transport Operations (Passenger Transport) Bill 1994* provides the legislative changes to permit the necessary reforms of public passenger transport to be implemented.

### **Rationalisation of Transport Legislation**

The Minister for Transport has embarked on a complete overhaul of transport-related legislation. As part of this process, the State's transport functions are being integrated in order to rationalise transport-related legislation to approximately 20 Acts.

The key to this plan has been the establishment of peak legislation for the portfolio, namely the *Transport Planning and Coordination Act 1994*. The primary supporting legislation so far developed for this Act have been the *Transport Infrastructure Act 1994* (covering roads and ports infrastructure) and the *Marine Safety Act 1994*. To complete this legislative restructure a further three proposed Bills covering transport operations will be introduced throughout the remainder of 1994. The *Transport Operations (Passenger Transport) Bill 1994* is one of these Bills.

### **Portfolio Strategic Planning**

The *Transport Planning and Coordination Act 1994* incorporates a legislative obligation to develop a Transport Coordination Plan for the strategic management of transport across the State.

The Transport Coordination Plan provides the framework for the strategic planning and coordination of the most important transport infrastructure and transport operations in Queensland, especially those controlled by the Department of Transport.

In the *Transport Operations (Passenger Transport) Bill 1994*, the Minister will be committed to operating strategically and will be accountable for that by the requirement to develop passenger transport strategies for the transport portfolio that are designed to give effect to the Transport Coordination Plan under the *Transport Planning and Coordination Act 1994*. These strategies will include goal statements and will incorporate criteria for determining the financial and management accountability of the Minister for achieving passenger transport objectives.

### **Estimated Cost for Government Implementation**

The cost to government in implementing the Bill will be administrative in nature, so the cost will not be significant. Costs will be able to be met within existing budgetary allocations.

### **Consultation**

All government departments as well as all relevant local governments, industry groups and client groups have been consulted during the drafting of the Bill.

To the extent possible to reconcile the sometimes conflicting views, the various comments have been incorporated into the Bill. There are no unresolved substantive issues.

## **CHAPTER 1—PRELIMINARY**

*Clause 1* sets out the short title of the Bill.

*Clause 2* provides that all the provisions of the Bill, subject to subsection (2), will commence on a day to be fixed by proclamation.

*Clause 3* describes the Bill's overall objective to provide the best possible public passenger transport at reasonable cost to the community and government.

The Bill provides for the effective planning and efficient management of public passenger transport and establishes a framework for coordinating the

different forms of public passenger transport to form a comprehensive, integrated and efficient system.

This framework is consistent with the broad economic and social objectives of the *Transport Planning and Coordination Act 1994*.

*Clause 4* provides for a dictionary of the definitions and terms used in the Bill. The dictionary is at the end of the Bill.

*Clause 5* provides that the Act is binding on the Crown yet grants the ability to make exemptions by regulation.

## **CHAPTER 2—RESPONSIBILITIES FOR TRANSPORT STRATEGIES AND PROGRAMS**

### **PART 1—PASSENGER TRANSPORT STRATEGIES**

*Clause 6* imposes a legislative obligation on the chief executive to periodically develop passenger transport strategies for approval by the Minister. These strategies are designed to give effect to the Transport Coordination Plan required to be developed under the *Transport Planning and Coordination Act 1994*.

In developing these strategies, the chief executive must engage in an appropriate level of public consultation.

The Minister may approve the strategies submitted by the chief executive, or direct that they be amended or be replaced by new strategies.

The clause also imposes an obligation that all passenger transport infrastructure strategies, and any variations thereof, must be tabled in the House by the Minister. This will provide transparency and accountability in the way that government operates.

*Clause 7* describes the minimum contents of passenger transport strategies including more detailed objectives to supplement those mentioned in *clause 3*.

These strategies must include “criteria for deciding priorities for government spending on public passenger transport, and options for raising the necessary finance”.

These strategies must also incorporate “an adequate framework for coordinating and integrating the provision of passenger transport between the different transport modes and different levels of government”.

These strategies must also take into account agreements between Queensland, the Commonwealth, local governments or another State regarding passenger transport.

## **PART 2—PASSENGER TRANSPORT IMPLEMENTATION PROGRAMS**

*Clause 8* requires the chief executive to develop for the Minister’s approval annual passenger transport implementation programs which describe the activities for that year which give effect to the passenger transport strategies required under *Clause 6*.

The passenger transport implementation programs must include a statement of the policies, projects, financial provisions and performance targets to be achieved for each year. These programs may include proposals to spend money not directly related to public passenger transport if such proposals contribute to effectiveness and efficiency of public passenger transport.

In developing these programs, the chief executive must engage in public consultation and make available copies of the programs as directed by the Minister.

The Minister may approve passenger transport programs or require them to be amended.

*Clause 9* provides that, subject to the Minister directing otherwise, passenger transport implementation programs must be consistent with passenger transport strategies. If the Minister directs a program to be inconsistent with passenger transport strategies, the Minister must table the

direction in the House, thus providing flexibility while ensuring transparency and accountability.

*Clause 10* provides for annual reporting on the performance of passenger transport implementation programs.

## **PART 3—CHIEF EXECUTIVE’S GENERAL ACCOUNTABILITIES**

*Clause 11* provides that in developing public passenger transport, the chief executive takes into account accepted benchmarks and best practice; promotes the safety of passengers; encourages efficient, competitive and commercial behaviour; and ensures a strategic and integrated approach is taken.

Further, the chief executive must ensure that public passenger transport operates in a way that achieves efficiency, cost effectiveness and the highest quality of service and infrastructure within reasonable cost.

Funding provided by the State for the provision of public passenger transport must be applied in an efficient, cost effective and equitable way.

The chief executive must report annually on achievement in regard to these obligations.

## **CHAPTER 3—OPERATOR ACCREDITATION**

*Clause 12* outlines the purpose of operator accreditation.

*Clause 13* describes operator accreditation.

*Clause 14* lists the categories of public passenger services which require the operator to hold operator accreditation to provide the service.

Provision has been made for a regulation to include other categories of public passenger services; and, to exclude operators of certain types of

services within a category of public passenger service from the need to obtain operator accreditation.

*Clause 15* allows standards to be made which will apply to operator accreditation.

*Clause 16* requires a person, who operates a public passenger service of a category listed under *Clause 14*, to hold operator accreditation and to use persons as drivers who hold driver authorisation in terms of *Chapter 4*.

*Clause 17* makes the chief executive responsible for administering the operator accreditation scheme.

If the chief executive delegates powers concerning operator accreditation to a person, and that person fails to comply with the conditions without reasonable excuse, the person has committed an offence.

The chief executives ability to delegate any power under this Act is provided for under section 25 of the *Transport Planning and Coordination Act 1994*.

*Clause 18* provides for operator accreditation to be granted, refused or renewed in a manner and for the term as set by a regulation.

The clause sets out the grounds upon which the chief executive may refuse to grant a person (an individual, a partnership or a corporation), operator accreditation.

In part, the chief executive may refuse operator accreditation on the basis of certain convictions under the Criminal Code mentioned in *Schedule 1*, the *Drugs Misuse Act 1986* and the *Weapons Act 1990*. Furthermore, a person may be refused operator accreditation for charges with a disqualifying offence which have not been disposed of.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to refuse to grant or renew operator accreditation.

*Clause 19* provides for a regulation to allow operator accreditation to be granted on a provisional basis, while the person completes the requirements to obtain operator accreditation.

*Clause 20* requires an applicant for operator accreditation to immediately advise the chief executive of any charge for a disqualifying offence and the outcome of the charge.



*Clause 21* provides for a regulation to establish the grounds and processes by which the chief executive may amend, suspend or cancel operator accreditation.

In part, a regulation may authorise the chief executive to immediately suspend or cancel a operator accreditation as result of a conviction of a disqualifying offence; or the person has been charged with a disqualifying offence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to amend, suspend or cancel operator accreditation.

*Clause 22* requires a person who holds operator accreditation to immediately advise the chief executive of any charge for a disqualifying offence and the outcome of the charge.

*Clause 23* requires a member of a partnership or an executive officer of a corporation where the partnership or corporation holds operator accreditation, to immediately advise another partner or another executive officer of any charges, and the outcome of those charges for a disqualifying offence mentioned in *Schedule 2*.

## **CHAPTER 4—DRIVER AUTHORISATION**

*Clause 24* outlines the purpose of driver authorisation.

*Clause 25* describes driver authorisation.

*Clause 26* lists the categories of public passenger services which require a driver to hold driver authorisation in order to drive the public passenger vehicle for that service.

Provision has been made for a regulation to include other categories of public passenger services; and, to exclude drivers of certain types of services within a category of public passenger service from the need to obtain driver authorisation.

*Clause 27* allows standards to be made which will apply to driver authorisation.

*Clause 28* requires a person, who drives a public passenger vehicle operating on a public passenger service of a category listed under *Clause 26*, to hold driver authorisation.

*Clause 29* makes the chief executive responsible for administering the driver authorisation scheme.

If the chief executive delegates powers concerning driver authorisation to a person, and that person fails to comply with the conditions without reasonable excuse, the person has committed an offence.

The chief executives ability to delegate any power under this Act is provided for under section 25 of the *Transport Planning and Coordination Act 1994*.

*Clause 30* provides for driver authorisation to be granted, refused or renewed in a manner and for the term as set by a regulation.

The regulation will set out the grounds upon which the chief executive may refuse to grant an individual driver authorisation.

In part, the chief executive may refuse driver authorisation on the basis of certain convictions under the Criminal Code mentioned in *Schedule 1*, the *Drugs Misuse Act 1986* and the *Weapons Act 1990*.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to refuse to grant or renew driver authorisation.

*Clause 31* provides for a regulation to allow driver authorisation to be granted on a provisional basis, while the person completes the requirements to obtain driver authorisation.

*Clause 32* requires an applicant for driver authorisation to immediately advise the chief executive of any charge for a disqualifying offence and the outcome of that charge.

*Clause 33* provides for a regulation to establish the grounds and processes by which the chief executive may amend, suspend or cancel driver authorisation.

In part, a regulation may authorise the chief executive to immediately suspend or cancel a driver authorisation as result of a conviction of a disqualifying offence; or the person has been charged with a disqualifying offence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to amend, suspend or cancel driver authorisation.

*Clause 34* requires a person who holds driver authorisation to immediately advise the chief executive of any charge for a disqualifying offence and advise the outcome.

*Clause 35* requires a person who holds driver authorisation to immediately advise the chief executive of any suspension or cancellation of a licence required under any other law to drive a public passenger vehicle.

*Clause 36* requires a person who holds driver authorisation and who drives for an authorised operator, to immediately advise the authorised operator of any suspension or cancellation of a licence required under any other law to drive the public passenger vehicle. The obligation also relates to a person whose driver authorisation has been suspended or cancelled.

## **CHAPTER 5—MARKET ENTRY RESTRICTIONS**

*Clause 37* provides that a regulation may declare certain public passenger services to be subject to market entry restrictions.

In determining that market entry restrictions should apply to certain public passenger services, the Minister must be of the opinion that certain criteria justifying this decision can be met.

## **CHAPTER 6—SERVICE CONTRACTS**

### **PART 1—PRELIMINARY**

*Clause 38* outlines the purpose of service contracts.

*Clause 39* describes service contracts.

If a regulation has been made under *clause 37* for a public passenger service and a declaration has been made by the chief executive under *clause 43* that a service contract is required to provide a public passenger service for an area or route, the contract may provide the operator the exclusive right to operate that service.

*Clause 40* outlines the categories of public passenger services for which service contracts may be required to operate the service.

Provision has been made for a regulation to include other categories of public passenger services which may require service contracts.

*Clause 41* requires a service contract to specify minimum service levels which an operator must comply with.

Minimum service levels are to be developed having regard to the needs of the given community; service levels in comparable communities; and the cost associated in providing those services.

*Clause 42* provides for additional matters which may be included in the service contract.

*Clause 43* provides that if a regulation has been made under *clause 37* to restrict market entry, the chief executive may declare that a service contract is required to provide a public passenger service for a specified area or route.

*Clause 44* requires that a person may not provide a public passenger service for an area or route declared under *clause 43*, unless that person holds the service contract or has an agreement with the service contract holder.

*Clause 45* states a service contract is for a period of 5 years unless the chief executive determines a temporary contract is required; the service contract has been breached under *clause 48*; or in terms of *clause 54*.

*Clause 46* requires the service contract to contain conditions agreed to by both parties.

*Clause 47* provides the process by which the chief executive will review the performance of an operator holding a service contract. Reviews must be conducted mid-term during the contract period.

The chief executive will require each holder of a service contract to conduct market based research on the transport needs of the given

community. Guidelines will be prepared to assist the operator conduct this research.

If during the mid-term review it is found, that despite the good intentions of the operator to promote and efficiently conduct the service, and patronage levels have not met expectations, the chief executive may undertake reasonable measures to assist the operator. However, if it is found that the operators performance is inadequate, the chief executive may require the operator to remedy the inadequacy.

If an operator fails to remedy an inadequacy within the time allowed, the chief executive may by notice terminate the contract.

As per *Schedule 2*, merits appeals lie against decisions of the chief executive requiring an operator to remedy service inadequacies or to terminate a service contract for failure to remedy service inadequacies.

*Clause 48* provides the process by which the chief executive may amend, suspend or cancel an operator's service contract if that operator has contravened a condition of the contract.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to amend, suspend or cancel a service contract for a contravention of a condition of the service contract.

*Clause 49* provides that the holder of service contract may transfer that contract to another operator or surrender the contract. These actions are subject to the chief executive's approval.

## **PART 2—SCHEDULED PASSENGER SERVICES**

*Clause 50* indicates that this Part applies only to scheduled passenger services.

*Clause 51* provides that service contracts for scheduled passenger services are classified as either commercial service contracts or as government funded service contracts.

Furthermore, the clause defines what commercial service contracts and government funded service contracts entail.

*Clause 52* states that if an operator is required to give concessions under the terms of the contract, then that contract must also provide a method by which the operator will be reimbursed for the cost of those concessions by government funding.

Service contracts may require discounts for infants, children and school students.

*Clause 53* provides that the chief executive may only enter into a service contract which provides funding or other financial assistance, if the Minister has approved the basis for such funding.

In approving government funding or other financial assistance, the Minister must apply certain criteria. For accountability, each annual report of the department must provide details of government funding or other financial assistance to each operator.

*Clause 54* provides that a government funded service contract for the transport of eligible school children may be terminated or amended if the number of school children using the service changes significantly (i.e. if a new school opens in the area and reduces the need for transport).

This clause is consistent with current arrangements.

*Clause 55* allows for the transport of students under a special private arrangement between a school and an operator for which no government funding will apply. This arrangement will be excluded from the commercial service contract for that area or route.

*Clause 56* provides that where an area or route has been declared under *clause 43* requiring a service contract to operate a public passenger service, and there is no existing operator, the chief executive must by public notice, call offers to provide the service.

*Clause 57* provides for the existing operator to have preference in making an offer for a new service contract for a public passenger service for an area or route. Preference will not apply to an operator where an existing service contract precludes preference being given.

*Clause 58* provides that where an area or route has been declared under *clause 43* requiring a service contract to operate a public passenger service, and there is an existing operator, the chief executive must first invite that operator to make an offer for the new service contract. Preference will not

apply to the operator where the existing service contract precludes preference being given.

If the operator has not responded to the invitation within sixty days, or the offer does not meet the requirements of *clause 60*, the chief executive must by public notice, call for additional offers to provide the service.

*Clause 59* provides that where an area or route has been declared under *clause 43* requiring a service contract to operate a public passenger service, and there is more than one existing operator, the chief executive must first invite these operators to make an offer for the new service contract.

In so doing, the chief executive will encourage these operators to rationalise, form a joint operation, amalgamate or make another arrangement so that these operators may make a joint offer for the new service contract.

If the operators have not responded to the invitation within sixty days, or the offer does not meet the requirements of *clause 60*, the chief executive must by public notice, call for additional offers to provide the service.

However, if at the end of the sixty days, the operators have not rationalised, formed a joint operation, amalgamated or made another arrangement, and the chief executive is satisfied that progress is being made for a just compromise of their respective rights, the chief executive may extend the period of the offer by a further sixty days.

If one or more of the existing operators are not willing to seek a just compromise of the respective rights of all operators, the chief executive may enter into the service contract with the remaining operators.

*Clause 60* outlines the basis of how the chief executive will decide which offer best meets the public interest when multiple offers for that service contract have been received.

*Clause 61* allows the chief executive to amend the area or route of a service contract if he is satisfied that certain criteria have been met. Before amending the service contract, the chief executive must advise the operator of his proposals and allow that operator the first opportunity to provide any additional services.

*Clause 62* provides that should an existing operator not receive a service contract; or, future service contract holders do not receive a service contract at the expiry of the old contract; or, should service contracts be amended under *clause 61*, then those operator(s) may be entitled to compensation.

Compensation will be settled between the existing operator(s) and the operator who is awarded the new service contract.

The requirement that a new service contract holder may be required to pay compensation will be a condition of the new service contract and will be a stated condition in any public invitation for the awarding of the new service contract.

If the amount of compensation to be paid is in dispute or not agreed to by all parties, the parties will be required to appoint an arbitrator. The process of arbitration will be governed by the *Commercial Arbitration Act 1990*.

The chief executive may, through a regulation, outline matters to be considered or not considered by the arbitrator in determining the amount of compensation.

*Clause 63* provides that at the expiry of a service contract, the chief executive may invite the existing operator to make an offer for a new service contract, provided that the operator's past performance has been satisfactory and the area or route are substantially the same.

Preference will not apply to an operator where the existing service contract precludes preference being given.

If the operator has not responded to the invitation within sixty days, or the offer does not meet the requirements of *clause 60*, the chief executive must by public notice, call for additional offers to provide the service.

### **PART 3—ADMINISTRATION OF TAXI SERVICES**

*Clause 64* indicates that this Part applies only to the administration of taxi services.

*Clause 65* describes the administration of a taxi service.



*Clause 66* states that a request for a taxi can only be fulfilled with a vehicle which has a taxi service licence attached and in addition the person administering the taxi service may not offer an alternate vehicle which is not a taxi.

*Clause 67* provides that a regulation may declare that a service contract is required to provide for the administration of a taxi service.

*Clause 68* allows the chief executive to amend the conditions of a taxi service contract if he is satisfied that certain criteria have been met. Before amending the service contract, the chief executive must advise the operator of his proposals and allow that operator reasonable opportunity to object to such proposals.

## **CHAPTER 7—TAXI SERVICE LICENCES**

*Clause 69* outlines the purpose of a taxi service licence.

*Clause 70* describes a taxi service licence.

*Clause 71* states that a person must not provide a taxi service unless that vehicle has a taxi service licence that attaches to that vehicle.

*Clause 72* provides that if a regulation has been made under *clause 37* to restrict market entry, the chief executive may declare a taxi service area and fix the number of taxi service licences for that area.

In fixing the number of taxi service licences for the area, the chief executive must take into account certain criteria.

*Clause 73* describes the processes by which the chief executive issues taxi service licences.

*Clause 74* outlines the duration for which taxi service licences will be issued.

*Clause 75* outlines the conditions and obligations which attach to a taxi service licence.

*Clause 76* provides that a regulation may amend the conditions of a taxi service licence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to amend the conditions of the taxi service licence.

*Clause 77* provides for a regulation may be made for transferring, leasing and surrendering of taxi service licences.

*Clause 78* describes the processes by which the chief executive will allow the transfer of a taxi service licence from one taxi service area to another area.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive requiring an amount of money to be paid as a condition for transferring a taxi service licence between areas.

*Clause 79* provides that a regulation may limit the number of taxi service licences held, leased or managed by an operator.

*Clause 80* provides for a regulation to establish the grounds and processes by which the chief executive may suspend or cancel a taxi service licence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to suspend or cancel a taxi service licence.

*Clause 81* allows a regulation to provide for a scheme where by the State pays the whole or a part of a taxi fare for particular groups.

## **CHAPTER 8—LUXURY LIMOUSINE SERVICE LICENCES**

*Clause 82* outlines the purpose of a luxury limousine service licence.

*Clause 83* describes a luxury limousine service licence.

*Clause 84* states that a person must not provide a luxury limousine service unless that vehicle has a luxury limousine service licence that attaches to that vehicle.

*Clause 85* provides that a public notice may be made by the chief executive to declare a luxury limousine service area.

*Clause 86* indicates that there are no restrictions to the number of luxury limousine licences that may be held by a person.

*Clause 87* outlines the duration for which luxury limousine service licences will be issued.

*Clause 88* outlines the conditions and obligations which attach to a luxury limousine service licence.

*Clause 89* provides that a regulation may amend the conditions of a luxury limousine service licence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to amend the conditions of the luxury limousine service licence.

*Clause 90* provides for a regulation may be made for transferring, leasing and surrendering of luxury limousine service licences.

*Clause 91* describes the processes by which the chief executive will allow the transfer of a luxury limousine service licence from one luxury limousine service area to another area.

*Clause 92* provides for a regulation to establish the grounds and processes by which the chief executive may suspend or cancel a luxury limousine service licence.

As per *Schedule 2*, a merits appeal lies against a decision of the chief executive to suspend or cancel a luxury limousine service licence.

## **CHAPTER 9—STANDARDS**

*Clause 93* empowers the chief executive to make a standard for the purposes of this Act and that the standard is not effective until it is approved by Governor in Council. A standard is subordinate legislation.

*Clause 94* places obligations on the chief executive in proposing to prepare a draft standard whereby appropriate consultation must be undertaken to ensure the public are aware of such a proposal and are able to make comment.

*Clause 95* ensures that in preparing a draft standard, the chief executive must ensure that the draft standard sets out its purpose and takes into account national and international benchmarks and best practices.

*Clause 96* places an obligation on the chief executive that when a draft standard has been prepared, appropriate consultation will take place. This obligation is intended to ensure an opportunity for the widest public and industry input into the standard.

*Clause 97* places an obligation on the chief executive that in making the standard proper regard must be given to all public submissions received.

*Clause 98* allows the chief executive to make an interim standard in an emergent situation only but limits its validity to six months after its commencement.

*Clause 99* resolves the possibility of an inconsistency arising between a regulation and a standard. It provides for a regulation to prevail over a standard to any extent where there is inconsistency between them.

*Clause 100* requires the chief executive to review each standard not later than seven years after its approval and sets out the revision procedures to be followed.

*Clause 101* provides that if a person has failed to comply with a standard applying to that person, the chief executive may direct that person to comply with the standard within at least ten days of having been notified. A person must not contravene such a direction unless that person has a reasonable excuse.

## **CHAPTER 10—REVIEW OF AND APPEALS AGAINST DECISIONS**

### **PART 1—REVIEW OF DECISIONS**

*Clause 102* provides that a person whose interests are affected by a decision of the chief executive outlined in *Schedule 2* may seek a review of

that decision. A person seeking review is entitled to receive a statement of the reasons for that decision.

*Clause 103* a person seeking review of a decision must apply within 28 days after receiving notice of the decision. However, if the notice does not set out a statement of reasons for that decision and a person requests such a statement within 28 days, the aggrieved person may make application within 28 days after receiving the statement of reasons.

The chief executive may extend the period for making an application for review.

An application for review must be in writing and state in detail why a review of the decision is sought.

*Clause 104* allows the court specified in *Schedule 2* opposite to the decision to grant a stay of operation of the decision while under review or later appeal.

*Clause 105* provides for the chief executive to refer an application for a review to a review panel for advice, except where the application is frivolous or vexatious.

*Clause 106* provides for the chief executive to establish review panels to assess the application. Furthermore, the composition of a review is provided for including representation from the department, a relevant industry or union, and an independent person.

In addition, a regulation may establish the rules including the conduct of proceedings for review panel.

*Clause 107* allows an applicant seeking review, the opportunity to make representations to the review panel.

Following a review panel's deliberations, the panel must make a recommendation to the chief executive confirming, amending or cancelling the decision.

*Clause 108* requires the chief executive to consider the recommendation of a review panel. The chief executive may subsequently confirm or amend the original decision or substitute a new decision.

The chief executive is obliged to give written notice to the aggrieved person of the outcome.

If the chief executive's decision is contrary to the wants of the aggrieved person, the chief executive must provide a statement of reasons for the decision and advise that the person may appeal to the court specified in *Schedule 2* within 28 days.

## **PART 2—APPEALS**

*Clause 109* provides that a person whose interests are affected by a decision under *clause 108* may appeal that decision to the court specified in *Schedule 2* opposite to the decision that was reviewed.

Any person whose interests are affected by a decision specified in *Schedule 2* may not lodge an appeal to a court unless that person has first sought a review of the decision.

*Clause 110* invokes the generic appeal mechanisms under the *Transport Planning and Coordination Act 1994*.

A person appealing a decision must apply within 28 days after receiving notice of the decision following review. However, if the notice does not set out a statement of reasons for that decision and a person requests such a statement within 28 days, the aggrieved person may make application within 28 days after receiving the statement of reasons.

The court may extend the period for making an appeal.

## **CHAPTER 11—ENFORCEMENT**

### **PART 1—AUTHORISED PERSONS**

*Clause 111* provides that the chief executive may appoint as an authorised person, an officer or employee of the public service, a police officer or another person prescribed by regulation. This clause places

obligations on the chief executive to be satisfied that a person (other than a police officer) appointed is suitable.

*Clause 112* provides a requirement for the chief executive to issue each authorised person (other than a police officer) an identity card containing a recent photograph and signature of the authorised person. It requires a person to return the identity card to the chief executive as soon as practicable after ceasing to be an authorised person, unless the person has a reasonable excuse for not doing so.

*Clause 113* requires an authorised person (other than a police officer in uniform) to display for inspection by a person his or her identity card before exercising a power in relation to a person.

This clause provides that an authorised person may produce the identity card for inspection by the person at the first reasonable opportunity if for any reason it is not practical to produce it before exercising the power.

*Clause 114* establishes that the powers given to an authorised person under this Chapter are additional to and do not limit, other powers conferred under this Act or another Act.

A regulation may limit the powers of an authorised person.

*Clause 115* provided protection from liability for an authorised person for an act or omission done honestly and without negligence.

This clause further provides that if the clause prevents a civil liability attaching to an authorised person, the liability attaches instead to the State.

## **PART 2—POWERS OF AUTHORISED PERSONS IN RELATION TO PLACES AND VEHICLES**

*Clause 116* provides power of entry to a place by an authorised person. These powers apply only with consent of the occupier of the place; or, when the place is open to the public; or, if entry is provided for as a condition under operator accreditation, driver authorisation, a service contract or a service licence; or, the entry is permitted by warrant.

*Clause 117* provides that an authorised person may apply to a Magistrate for a warrant for a place and sets out the requirements for the warrant application. This clause also sets the information to be stated in the warrant.

*Clause 118* provides that warrant applications may be made other than in person in special or urgent circumstances. This clause outlines procedures to be followed by the authorised person and a Magistrate in issuing warrants in special or urgent circumstances.

*Clause 119* that an authorised person may enter or board a vehicle if he or she expects on reasonable grounds that the vehicle is involved in or contains evidence of the commission of an offence against this Act.

Furthermore, if the vehicle is moving or about to move the authorised person may signal the person in control of the vehicle to stop or not move the vehicle.

In addition, the authorised person may request the person in control of the vehicle to help or may exercise necessary and reasonable force to enter the vehicle. It is a reasonable excuse for the person in control of the vehicle to disobey a signal if it would endanger a person or the vehicle, but provided the person complies with the signal as soon as practicable.

*Clause 120* provides the general powers and obligations of an authorised person who enters a place or enters or boards a vehicle. This clause also provides general obligations on the occupier of the place or vehicle.

*Clause 121* empowers an authorised person who enters a place under the provisions of this Part, to seize evidence for which a warrant was issued; or, to seize evidence for which consent by the occupier to enter the place was given; or, to seize anything else that may be an offence against the Act; or, seize evidence to prevent its destruction; or, seize evidence which will stop the continuation of an offence.

An authorised person who enters a place, other than under a warrant or with the occupier's consent, or who enters or boards a vehicle, may seize evidence that relates to an offence against the Act; or, seize evidence to prevent its destruction; or, seize evidence which will stop the continuation of an offence.

*Clause 122* provides that an authorised person, as soon as practicable after a thing is seized under this Part, must provide a receipt for it to the person from whom it was seized.



This clause further provides the conditions by which a seized thing may be returned to its owner. However, the seized thing may be retained by the authorised person, if he or she believes on reasonable grounds that its continued retention is necessary to prevent its use in committing an offence under this Act.

### **PART 3—OTHER ENFORCEMENT POWERS OF AUTHORISED PERSONS**

*Clause 123* provides for an authorised person to require a person to identify themselves and give their address. A person must provide their name and address unless that person has a reasonable excuse.

The clause also provides that a police officer who is also an authorised person, may arrest a person without a warrant in certain circumstances. The clause sets out procedures which must be followed by a police officer before exercising the power of arrest.

*Clause 124* provides for an authorised person, who suspects that an offence has happened and that the offence relates to the operation, maintenance or repair of a public passenger vehicle, to require a person, who may be able to give information about the offence, to give such information.

The person who is required to give information concerning an offence, must give such information, unless he or she has a reasonable excuse.

*Clause 125* provides powers for an authorised person to require a person to produce for inspection a document required to be kept by that person under this Act. A person must produce such documents for inspection unless he or she has a reasonable excuse for not complying.

This clause also provides that the document may be taken in order to have it copied or an extract taken. The document must be returned as soon as practicable.

## **PART 4—OTHER ENFORCEMENT MATTERS**

*Clause 126* provides an offence for a person to give false or misleading information to the chief executive, an authorised person or a review panel.

*Clause 127* provides an offence for a person to give to the chief executive, an authorised person or a review panel, a document containing information which that person knows to be false, misleading or incomplete.

*Clause 128* provides for that a person may claim compensation from the State if the person incurs loss or expense because of the exercise or purported exercise of a power under this Chapter.

*Clause 129* provides that an authorised person who in the exercise of a power under this Chapter damages anything, he or she must promptly give written notice of the particulars of the damage.

*Clause 130* sets out the requirements of an authorised person in seeking the consent of the occupier of a place when seeking entry to that place. The clause also provides that an authorised person may ask for an acknowledgment of the occupier's consent and specifies what the acknowledgment must contain.

*Clause 131* makes an offence for a person to obstruct an authorised person in the exercise of a power, without that person having a reasonable excuse for doing so.

*Clause 132* makes an offence for a person to pretend to be an authorised person.

## **CHAPTER 12—MISCELLANEOUS**

*Clause 133* makes arrangements for the transport of pupils to and from educational establishments.

*Clause 134* provides that local governments must gain the written approval of the chief executive before approving development proposals where the development proposal would have a significant adverse impact on the provision of public passenger transport. The chief executive will issue

guidelines as to when local governments should refer such matters to the department.

The conditions of approval will be consistent with the *Local Government (Planning and Environment) Act 1990* and may include a requirement for compensation, whether monetary or otherwise, for the impact of the development.

Also, the chief executive will determine permission criteria which will allow local governments to automatically apply the conditions which attach to the criteria, without referral to the chief executive. It is expected that, over time, the criteria will be refined such that the significant majority of applications will not require referral to the department.

The local government is obligated to meet the department's conditions if development approval is given by the local government. The local government has the express power to impose the department's conditions but may elect to not pass on some conditions to the developer and to meet those costs itself. The obligation is between the department and the local government.

However, the conditions imposed by the department are subject to appeal to the Planning and Environment Court by the local government (or any person that may be affected by the decisions) may appeal to that same court under the *Local Government (Planning and Environment) Act 1990* against the conditions imposed by the local government. Where such appeal involves the department's conditions, the department could elect to be co-defendant in the appeal by the developer against the local government. The department has a vested interest in the outcome as *clause 135* makes the amended conditions resulting from such appeals binding on the department. That same clause requires that the department be made aware of such appeals.

A failure by local government to obtain the department's concurrence or to apply all of the required conditions prior to approving a development application does not invalidate the approval. However, the local government may be liable to compensation for the consequences of that failure.

The chief executive must make his or her decision on approval within 21 days of receiving advice of an application for approval, or within a longer period, which must be advised to the local government within 21 days. If the chief executive does not respond within the 21 days, then he or she is deemed to have given approval.

As per *Schedule 2*, merits appeal lie against a refusal of the chief executive to approve a development application and a decision of the chief executive concerning the imposition of conditions.

Appeals may be made under this Act by the local government (or any affected parties) against the determination by the chief executive of conditions which are to attach to permission criteria. However, appeals against the application by the local government of those conditions lie under the *Local Government (Planning and Environment) Act 1990*.

*Clause 135* makes the amended conditions resulting from appeals to the Planning and Environment Court for development applications (referred to in *clause 134*) binding on the department. Also, the department must be made aware of such appeals and be given the opportunity to be heard.

*Clause 136* allows the Minister to authorise a local government to carry out demand management measures which would encourage the public to use public passenger transport.

Demand management measures could include parking prices, bus priority measures or measures to encourage high vehicle occupancy.

*Clause 137* requires the Commissioner of the Police Service, on request by the chief executive, to furnish a report on the criminal history of a person in order to determine his or hers suitability to obtain or hold operator accreditation or driver authorisation.

*Clause 138* makes it an offence to attempt by dishonesty to obtain operator accreditation, driver authorisation, a service contract or a service licence under this Act. Furthermore, the clause provides that a person must not use or allow someone else to use operator accreditation, driver authorisation, a service contract or a service licence fraudulently.

In addition, a person must not obtain or help someone else obtain a financial benefit under this Act which the person is not entitled to.

*Clause 139* requires the chief executive to maintain records concerning the grant, refusal, amendment, suspension and cancellation of operator accreditation, driver authorisation, a service contract or a service licence under this Act.

A certificate signed by the chief executive or a delegate relating to a matter regarding the status of a person concerning operator accreditation, driver authorisation, a service contract or a service licence is sufficient evidence.

*Clause 140* provides that an offence under this Act is by way of summary proceedings under the *Justices Act 1886*. Proceedings must start within one year after the commission of the offence or within 6 months of the offence coming to the complainant's knowledge, but in any case not later than two years after the committing of the offence.

*Clause 141* makes it an offence for a person to attempt to commit an offence under this Act.

*Clause 142* provides for the Governor in Council to make regulation under this Act. It also sets a maximum penalty that may be prescribed by a regulation under this Act.

This clause outlines, but is not limited by, what a regulation may be made for.

## **CHAPTER 13—AMENDMENTS, REPEALS AND TRANSITIONAL PROVISIONS**

### **PART 1—AMENDMENTS AND REPEALS**

*Clause 143* provides that the Acts mentioned in Schedule 3 are amended as specified.

*Clause 144* provides that the Acts mentioned in Schedule 4 are repealed.

## **PART 2—SAVINGS AND TRANSITIONAL**

*Clause 145* states that section 29(2) and (3) of the *Judicial Review Act 1991* does not apply to the decisions of the chief executive. Section 29(2) and (3) of the *Judicial Review Act 1991* allows a court or a Judge to place a stay of operation or proceedings on decisions made.

This exclusion has been made to ensure that the implementation of the reforms to public passenger transport in Queensland, enshrined in this Act, are not unduly delayed. This exclusion does not limit a persons right to challenge decisions taken by the chief executive.

Decisions of the chief executive relate to decisions made under this Chapter; or, decisions to cancel, suspend, grant or refuse to renew a licence, permit, contract or another authority, under provisions of the *State Transport Act 1960* or the *Urban Public Passenger Transport Act 1984* which continue to have effect under this Chapter; or, a decision that a service contract is required for an area or route; or, a decision to refuse to grant a service contract under *Chapter 6* of this Act.

*Clause 146* ensures no compensation will be recoverable for a decisions made under *clause 145* or because of application of the Part to a licence, permit, contract subsidy or other payment.

*Clause 147* provides that section 77 of the *State Transport Act 1960* continues to have effect for decisions of the chief executive mentioned in *clause 145*. Section 77 of the *State Transport Act 1960* indemnifies the chief executive.

*Clause 148* applies to a scheduled passenger service by road that was being provided immediately before the commencement, under Part 4 or Part 5 of the *State Transport Act 1960*, which complies with the definition for a scheduled passenger service under this Act. It allows these operators to continue operations for a period no longer than two years or until a service contract under *Chapter 6* of this Act is entered into.

For the purpose of this clause, Part 4 and Part 5 of the *State Transport Act 1960* continue to have effect until a service contract under *Chapter 6* of this Act is entered into. This clause does not prevent the termination of a licence or permit under Part 4 or Part 5 of the *State Transport Act 1960*.

*Clause 149* applies to a scheduled urban bus services that were being provided immediately before the commencement of this Act and were the subject of a contract between the corporation sole established under section 10 of the *Urban Public Passenger Transport Act 1984* and an operator.

For the purpose of this clause, Part 4 and Part 5 of the *State Transport Act 1960* continue to have effect. This ensures that a licence or permit required to operate the services which are the subject of the contract mentioned above, may be renewed or reissued until the end of its term; until the end of the term of the contract; or, the contract is terminated; or, the contract is renegotiated; or, the parties to that contract agree to enter into a service contract under *Chapter 6* of this Act.

This clause further provides that licences or permits issued under Part 4 or Part 5 of the *State Transport Act 1960* may only be renewed or reissued for a period no longer than 2 years following proclamation of this Act.

*Clause 150* applies to a school transport service that was being provided immediately before the commencement by an operator under an arrangement under Part 9A of the *State Transport Act 1960* between the State and the operator that was entered into for a fixed term.

For the purposes of this clause, a regulation is taken to have been made, and a day fixed, under *clause 43* requiring a service contract to provide the service. The operators are also taken to have entered into a service contract under *Chapter 6* of this Act, in the same terms as the existing arrangements between the State and the operators for those services.

The arrangements covered under this clause continue for a period no longer than four years following the proclamation of this Act; or, an earlier date if prescribed by regulation; or, as a result of actions further defined in the clause.

This clause does not prevent the termination of an arrangement in accordance with its terms.

*Clause 151* applies to a school transport service that was being provided immediately before the commencement by an operator under an arrangement under Part 9A of the *State Transport Act 1960* between a local conveyance committee and the operator, that was entered into for a non-fixed term.

For the purposes of this clause, a regulation is taken to have been made, and a day fixed, under *clause 43* requiring a service contract to provide the

service. The operator is also taken to have entered into a service contract under *Chapter 6* of this Act with the chief executive, in the same terms as the existing arrangement between the local conveyance committee and the operator.

The arrangements covered under this clause continue for a period no longer than two years following the proclamation of this Act; or, an earlier date if prescribed by regulation; or, if a new service contract is entered into for the whole or part of an area or route directly affecting these existing arrangements.

This clause does not prevent the termination of an arrangement in accordance with its terms.

*Clause 152* provides that a person who immediately before the commencement of this Act, held a licence to hire taxi-meter cab or a licence to hire-exempted cab under the Part 3 of *State Transport Act 1960* may continue to operate the taxi service.

Furthermore, a person who immediately before the commencement of this Act, held a licence to hire-private hire car under the *State Transport Act 1960* may continue to operate the private hire car service.

These licences will continue until a new taxi service licence or luxury limousine service licence is issued but such must be issued within a period of one year from proclamation of this Act.

Despite the repeal of the *State Transport Act 1960*, Part 3 of the Act continues to have effect for the purposes of these licences until new service licences are issued.

This clause does not prevent the cancellation or suspension of a licence in accordance with its conditions.

*Clause 153* converts licensed areas for taxis and private hire cars into taxi service areas and luxury limousine service areas.

*Clause 154* applies to air services that were immediately before the commencement of this Act, for the routes mentioned and contained in air licences S44 and S45 issued under Part 8 of the *State Transport Act 1960* and in accordance with a subsidy agreement between the State and the operator for the air services for those routes.

For the purposes of this clause, a regulation is taken to have been made, under *clause 43* requiring a service contract to provide the service. The



operators are also taken to have entered into a service contract under *Chapter 6* of this Act, in the same terms as the existing agreements between the State and the operators for those services.

This clause does not prevent the termination of an agreement in accordance with its terms. Otherwise these arrangements expire on 31 May 1996 or at an earlier date if the existing subsidy agreement expires.

*Clause 155* applies to an air service that was immediately before the commencement of this Act, being provided for those routes mentioned and contained in air licences S16, S31 and S34 under Part 8 of the *State Transport Act 1960*.

For the purposes of this clause, a regulation is taken to have been made, under *clause 43* requiring a service contract to provide the Cairns/Weipa/Cairns service. The operator is also taken to have entered into a service contract under *Chapter 6* of this Act, in the same terms as the existing air licence between the State and the operator. This clause does not prevent the termination of the service contract in accordance with its terms.

For the purposes of this clause, a regulation is taken to have been made, under *clause 43* requiring a service contract to provide the Cairns/Horn Island/Cairns service, except for services operating under air licences S16 and S31.

Despite the repeal of the *State Transport Act 1960*, Part 8 of the Act continues to have effect for the purposes of these licences until the licences expire; or, a new service contract to provide these air services are entered into. Otherwise these arrangements expire on 31 May 1996.

*Clause 156* applies to a person who immediately before the commencement of this Act, operated a public passenger service and held a licence to hire under the Part 3; or, a licence under part 4; or, a permit under part 5; or, operated under an arrangement under Part 9A of the *State Transport Act 1960*, is taken to be granted provisional operator accreditation for that public passenger service.

Provisional operator accreditation will cease if that operator fails to gain operator accreditation for that service; or, fails to apply for operator accreditation within thirty days after being requested by the chief executive to do so; or, at the end of two years following proclamation of this Act.

*Clause 157* provides that the operators of courtesy and community transport services do not have to comply with *clause 16* of this Act until one

year after the proclamation of the Act. During this period, the chief executive will engage in industry and community publicity to make these operators aware of their future obligations under this Act.

*Clause 158* applies to a driver who, immediately before the commencement of this Act, operated a public passenger vehicle for an operator of a public passenger service and the operator held a licence under part 4; or, a permit under part 5; or, operated under an arrangement under Part 9A of the *State Transport Act 1960*, is taken to be granted provisional driver authorisation for that public passenger service.

Provisional driver authorisation will cease if that driver fails to gain driver authorisation for that service; or, fails to apply for driver authorisation within thirty days after being requested by the chief executive to do so; or, at the end of two years following proclamation of this Act.

*Clause 159* provides that the drivers of courtesy and community transport services do not have to comply with *clause 28* of this Act until one year after the proclamation of the Act. During this period, the chief executive will engage in industry and community publicity to make these drivers aware of their future obligations under this Act.

*Clause 160* applies to a person who, immediately before the commencement of this Act held a hire driver's licence or was permitted to drive under a licence to hire under Part 3 of the *State Transport Act 1960*, is taken to be granted provisional driver authorisation for that public passenger service.

Provisional driver authorisation will cease if the chief executive grants driver authorisation or provisional driver authorisation for taxi services or luxury limousine services to a person; or, within one year of the commencement of this Act; or, on the expiry of the person's licence.

*Clause 161* applies to a person who immediately before the commencement of this Act was an authorised officer under a provision of the *State Transport Act 1960*, and there is a corresponding provision in this Act, that person continues to be an authorised person for the purposes of enforcing the corresponding provisions.

This clause will only apply for a period of six months following proclamation of this Act at which time new authorised persons must be appointed.

*Clause 162* applies to a person who immediately before the commencement of this Act could exercise a power of the Minister, the Director-General, or the Corporation under an Act repealed by this Act, the person may continue to exercise such powers.

This clause will only apply for a period of six months following proclamation of this Act at which time a new delegation instrument must be issued. This clause does not prevent the revocation or amendment of a delegated power.

*Clause 163* provides that a conviction for an offence committed under a provision of the *State Transport Act 1960* which has been repealed by this Act, may be an offence under this Act.

*Clause 164* provides for the initial preservation of financial arrangements approved under section 18 of the *Urban Passenger Service Proprietors Assistance Act 1975*.

The clause also outlines the basis by which this financial assistance will progressively be phased out. Future financial assistance will then be addressed in a service contract in terms of *Chapter 6* of this Act.

Despite the repeal of the *Urban Passenger Service Proprietors Assistance Act 1975*, sections 17, 18 and 19 of that Act continue to have effect for the purposes of making the financial payments under this clause.

*Clause 165* provides for a standard to be made concerning matters contained in certain information bulletins published by the department. Furthermore, certain provisions regarding the making of a standard under *Chapter 9* of this Act do not apply to this clause. The standard will be required to be reviewed within one year of proclamation of this Act.

### **PART 3—TRANSITION OF REFERENCES IN ACTS**

*Clause 166* provides that this Part applies to certain references in other Acts.

*Clause 167* provides that any reference to the *Urban Passenger Service Proprietors Assistance Act 1975* in other Acts, is now taken to be a reference to the *Transport Operations (Passenger Transport) Act 1994*.

*Clause 168* provides that any reference to the *Urban Public Passenger Transport Act 1984* in other Acts, is now taken to be a reference to the *Transport Operations (Passenger Transport) Act 1994*.

*Clause 169* provides that any reference to a provision of the *State Transport Act 1960* repealed by this Act, in other Acts, is now taken to be a reference to the *Transport Operations (Passenger Transport) Act 1994*.

The clause also provides any reference to a licence to hire-taxi-meter cab or licence to hire-exempted cab under the *State Transport Act 1960*, in other Acts, is now taken to be a reference to a taxi service licence. Similarly, any reference to a licence to hire-private hire car under the *State Transport Act 1960*, in other Acts, is now taken to be a reference to a luxury limousine service licence.

## **PART 4—TRANSITION OF REFERENCES IN DOCUMENTS**

*Clause 170* provides that this Part applies to certain references to all documents held by the department.

*Clause 171* provides that any references to the corporation sole constituted by section 10 of the *Urban Public Passenger Transport Act 1984*, are now taken to be a reference to the chief executive.

All unfinished legal proceedings by or against the Corporation may be completed by or against the State. Furthermore, all contracts, agreements or arrangements entered into by the Corporation immediately before the commencement of this Act, are taken to have been entered into with the State.

*Clause 172* states that *Part 4* of this Chapter expires 2 months after it commences.

## **PART 5—TRANSITIONAL REGULATIONS**

*Clause 173* permits regulations to be made to assist the operation from an Act repealed or amended by this Act to the operation of this Act.

*Clause 174* states that *Part 5* of this Chapter expires 2 years after it commences.

### **SCHEDULE 1**

*Schedule 1* lists the provisions of the Criminal Code under which a conviction or charge which must be disclosed by an applicant or holder of operator accreditation or driver authorisation. Furthermore, the chief executive may take these disqualifying offences into account when granting, amending, suspending or cancelling a person's operator accreditation or driver authorisation.

### **SCHEDULE 2**

*Schedule 2* lists the decisions which are subject to review and merits appeal and the court in which each matter is to be heard.

### **SCHEDULE 3**

*Schedule 3* contains amendments to other legislation.

### **SCHEDULE 4**

*Schedule 4* contains repeals of other legislation.

## **DICTIONARY**

*Dictionary* contains the definitions of the terms used in this Act.