

TRANSPORT PLANNING AND COORDINATION AMENDMENT BILL 1995

EXPLANATORY NOTES

PREAMBLE

The Transport Planning and Coordination Amendment Bill 1995 has been drafted consistent with current legislative drafting practice and in modern language. As a consequence particular sections, clauses and subclauses require little or no specific further explanation and in these Explanatory Notes those sections, clauses and subclauses may be repeated or summarised in general terms only.

OBJECT OF BILL

During the 1995 State election campaign the Goss Government announced its intention to establish the South-East Queensland Transit Authority (SEQTA) if re-elected.

The need for a transit authority has been supported as a formal recommendation from the SEQ 2001 Regional Framework for Growth Management planning exercise and of a consultative group associated with the development of an Integrated Regional Transport Plan (IRTP) for the region. Working groups involved in these planning processes had wide representation from the south-east Queensland community, operators and other major stakeholders in transport.

The establishment of SEQTA is a direct response to transport challenges and constraints facing south-east Queensland. These include managing the challenge of rapid population growth, the need for better integration of land use planning and transport, increasing environmental constraints, and the need to restructure historical funding arrangements which have restricted the

ability to allocate available funds to the greatest transport needs of the community in an integrated way.

The specific objectives are outlined in Clause 8AA of the Bill.

WHAT WILL THE BILL ACHIEVE

The challenges will be met by having a separate powerful authority that controls the State Government's budget for road and public transport in south-east Queensland and which can specifically focus on integrated transport solutions based on a rigorous assessment of economic, social and environmental impacts.

The Government considers that a new body, specifically focusing on transport requirements within the region, can provide the coordination and impetus required for innovative responses to transport challenges in south-east Queensland.

In particular, SEQTA will be given the responsibility of managing the planning and allocation of the State Government's budget for road and public transport in south-east Queensland, and for ensuring the greatest feasible increase in public transport usage in south-east Queensland.

ESTIMATED COST FOR GOVERNMENT IMPLEMENTATION

The implementation process for this Bill will be administrative in nature and so the cost will not be significant.

Budget allocations to achieve SEQTA objectives will be transferred from existing budget allocations of the Department of Transport. SEQTA's permanent staff establishment will also be borne from existing staff levels in the Department of Transport. Hence, costs will be able to be met from within existing budgetary allocations.

COMPLIANCE WITH FUNDAMENTAL LEGISLATIVE PRINCIPLES

The provisions of the Bill observe the requirements of section 4 of the *Legislative Standards Act 1992*.

CONSULTATION

Wide ranging public consultation was undertaken with the community and stakeholder groups including the release of a public discussion paper and a public information seminar to canvass the role of SEQTA.

From this consultation process significant support was received for the establishment of SEQTA including its proposed role, objectives and functions.

PART 1—PRELIMINARY

Clause 1 states the short title of the Act.

Clause 2 provides that the Act will commence on a day to be fixed by proclamation.

PART 2—AMENDMENT OF *TRANSPORT PLANNING AND COORDINATION ACT 1994*

Clause 3 states that this Part is created to amend the *Transport Planning and Coordination Act 1994*.

Clause 4 defines the terms “SEQTA” and “SEQTA area” and provides for their insertion into section 4 of the *Transport Planning and Coordination Act 1994*.

“SEQTA” refers to the South-East Queensland Transit Authority as defined in the proposed section 8AB.(1).

“SEQTA area” is to be defined by regulation and will include the area encompassed by the boundaries of the following 18 local governments in south-east Queensland:

- The cities of Brisbane, Caloundra, Gold Coast, Ipswich, Logan, Redcliffe and Toowoomba.

- The shires of Beaudesert, Boonah, Caboolture, Esk, Gatton, Kilcoy, Laidley, Maroochy, Noosa, Pine Rivers and Redland.

Clause 5 provides for section 7 of the *Transport Planning and Coordination Act 1994* to be amended to ensure that a Transport Coordination Plan is not inconsistent with any integrated regional transport plan in existence for the SEQTA area.

Clause 6 provides for a Part 2A to be inserted after Part 2 in the *Transport Planning and Coordination Act 1994*. This new Part 2A will establish the SEQTA office including SEQTA's functions.

PART 2A—THE SOUTH-EAST QUEENSLAND TRANSIT AUTHORITY

Proposed Section 8AA outlines the objectives of the Part.

Proposed Section 8AB establishes an office to be known as the South-East Queensland Transit Authority (SEQTA) and that SEQTA is to be comprised of a chief executive and other staff.

Proposed Section 8AC provides that the SEQTA chief executive controls SEQTA subject to the direction of the Minister.

Further, to ensure corporate resources are not duplicated, SEQTA will be attached to the Department of Transport for administrative support as required.

Proposed Section 8AD outlines the functions of SEQTA including the manner in which SEQTA is to operate.

Proposed Section 8AE provides the SEQTA chief executive with all the necessary powers under transport legislation to fulfil SEQTA's functions in south-east Queensland.

Detailed administrative instructions are being prepared to outline the exact role SEQTA and the Department of Transport will have in south-east Queensland including the legislative provisions each will administer. These arrangements will be transparent and ensure clients are clearly aware of each organisation's responsibilities.

The legislative provisions to be administered by the SEQTA chief executive will include the powers and responsibilities to do the following things:

- strategic transport planning including planning for the provision of transport infrastructure and transport operations;
- establishing performance standards to be met by scheduled passenger services provided under the *Transport Operations (Passenger Transport) Act 1994*;
- third-party provision of people-mover systems under the *State Transport (People-movers) Act 1989*;
- approval of certain decisions of local governments under s.40 of the *Transport Infrastructure Act 1994* and s.145 of the *Transport Operations (Passenger Transport) Act 1994* which would adversely affect State-controlled roads or the provision of public passenger transport; and,
- development and implementation of travel demand initiatives to reduce public reliance on private motor vehicles.

SEQTA will not be responsible for certain matters including:

- building of transport infrastructure;
- administration of vehicle registration or driver licencing requirements;
- limousine, tourist bus, or long distance bus services;
- tow trucks;
- driving school accreditation or instructor licensing; and,
- marine safety or marine pollution.

Proposed Section 8AF provides that the chief executive and staff of SEQTA will be appointed as officers of the public service under the *Public Service Management and Employment Act 1988*.

Further, the chief executive is to have all the powers of a chief executive of a department under the *Public Service Management and Employment Act 1988* as if SEQTA were a department defined under that Act. However, the SEQTA chief executive will not be the accountable officer for the purposes of the *Financial Administration and Audit Act 1977*. The chief

executive of the Department of Transport will fulfil this role to avoid duplication of corporate services.

Proposed Section 8AG outlines the SEQTA chief executive's obligation to develop for the Minister an integrated regional transport plan for south-east Queensland.

An integrated regional transport plan is to be developed, approved and tabled in the Legislative Assembly as if it were a Transport Coordination Plan required to be developed under Part 2 of the *Transport Planning and Coordination Act 1994*.

Further, if a proposed integrated regional transport plan is inconsistent with a Transport Coordination Plan, then the inconsistency must be resolved before the Minister can approve the proposed integrated regional transport plan.

Proposed Section 8AH provides for the establishment of a SEQTA Board.

Proposed Section 8AI outlines the basis by which the Minister can appoint members to the SEQTA Board.

Proposed Section 8AJ states the period a SEQTA Board member can be appointed for and the grounds by which a SEQTA Board member can resign or be removed.

Proposed Section 8AK provides that a regulation can prescribe the function's of the SEQTA Board and meeting procedures.

The functions of the SEQTA Board will be to provide:

- advice to the Minister on a broad range of transport issues;
- a forum where stakeholder's views can be considered; and,
- reports on the effectiveness of integrated regional transport planning.

Proposed Section 8AL ensures that a decision of the SEQTA Board is advisory only and does not legally bind the State.

Proposed Section 8AM provides that fees and allowances can be paid to SEQTA Board members in accordance with existing Governor in Council approvals.

Proposed Section 8AN requires the SEQTA chief executive to produce an Annual Report.

Clause 7 amends section 25.(1) of the *Transport Planning and Coordination Act 1994* to make transparent the SEQTA chief executive's power to delegate.

Clause 8 provides for the renumbering of the *Transport Planning and Coordination Act 1994* to occur at the next reprint in accordance with section 43 of the *Reprints Act 1992*.

PART 3—AMENDMENT OF *TRANSPORT INFRASTRUCTURE ACT 1994*

Clauses 9 and 10 amend the *Transport Infrastructure Act 1994* to ensure any transport infrastructure strategies developed under section 6 of the Act which have application to the SEQTA area must not be inconsistent with and must give effect to any integrated regional transport plan in existence for the SEQTA area.

Clause 11 amends s.225 of the Act which saved the regulations in force under the *Transport Infrastructure (Railways) Act 1991* for 6 months to allow new regulations to be made. This amendment extends the period to 1 year.

PART 4—AMENDMENT OF *TRANSPORT OPERATIONS (PASSENGER TRANSPORT) ACT 1994*

Clauses 12 and 13 amend the *Transport Operations (Passenger Transport) Act 1994* to ensure any passenger transport strategies developed under section 6 of the Act which have application to the SEQTA area must not be inconsistent with and must give effect to any integrated regional transport plan in existence for the SEQTA area.

PART 5—AMENDMENT OF *TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) ACT 1994*

Clauses 14 and 15 amend the *Transport Operations (Road Use Management) Act 1994* to ensure any road use management strategy developed under section 8 of the Act which has application to the SEQTA area must not be inconsistent with and must give effect to any integrated regional transport plan in existence for the SEQTA area.

Clause 16 allows the gross vehicle mass of a vehicle to be ascertained other than by reference to the vehicle's compliance plate. For example, the gross vehicle mass on the compliance plate may be illegible.

SCHEDULE

ADDITIONAL AMENDMENTS OF *TRANSPORT OPERATIONS (PASSENGER TRANSPORT) ACT 1994*

Amendment 1 allows the chief executive to give advance notice of the date from which a service contract is required for certain public passenger services.

Amendments 2 to 7 will allow existing operators who are unsuccessful in obtaining service contracts to continue operating for a limited period.

Amendment 8 allows a regulation to fix the day on which section 15 of the Act (which deals with the duties of operators) applies to courtesy and community transport services.

Amendments 9 and 11 extend the expiry date of the provisions.

Amendment 10 allows a regulation to fix the day on which section 27 of the Act (which requires drivers to hold an authorisation) applies to courtesy and community transport services.

Amendment 12 corrects a minor cross-reference error.

Amendment 13 remakes a subsection to allow certain persons to apply for payment of interest subsidies on financial leases of certain buses.

Amendment 14 remakes a subsection to allow transitional subsidy payments to continue while the operator holds the licence or permit. (Most of the licences and permits will cease when a service contract is entered into).

Amendment 15 allows transitional subsidy payments to continue while the contract remains in force. (The contract will cease when a new service contract is entered into).

Amendment 16 inserts a provision restricting the continuance of transitional subsidy payments to 7 November 1996 if a service contract is not entered into.

Amendment 17 defers the start of the reduction of a transitional subsidy payment until the start of the operator's service contract.

Amendment 18 inserts a provision entitling an operator to receive government funding in the first year of a service contract equal to the subsidies received in the year before the start of the service contract.

Amendment 19 is consequential on amendments 14 to 16.

Amendment 20 extends the expiry of the section from 5 to 7 years after the Act commences to reflect the amendments dealing with periods starting on the commencement of a service contract.

Amendment 21 is a renumbering provision.