



Queensland

Transport Legislation Amendment Bill 2005



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	Commission for Children and Young People and Child Guardian Act 2000	80
	Integrated Planning Act 1997	80
	South Bank Corporation Act 1989	80

2005

A Bill

for

**An Act to amend particular Acts administered by the Minister
for Transport, and for other purposes**

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport Legislation Amendment Act 2005*. 4
5

Clause 2 Commencement 6

The following sections commence on a day to be fixed by proclamation— 7
8

(a) section 4; 9

(b) section 28; 10

(c) section 32, to the extent it inserts sections 541 and 542; 11

(d) section 58; 12

(e) sections 62 to 64; 13

(f) sections 66 to 68; 14

(g) section 71, to the extent it inserts sections 200 and 203; 15

(h) sections 72 to 74; 16

(i) the schedule, to the extent it amends the *Commission for Children and Young People and Child Guardian Act 2000*. 17
18
19

Part 2 Amendment of Transport Infrastructure Act 1994 20
21

Clause 3 Act amended in pt 2 22

This part amends the *Transport Infrastructure Act 1994*. 23

Clause 4	Amendment of s 93 (Tolls)	1
	Section 93(2)—	2
	<i>omit, insert</i> —	3
	‘(2) A regulation under subsection (1) must provide—	4
	(a) the types of vehicles liable for tolls for the use of the toll road; and	5 6
	(b) for the use of the toll road by each of the types of vehicles—	7 8
	(i) the day the toll becomes payable for use of the toll road, and the maximum amount of toll payable at each toll plaza, in relation to each of the types of vehicles; or	9 10 11 12
	(ii) another way that is authorised for providing for the matters mentioned in subparagraph (i), including any necessary directions for the setting and publication of the day and amount.	13 14 15 16
	‘(2A) Without limiting subsection (2) or the <i>Statutory Instruments Act 1992</i> , a toll may be set in a way that applies differently—	17 18
	(a) to different classes of vehicles; or	19
	(b) by reference to stated exceptions or factors.’.	20
 Clause 5	 Amendment of s 240 (Lease of land to railway managers)	 21
	Section 240(1)(b)—	22
	<i>omit, insert</i> —	23
	‘(b) the chief executive decides that non-rail corridor land (also <i>acquired land</i>) should be used by a railway manager as part of a rail transport corridor.’.	24 25 26
 Clause 6	 Replacement of ch 8, pt 2, hdg (Continuation, establishment and abolition of port authorities)	 27 28
	Chapter 8, part 2, heading—	29
	<i>omit, insert</i> —	30

	‘Part 2	Establishment, declaration and abolition of port authorities’.	1 2
Clause 7	Amendment of s 270 (Abolition of port authority)		3
	Section 270(1), after ‘abolish a port authority’—		4
	<i>insert—</i>		5
	‘established under section 268’.		6
Clause 8	Amendment of s 271 (Transfer of management of a port)		7
	Section 271—		8
	<i>insert—</i>		9
	‘(4) Subsections (2) and (3) do not apply if—		10
	(a) the transferor and transferee are both bodies established under the <i>Government Owned Corporations Act 1993</i> ; and		11 12 13
	(b) the assets and liabilities of the transferor are transferred, under that Act, to the transferee.’.		14 15
Clause 9	Amendment of s 272 (Regulation may make transitional arrangements)		16 17
	Section 272—		18
	<i>insert—</i>		19
	‘(3) This section does not apply if the transfer of the management of a port is from a port authority that is a body established under the <i>Government Owned Corporations Act 1993</i> to another port authority that is a body established under that Act.’.		20 21 22 23 24
Clause 10	Amendment of s 274 (Regulation may define port limits etc.)		25 26
	Section 274(d), after ‘port authority’—		27

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insert— 1
‘established under section 268’. 2

Clause 11	Insertion of new s 274A	3
	Chapter 8, part 2—	4
	<i>insert—</i>	5
	‘274A Regulation may declare government owned corporation to be port authority	6 7
	‘For a body established under the <i>Government Owned Corporations Act 1993</i> , a regulation may do 1 or more of the following—	8 9 10
	(a) declare the body to be a port authority;	11
	(b) prescribe the port the body is to manage;	12
	(c) revoke the declaration of the body as a port authority.’.	13
Clause 12	Amendment of s 302 (Declaration of land as busway land)	14
	Section 302(4)—	15
	<i>insert—</i>	16
	‘(c) land acquired by the State or the chief executive, other than land mentioned in paragraph (a) or (b), on which busway transport infrastructure is located.’.	17 18 19
Clause 13	Amendment of s 303 (Effect on land of busway declaration)	20 21
	Section 303—	22
	<i>insert—</i>	23
	‘(2A) If land, other than land mentioned in subsection (1) or (2) or unallocated State land, is declared under this part to be busway land, the land becomes unallocated State land.’.	24 25 26
Clause 14	Insertion of new ss 303A–303C	27
	After section 303—	28

<i>insert—</i>	1
‘303A Declaration of common areas for busways and roads	2
‘(1) This section applies if—	3
(a) a busway is interrupted by a road and continues on the other side of the road; or	4 5
(b) an intersection is formed where a road meets a busway, whether or not at right angles, at the start or end of the busway.	6 7 8
‘(2) The chief executive may, by gazette notice, declare a part of the road where it interrupts, or intersects with, the busway to be a common area (a <i>busway common area</i>) for the road and the busway.	9 10 11 12
‘(3) A gazette notice under subsection (2)—	13
(a) must include a description of, or a way of identifying, the busway common area; and	14 15
(b) may include conditions on the operation and use of the busway common area to ensure the safety and operational integrity of the road or busway.	16 17 18
‘(4) In this section—	19
<i>road</i> includes a State-controlled road.	20
‘303B Effect of declaration of busway common area	21
‘If the chief executive declares a busway common area—	22
(a) a busway may be constructed, maintained and operated on the busway common area in a way not inconsistent with its use as a road; and	23 24 25
(b) a busway safety officer may exercise powers under this Act on the busway common area as if the busway common area were part of the busway; and	26 27 28
(c) if the road is a State-controlled road—the chief executive may construct, maintain and operate the road on the busway common area in a way not inconsistent with its use as a busway; and	29 30 31 32
(d) if the road is not a State-controlled road—	33

	(i)	the local government for the area in which the road is located may construct, maintain and operate the road on the busway common area in a way not inconsistent with its use as a busway; and	1 2 3 4
	(ii)	the local government does not have any liability for the busway or its use or operation on the busway common area; and	5 6 7
	(iii)	the State does not have any liability for the road or its use or operation on the busway common area.	8 9
		‘303C Relationship with Local Government Act 1993, s 901	10
	‘(1)	This section applies if there is any inconsistency between—	11
	(a)	a local government’s control under the <i>Local Government Act 1993</i> , section 901, of a busway common area including, for example, the regulation of the use of the busway common area or movement of traffic on the busway common area; and	12 13 14 15 16
	(b)	a condition imposed by the chief executive on the operation or use of the busway common area as mentioned in section 303A(3).	17 18 19
	‘(2)	To the extent of the inconsistency the condition imposed by the chief executive prevails.’.	20 21
Clause 15		Replacement of ch 9, pt 5, hdg (Busway service provider authorisation)	22 23
		Chapter 9, part 5, heading—	24
		<i>omit, insert—</i>	25
		‘Part 5 Busway authorisation’.	26
Clause 16		Insertion of new s 335A	27
		Chapter 9, part 5—	28
		<i>insert—</i>	29
		‘335A Definitions for pt 5	30
		‘In this part—	31

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- authorised busway user***, for a busway, means— 1
- (a) a busway service provider authorised by the chief 2
executive to use the busway; or 3
- (b) another person authorised by the chief executive for the 4
busway. 5
- busway service provider*** means— 6
- (a) a person using a bus to provide a public passenger 7
service other than— 8
- (i) a limousine service within the meaning of the 9
Transport Operations (Passenger Transport) Act 10
1994; or 11
- (ii) a taxi service within the meaning of the *Transport* 12
Operations (Passenger Transport) Act 1994; or 13
- (iii) a person who provides a scheduled passenger 14
service under a service contract referred to in 15
section 336(1)(a)(ii); or 16
- (b) a person carrying out busway transport infrastructure 17
works on a busway or busway transport infrastructure.’. 18

- Clause 17 Amendment of s 336 (Who may drive on a busway)** 19
- (1) Section 336(1), after ‘drive on a busway’— 20
insert— 21
‘, other than a busway common area,’. 22
- (2) Section 336(1)(a)(i)— 23
omit, insert— 24
‘(i) a busway service provider authorised by the chief 25
executive to use the busway; or’ 26
- (3) Section 336(1)(a)(ii), ‘for the busway’— 27
omit, insert— 28
‘for the area in which the busway is located’ 29

Clause 18	Amendment of s 337 (Applying for authorisation as busway service provider)	1 2
	(1) Section 337, heading, ‘busway service provider’—	3
	<i>omit, insert—</i>	4
	‘authorised busway user’.	5
	(2) Section 337(1)—	6
	<i>omit, insert—</i>	7
	‘(1) A person may apply to the chief executive for authorisation as an authorised busway user for a busway.’.	8 9
Clause 19	Amendment of s 338 (Considering application for authorisation)	10 11
	Section 338(1), ‘a busway service provider’—	12
	<i>omit, insert—</i>	13
	‘an authorised busway user’.	14
Clause 20	Amendment of s 339 (Authorisation conditions)	15
	(1) Section 339(3), ‘service provider’—	16
	<i>omit, insert—</i>	17
	‘user’.	18
	(2) Section 339(3), ‘provider’s’—	19
	<i>omit, insert—</i>	20
	‘authorised busway user’s’.	21
Clause 21	Amendment of s 340 (Requiring authorisation conditions to be complied with)	22 23
	(1) Section 340(1), ‘service provider’—	24
	<i>omit, insert—</i>	25
	‘user’.	26
	(2) Section 340(1), ‘provider’s’—	27
	<i>omit, insert—</i>	28

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	‘authorised busway user’s’.	1
	(3) Section 340(2) and (3), ‘provider’—	2
	<i>omit, insert</i> —	3
	‘authorised busway user’.	4

Clause 22	Amendment of s 341 (Authorisation period)	5
	Section 341, ‘A busway service provider’s’—	6
	<i>omit, insert</i> —	7
	‘An authorised busway user’s’.	8

Clause 23	Amendment of s 342 (Amending authorisation conditions on application)	9
	(1) Section 342(1), ‘service provider’—	10
	<i>omit, insert</i> —	11
	‘user’.	12
	(2) Section 342(1), ‘provider’s’—	13
	<i>omit, insert</i> —	14
	‘authorised busway user’s’.	15

Clause 24	Amendment of s 343 (Amending authorisation conditions without application)	17
	(1) Section 343(1) and (7), ‘a busway service provider’s’—	18
	<i>omit, insert</i> —	19
	‘an authorised busway user’s’.	20
	(2) Section 343(1), (2), (4) and (8), ‘provider’—	21
	<i>omit, insert</i> —	22
	‘authorised busway user’.	23
	(3) Section 343(7), ‘the provider’s’—	24
	<i>omit, insert</i> —	25
	‘the authorised busway user’s’.	26

Clause 25	Amendment of s 344 (Suspending or cancelling authorisation)	1 2
	(1) Section 344(1)(a), ‘service provider’—	3
	<i>omit, insert—</i>	4
	‘user’.	5
	(2) Section 344(1)(a) and (6)(a), ‘provider’s’—	6
	<i>omit, insert—</i>	7
	‘authorised busway user’s’.	8
	(3) Section 344(2), (4) and (6), ‘provider’—	9
	<i>omit, insert—</i>	10
	‘authorised busway user’.	11
Clause 26	Amendment of s 345 (Immediate suspension of authorisation)	12 13
	(1) Section 345(1)(a), ‘service provider’—	14
	<i>omit, insert—</i>	15
	‘user’.	16
	(2) Section 345(1)(a), ‘provider’s’—	17
	<i>omit, insert—</i>	18
	‘authorised busway user’s’.	19
	(3) Section 345(2), (4) and (5), ‘provider’—	20
	<i>omit, insert—</i>	21
	‘authorised busway user’.	22
Clause 27	Amendment of s 346 (Surrender of authorisation)	23
	(1) Section 346, ‘service provider’—	24
	<i>omit, insert—</i>	25
	‘user’.	26
	(2) Section 346, ‘provider’s’—	27

omit, insert— 1
‘authorised busway user’s’. 2

Clause 28 Insertion of new ch 9, pt 6 3

After section 346— 4

insert— 5

‘Part 6 Busway safety officers 6

‘Division 1 Preliminary 7

‘346A Definition for pt 6 8

‘In this part— 9

relevant busway legislation means— 10

(a) this part; or 11

(b) a regulation relating to busways or busway transport 12
infrastructure. 13

‘Division 2 Appointment of busway safety officers 14
15

‘346B Appointment and qualifications 16

‘(1) The chief executive may appoint a person as a busway safety 17
officer. 18

‘(2) However, the chief executive may appoint a person as a 19
busway safety officer only if the chief executive is satisfied 20
the person is qualified for appointment because the person has 21
the necessary expertise or experience. 22

‘(3) Also, the chief executive may appoint a person other than a 23
public service officer as a busway safety officer only if the 24
person has completed, to the chief executive’s satisfaction, 25
training approved by the chief executive. 26

‘346C Appointment conditions and limit on powers	1
‘(1) A busway safety officer holds office on any conditions stated in—	2 3
(a) the busway safety officer’s instrument of appointment; or	4 5
(b) a signed notice given to the busway safety officer; or	6
(c) a regulation.	7
‘(2) The instrument of appointment, a signed notice given to the busway safety officer or a regulation may limit the busway safety officer’s powers under this Act.	8 9 10
‘(3) In this section—	11
<i>signed notice</i> means a notice signed by the chief executive.	12
‘Division 3 Identity cards	13
‘346D Issue of identity card	14
‘(1) The chief executive must issue an identity card to each busway safety officer.	15 16
‘(2) The identity card must—	17
(a) contain a recent photo of the busway safety officer; and	18
(b) contain a copy of the busway safety officer’s signature; and	19 20
(c) identify the person as a busway safety officer under this Act; and	21 22
(d) state an expiry date for the card.	23
‘(3) This section does not prevent the issue of a single identity card to a person for this Act and for other purposes.	24 25
‘346E Production or display of identity card	26
‘(1) In exercising a power under this Act in relation to a person, a busway safety officer must—	27 28

(a) produce the busway safety officer’s identity card for the person’s inspection before exercising the power; or	1 2
(b) have the identity card displayed so it is clearly visible to the person when exercising the power.	3 4
‘(2) However, if it is not practicable to comply with subsection (1), the busway safety officer must produce the identity card for the person’s inspection at the first reasonable opportunity.	5 6 7
‘Division 4 Ceasing to hold office	8
‘346F When busway safety officer ceases to hold office	9
‘(1) A busway safety officer ceases to hold office if any of the following happens—	10 11
(a) the term of office stated in a condition of the office ends;	12
(b) under another condition of office, the busway safety officer ceases to hold office;	13 14
(c) the busway safety officer’s resignation under section 346G takes effect.	15 16
‘(2) Subsection (1) does not limit the ways a busway safety officer may cease to hold office.	17 18
‘(3) In this section—	19
<i>condition of office</i> means a condition on which the busway safety officer holds office.	20 21
‘346G Resignation	22
‘A busway safety officer may resign by signed notice given to the chief executive.	23 24
‘346H Return of identity card	25
‘A person who ceases to be a busway safety officer must return the person’s identity card to the chief executive within	26 27

21 days after ceasing to be a busway safety officer, unless the person has a reasonable excuse.	1 2
Maximum penalty—10 penalty units.	3
‘Division 5 Powers	4
‘346I Powers of busway safety officer	5
‘A busway safety officer has the following powers—	6
(a) power to give a direction to a person driving a vehicle about driving or parking the vehicle on a busway or busway transport infrastructure;	7 8 9
(b) power to give a direction to a person about parking or leaving a vehicle or other property on a busway or busway transport infrastructure;	10 11 12
(c) another power given to the busway safety officer under this part.	13 14
‘346J Direction to ensure orderly movement	15
‘(1) A busway safety officer may give a direction to a person on a busway or busway transport infrastructure for the purpose of ensuring the orderly movement of persons onto, off, towards or away from a bus operating on the busway.	16 17 18 19
‘(2) The person must comply with the direction, unless the person has a reasonable excuse.	20 21
Maximum penalty for subsection (2)—20 penalty units.	22
‘346K Direction to person creating disturbance to leave busway or busway transport infrastructure	23 24
‘(1) This section applies if a busway safety officer reasonably believes a person on a busway or busway transport infrastructure is creating, or is likely to create, a disturbance.	25 26 27
‘(2) Subsection (1) does not apply to a person on a bus operating on the busway.	28 29

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- ‘(3) The busway safety officer may direct the person to leave the busway or busway transport infrastructure. 1
2
- ‘(4) The direction must include the busway safety officer telling the person that— 3
4
- (a) the person is directed to leave the busway or busway transport infrastructure because the person is creating, or is likely to create, a disturbance; and 5
6
7
- (b) it is an offence to fail to comply with the direction, unless the person has a reasonable excuse. 8
9
- ‘(5) An explanation given under subsection (4) by a busway safety officer need only be in general terms. 10
11
- ‘(6) A person given a direction must comply with it, unless the person has a reasonable excuse. 12
13
- Maximum penalty—20 penalty units. 14
- ‘(7) In this section— 15
- creating a disturbance* includes depositing, dropping or throwing a matter, substance or thing on a busway or busway transport infrastructure that is likely to injure a person or damage a vehicle or busway transport infrastructure. 16
17
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- ‘346L Direction to ensure safety and security 20**
- ‘(1) A busway safety officer may give a direction to a person on a busway or busway transport infrastructure if the busway safety officer reasonably believes the direction is necessary to ensure the safety or security of 1 or more of the following— 21
22
23
24
- (a) the busway or busway transport infrastructure; 25
- (b) users of the busway or busway transport infrastructure; 26
- (c) persons employed on or in the busway or busway transport infrastructure. 27
28
- ‘(2) The direction must include the busway safety officer telling the person that— 29
30
- (a) the person is given the direction because it is necessary to ensure the safety or security of 1 or more persons or things mentioned in subsection (1)(a), (b) or (c); and 31
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(b)	it is an offence to fail to comply with the direction, unless the person has a reasonable excuse.	1 2
‘(3)	An explanation given under subsection (2) by a busway safety officer need only be in general terms.	3 4
‘(4)	A person given a direction must comply with it, unless the person has a reasonable excuse.	5 6
	Maximum penalty for subsection (4)—20 penalty units.	7
‘346M	Power to require name, address and age	8
‘(1)	A busway safety officer may require a person to state the person’s name and address if the busway safety officer—	9 10
(a)	finds the person committing a relevant busway offence;	11
	or	12
(b)	finds the person in circumstances that lead, or has information that leads, the busway safety officer to reasonably suspect the person has just committed a relevant busway offence.	13 14 15 16
‘(2)	The busway safety officer may also require the person to state the person’s age if the busway safety officer reasonably suspects the person’s age is required for the enforcement of relevant busway legislation.	17 18 19 20
‘(3)	When making the requirement, the busway safety officer must warn the person that it is an offence to fail to state the person’s name and address and, if relevant, age, unless the person has a reasonable excuse.	21 22 23 24
‘(4)	The busway safety officer may require the person to give evidence of the correctness of the person’s stated name, address or age if the busway safety officer reasonably suspects the stated name, address or age is false.	25 26 27 28
‘(5)	A person must comply with the busway safety officer’s requirement under subsection (1), (2) or (4), unless the person has a reasonable excuse.	29 30 31
	Maximum penalty—40 penalty units.	32
‘(6)	A person does not commit an offence against this section if—	33

(a)	the person was required to state the person's name, address or age by a busway safety officer who suspected the person had committed a relevant busway offence; and	1 2 3 4
(b)	the person is not proved to have committed the offence.	5
‘(7)	In this section— <i>relevant busway offence</i> means an offence against relevant busway legislation.	6 7 8
‘Division 6	Provisions relating to evidence of offences	9 10
‘346N Seizing evidence		11
	‘A busway safety officer may seize a thing at a place that is a busway or busway transport infrastructure if the busway safety officer reasonably believes the thing is evidence of an offence against relevant busway legislation.	12 13 14 15
‘346O Securing seized things		16
	‘Having seized a thing, a busway safety officer may—	17
(a)	move the thing from the place where it was seized (the <i>place of seizure</i>); or	18 19
(b)	leave the thing at the place of seizure but take reasonable action to restrict access to it.	20 21
	<i>Examples of restricting access to a thing—</i>	22
	sealing a thing and marking it to show access to it is restricted	23
‘346P Tampering with seized things		24
‘(1)	If a busway safety officer restricts access to a seized thing, a person must not tamper with the thing without a busway safety officer's approval.	25 26 27
	Maximum penalty—10 penalty units.	28
‘(2)	In this section—	29

tamper, with a thing, includes attempt to tamper with the thing or something restricting access to the thing. 1
2

‘346Q Receipts for seized things 3

- ‘(1) As soon as practicable after a busway safety officer seizes a thing, the busway safety officer must give a receipt for it to the person from whom it was seized. 4
5
6
- ‘(2) However, if for any reason it is not practicable to comply with subsection (1), the busway safety officer must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way. 7
8
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- ‘(3) The receipt must describe generally each thing seized and its condition. 11
12
- ‘(4) This section does not apply to a thing if it is impracticable or would be unreasonable to give the receipt, given the thing’s nature, condition and value. 13
14
15

‘346R Forfeiture of seized things 16

- ‘(1) A seized thing is forfeited to the State if the busway safety officer who seized the thing— 17
18
- (a) can not find its owner, after making reasonable inquiries; or 19
20
- (b) can not return it to its owner, after making reasonable efforts; or 21
22
- (c) reasonably believes it is necessary to retain the thing to prevent it being used to commit an offence against this Act. 23
24
25
- ‘(2) In applying subsection (1)— 26
- (a) subsection (1)(a) does not require the busway safety officer to make inquiries if it would be unreasonable to make inquiries to find the owner; and 27
28
29
- (b) subsection (1)(b) does not require the busway safety officer to make efforts if it would be unreasonable to make efforts to return the thing to its owner. 30
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- ‘(3) If the busway safety officer makes a decision under subsection (1)(c), resulting in the seized thing being forfeited to the State, the busway safety officer must immediately give the owner a written notice stating—
- (a) the decision; and
 - (b) the reasons for the decision.
- ‘(4) A notice under subsection (3) must be accompanied by an information notice.
- ‘(5) Subsection (3) does not apply if—
- (a) the busway safety officer can not find the owner, after making reasonable inquiries; or
 - (b) it is impracticable or would be unreasonable to give the notice.
- ‘(6) Regard must be had to a thing’s nature, condition and value—
- (a) in deciding—
 - (i) whether it is reasonable to make inquiries or efforts; and
 - (ii) if making inquiries or efforts, what inquiries or efforts, including the period over which they are made, are reasonable; or
 - (b) in deciding whether it would be unreasonable to give the notice under subsection (3).
- ‘346S Forfeiture on conviction**
- ‘(1) On the conviction of a person for an offence against relevant busway legislation, the court may order the forfeiture to the State of—
- (a) anything used to commit the offence; or
 - (b) anything else the subject of the offence.
- ‘(2) The court may make the order—
- (a) whether or not the thing has been seized; and
 - (b) if the thing has been seized, whether or not the thing has been returned to its owner.

‘(3) The court may make any order to enforce the forfeiture it considers appropriate.	1 2
‘(4) This section does not limit the court’s powers under the <i>Penalties and Sentences Act 1992</i> or another law.	3 4
‘346T Dealing with forfeited things etc.	5
‘(1) On the forfeiture of a thing to the State, the thing becomes the State’s property and may be dealt with by the chief executive as the chief executive considers appropriate.	6 7 8
‘(2) Without limiting subsection (1), the chief executive may destroy or dispose of the thing.	9 10
‘(3) Despite subsection (1), the chief executive must not deal with the thing in a way that could prejudice the outcome of an appeal, relevant to the thing, of which the chief executive is aware.	11 12 13 14
‘346U Return of seized things	15
‘(1) If a seized thing has not been forfeited, the busway safety officer must return it to its owner—	16 17
(a) at the end of 6 months; or	18
(b) if a proceeding for an offence involving the thing is started within 6 months, at the end of the proceeding and any appeal from the proceeding.	19 20 21
‘(2) Despite subsection (1), unless the thing has been forfeited, the busway safety officer must immediately return a thing seized as evidence to its owner if the busway safety officer stops being satisfied its continued retention as evidence is necessary.	22 23 24 25 26
‘346V Access to seized things	27
‘(1) Until a seized thing is forfeited or returned, a busway safety officer must allow its owner to inspect it and, if it is a document, to copy it.	28 29 30
‘(2) Subsection (1) does not apply if it is impracticable or would be unreasonable to allow the inspection or copying.	31 32

‘Division 7	Miscellaneous	1
‘346W Protection from liability		2
‘(1) This section applies to each of the following (a <i>protected person</i>)—		3 4
(a) a busway safety officer;		5
(b) a person acting under the direction of a busway safety officer.		6 7
‘(2) A protected person does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.		8 9 10
‘(3) If subsection (2) prevents a civil liability attaching to a protected person, the liability attaches instead to the State.		11 12
‘346X False or misleading information		13
‘(1) A person must not state anything to a busway safety officer, in relation to the exercise by the busway safety officer of a power under relevant busway legislation, the person knows is false or misleading in a material particular.		14 15 16 17
Maximum penalty—60 penalty units.		18
‘(2) It is enough for a complaint for an offence against subsection (1) to show the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.		19 20 21
‘346Y False or misleading documents		22
‘(1) A person must not give a busway safety officer a document containing information the person knows is false or misleading in a material particular.		23 24 25
Maximum penalty—60 penalty units.		26
‘(2) Subsection (1) does not apply to a person if the person, when giving the document—		27 28
(a) tells the busway safety officer, to the best of the person’s ability, how it is false or misleading; and		29 30

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(b) if the person has, or can reasonably obtain, the correct information—gives the correct information.	1 2
‘(3) It is enough for a complaint for an offence against subsection (1) to state the document was ‘false or misleading’ to the person’s knowledge, without specifying which.	3 4 5
‘346Z Compensation	6
‘(1) 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 relevant busway legislation, including, for example, in complying with a requirement made of the person under this part.	7 8 9 10 11
‘(2) Payment of compensation may be claimed and ordered in a proceeding for—	12 13
(a) compensation brought in a court of competent jurisdiction for the recovery of compensation; or	14 15
(b) an offence against this Act brought against the person by whom the claim is made.	16 17
‘(3) A court may order the payment of compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.	18 19 20
‘346ZABusway safety officer to give notice of damage	21
‘(1) A busway safety officer who, in the exercise, or purported exercise, of a power under relevant busway legislation, damages anything must immediately give written notice of the particulars of the damage.	22 23 24 25
‘(2) The notice must be given to the person who appears to the busway safety officer to be the owner of the thing.	26 27
‘(3) If, for any reason, it is not practicable to comply with subsection (2), the busway safety officer must—	28 29
(a) leave the notice at the place where the damage happened; and	30 31
(b) ensure the notice is left in a reasonably secure way and in a conspicuous position.	32 33

- ‘(4) In this section— 1
owner, of a thing, includes the person in possession or control 2
of the thing. 3

‘346ZB Obstructing busway safety officer 4

- ‘(1) A person must not obstruct a busway safety officer in the 5
exercise of a power under this or another Act, unless the 6
person has a reasonable excuse. 7

Maximum penalty—60 penalty units. 8

- ‘(2) If a person has obstructed a busway safety officer under 9
subsection (1) and the busway safety officer decides to 10
exercise the power, the busway safety officer must, if 11
practicable, warn the person— 12

(a) that the busway safety officer considers the person’s 13
conduct is obstructing the busway safety officer; and 14

(b) that it is an offence to obstruct the busway safety officer, 15
unless the person has a reasonable excuse. 16

‘346ZC Impersonating busway safety officer 17

‘A person must not pretend to be a busway safety officer. 18

Maximum penalty—80 penalty units.’. 19

**Clause 29 Amendment of s 353 (Declaration of land as light rail 20
land) 21**

- (1) Section 353(4)(b) and (c)— 22

renumber as section 353(4)(c) and (d). 23

- (2) Section 353(4)— 24

insert— 25

‘(b) land acquired by the State or the chief executive, other 26
than land mentioned in paragraph (a), on which light rail 27
transport infrastructure is located; or’. 28

Clause 30	Amendment of s 354 (Effect on land of light rail declaration)	1 2
	Section 354—	3
	<i>insert—</i>	4
	‘(3A) If land, other than land mentioned in subsection (1), (2) or (3) or unallocated State land, is declared under this part to be light rail land, the land becomes unallocated State land.’.	5 6 7
Clause 31	Amendment of s 416 (Meaning of <i>miscellaneous transport infrastructure</i>)	8 9
	Section 416(1)(a)—	10
	<i>insert—</i>	11
	<i>‘Examples of infrastructure relating to the transportation, movement, transmission or flow of anything—</i>	12 13
	• pipelines, whether underground or above ground, for transporting chemical, gas or petroleum products, or mineral slurry	14 15 16
	• conveyor belts’.	17
Clause 32	Insertion of new ch 18, pt 6	18
	Chapter 18, at the end—	19
	<i>insert—</i>	20
‘Part 6	Transitional provisions for the Transport Legislation Amendment Act 2005	21 22 23
‘Division 1	Transitional provision for port authorities	24 25
‘539	Port authorities	26
	‘(1) This section applies to a port authority mentioned in schedule 6, definition <i>port authority</i> , paragraph (a), (b) or (c), as in force immediately before the commencement of this section.	27 28 29

‘(2) On the commencement—	1
(a) the port authority continues in existence as if it had been declared to be a port authority under a regulation under section 274A; and	2 3 4
(b) the port or ports that the port authority is prescribed to manage is the port or are the ports the port authority managed immediately before the commencement.	5 6 7
‘Division 2 Transitional provisions for busways	8
‘540 Busway authorisation	9
‘(1) If, immediately before the commencement, a person was an authorised busway service provider, the person is, on the commencement, taken to be an authorised busway user.	10 11 12
‘(2) A reference in an Act or a document to an authorised busway service provider may, if the context permits, be taken to be a reference to an authorised busway user.	13 14 15
‘541 Busway safety officers	16
‘(1) If, immediately before the commencement, a person was a busway safety officer under section 22 of the regulation the person is, on the commencement, taken to be a busway safety officer appointed under section 346B.	17 18 19 20
‘(2) If, immediately before the commencement, the person held office on conditions stated in an instrument of appointment or signed notice, on the commencement the stated conditions continue to apply to the appointment as if they were stated in an instrument of appointment or a signed notice under section 346C.	21 22 23 24 25 26
‘(3) If the person had been issued with an identity card under section 24 of the regulation, on the commencement the identity card is taken to have been issued under section 346D.	27 28 29
‘(4) In this section—	30
<i>commencement</i> means the commencement of this section.	31

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regulation means the *Transport Infrastructure (Busway) Regulation 2002*, as in force immediately before the commencement. 1
2
3

'542 Offences 4

'Proceedings for an offence against the *Transport Infrastructure (Busway) Regulation 2002*, section 7, 9 or 29, may be continued, or started, as if the section had not been repealed.' 5
6
7
8

Clause 33 Amendment of sch 1 (Subject matter for regulations) 9

(1) Schedule 1, item 3, 'or busways'— 10

omit, insert— 11

' , busways or busway transport infrastructure' . 12

(2) Schedule 1, item 12— 13

insert— 14

'(c) busways.' . 15

(3) Schedule 1, item 13, 'busway'— 16

omit, insert— 17

'a busway or busway transport infrastructure' . 18

(4) Schedule 1, item 14, 'busway or railway'— 19

omit, insert— 20

'busway or busway transport infrastructure or a railway' . 21

(5) Schedule 1, item 15(a), after 'busway'— 22

insert— 23

'or busway transport infrastructure' . 24

Clause 34 Amendment of sch 6 (Dictionary) 25

(1) Schedule 6, definitions *non-rail corridor land* and *port authority*— 26
27

omit. 28

(2) Schedule 6—	1
<i>insert</i> —	2
‘ <i>authorised busway user</i> , for chapter 9, part 5, see section 335A.	3 4
<i>busway common area</i> see section 303A(2).	5
<i>busway service provider</i> , for chapter 9, part 5, see section 335A.	6 7
<i>non-rail corridor land</i> means—	8
(a) old QR land declared to be non-rail corridor land; or	9
(b) land that was rail corridor land and for which the lease previously granted to a railway manager has been surrendered.	10 11 12
<i>port authority</i> —	13
(a) means a port authority established under section 268 or a body declared to be a port authority under a regulation under section 274A; but	14 15 16
(b) does not include a port authority that has been abolished under section 270 or for which the declaration has been revoked under a regulation under section 274A.	17 18 19
<i>relevant busway legislation</i> , for chapter 9, part 6, see section 346A.’.	20 21

Part 3	Amendment of Transport Operations (Marine Pollution) Act 1995	22 23 24
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Clause 35	Act amended in pt 3	25
	This part amends the <i>Transport Operations (Marine Pollution) Act 1995</i> .	26 27

Clause 36	Amendment of s 55A (Shipboard waste management plan)	1 2
	Section 55A(1)(a)—	3
	<i>omit, insert—</i>	4
	‘(a) at least 35m in length overall; or’.	5
Clause 37	Insertion of new s 60A	6
	Part 9, division 3—	7
	<i>insert—</i>	8
	‘60A Obligation to monitor transfer operation	9
	‘The ship’s owner and the ship’s master must ensure that a transfer operation is monitored by a member of the ship’s crew.	10 11 12
	Maximum penalty—850 penalty units.’.	13
Clause 38	Amendment of s 92 (Purpose of division)	14
	Section 92, after ‘powers given to’—	15
	<i>insert—</i>	16
	‘the marine pollution controller and’.	17
Clause 39	Insertion of new ss 93A and 93B	18
	After section 93—	19
	<i>insert—</i>	20
	‘93A Marine pollution controller	21
	‘(1) To facilitate the State’s fulfilment of its responsibility under section 93(2), there is to be a marine pollution controller.	22 23
	‘(2) The marine pollution controller is the general manager.	24
	‘(3) The function of the marine pollution controller is to direct and coordinate, for the State, the response by the State and other entities if—	25 26 27
	(a) there is a discharge, or probable discharge, of pollutant into coastal waters; and	28 29

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(b) the discharge, or probable discharge, is serious or potentially serious.	1 2
‘(4) The marine pollution controller may perform his or her function under this section only if the marine pollution controller—	3 4 5
(a) is reasonably satisfied it is necessary to perform the function; and	6 7
(b) has given written notice to the chief executive that states—	8 9
(i) the marine pollution controller intends to perform the function; and	10 11
(ii) an outline of the circumstances of the discharge or probable discharge.	12 13
‘(5) In performing his or her function, the marine pollution controller has all the powers under this Act of—	14 15
(a) the general manager; and	16
(b) an authorised officer.	17
‘93B Protection from liability	18
‘(1) Civil liability does not attach to a protected person because of anything done or omitted to be done under this division as or for the marine pollution controller in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise, if this section did not apply.	19 20 21 22 23 24
‘(2) If subsection (1) prevents a civil liability attaching to a protected person, the liability attaches instead to the State.	25 26
‘(3) In this section—	27
<i>protected person</i> means—	28
(a) the marine pollution controller; or	29
(b) a person acting under the direction of the marine pollution controller.’.	30 31

Clause 40	Amendment of s 98 (Power of intervention)	1
	(1) Section 98(1), ‘grave and imminent’—	2
	<i>omit, insert—</i>	3
	‘a potentially serious’.	4
	(2) Section 98(5)(b)(i), ‘imminent’—	5
	<i>omit, insert—</i>	6
	‘serious’.	7
Clause 41	Insertion of new s 132A	8
	Part 15, division 2—	9
	<i>insert—</i>	10
	‘132A Delegation by marine pollution controller	11
	‘The marine pollution controller may delegate the marine	12
	pollution controller’s powers under this Act to—	13
	(a) an employee of MSQ; or	14
	(b) an authorised officer.’.	15
Part 4	Amendment of Transport	16
	Operations (Marine Safety) Act	17
	1994	18
Clause 42	Act amended in pt 4	19
	This Act amends the <i>Transport Operations (Marine Safety)</i>	20
	<i>Act 1994</i> .	21
Clause 43	Insertion of new s 87A	22
	After section 87—	23
	<i>insert—</i>	24

'87A	Owner of ship lost, abandoned or stranded	1
	'(1) This section applies if—	2
	(a) a ship is lost, abandoned or stranded; and	3
	(b) a harbour master may, or is required to, give a direction under this subdivision to a person about the ship.	4 5
	'(2) For this division, the person who was the registered owner of the ship immediately before the ship was lost, abandoned or stranded is taken to be the owner of the ship and the person to whom the direction may or must be given, unless the contrary is proved.	6 7 8 9 10
	'(3) Without limiting subsection (2), if a harbour master incurs expense (whether the expense is the harbour master's expense or the State's expense) in exercising a power under section 93 in relation to the direction, the person taken to be the owner under subsection (2) is the person who is liable for the amount of the expense that may, under section 94, be recovered from the owner of the ship.'	11 12 13 14 15 16 17
Clause 44	Amendment of s 95 (Temporary closure of pilotage area by harbour master)	18 19
	(1) Section 95(1), 'urgently'—	20
	<i>omit.</i>	21
	(2) Section 95(2), 'immediately'—	22
	<i>omit.</i>	23
	(3) Section 95(3), 'urgently'—	24
	<i>omit.</i>	25
Clause 45	Insertion of new ss 125A and 125B	26
	After section 125—	27
	<i>insert—</i>	28
'125A	Temporary declaration of exclusion zone by general manager	29 30
	'(1) The general manager may declare a stated area around a ship involved in a marine incident to be an exclusion zone if the	31 32

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general manager is reasonably satisfied the declaration is required for a limited period to ensure safety. 1
2

- ‘(2) The general manager must take the steps necessary to ensure ships that may be affected by the declaration are aware of it, including, for example, by a notice to mariners. 3
4
5
- ‘(3) The general manager must revoke the declaration when the general manager ceases to be satisfied that the exclusion zone is still required to ensure safety. 6
7
8
- ‘(4) The declaration ends 28 days after the declaration is made if it is not earlier revoked. 9
10
- ‘(5) When the declaration ends under subsection (3) or (4), the general manager must immediately take the steps necessary to ensure ships that may be affected by the exclusion zone are aware of the ending of the exclusion zone. 11
12
13
14

**‘125B Failure to comply with declaration of exclusion zone by general manager 15
16**

- ‘(1) This section applies if the general manager declares an exclusion zone under section 125A. 17
18
- ‘(2) A person must not, without the general manager’s permission— 19
20
- (a) cause a ship to enter or navigate in the exclusion zone, unless the person has a reasonable excuse; or 21
22
- (b) anchor, berth or moor a ship in the exclusion zone, unless the person has a reasonable excuse. 23
24
- Maximum penalty for subsection (2)—200 penalty units.’. 25

Clause 46 Insertion of new s 186A 26

Part 14, division 1, after section 186— 27
insert— 28

‘186A Chief executive (fisheries) must disclose information 29

- ‘(1) This section applies if— 30
- (a) the chief executive (transport) is satisfied, on grounds that are reasonable in the circumstances, relevant 31
32

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- information held by the chief executive (fisheries) would help in enhancing navigational safety and minimising the risk of marine incidents; and 1
2
3
- (b) the chief executive (transport) asks the chief executive (fisheries) for the information. 4
5
- ‘(2) The chief executive (fisheries) must disclose the relevant information to the chief executive (transport). 6
7
- ‘(3) Subsection (2) applies despite the *Fisheries Act 1994*, including section 217A¹ of that Act. 8
9
- ‘(4) The chief executive (transport) must not disclose relevant information obtained under subsection (1) unless— 10
11
- (a) the chief executive (transport) reasonably considers the disclosure is necessary to— 12
13
- (i) prevent a marine incident; or 14
- (ii) enable an entity to provide help to a person or ship in distress at sea; or 15
16
- (b) it is authorised by the person to whom the information relates; or 17
18
- (c) the disclosure is required by a court or tribunal in a proceeding in which the information is relevant. 19
20
- ‘(5) Despite subsection (4)(c), relevant information given to the chief executive (transport) under this section is not admissible in any proceedings under this Act against the person to whom the information relates without the person’s consent. 21
22
23
24
- ‘(6) In this section— 25
- chief executive (fisheries)** means the chief executive of the department in which the *Fisheries Act 1994* is administered. 26
27
- chief executive (transport)** means the chief executive of the department in which this Act is administered. 28
29
- relevant information** means data sent from VMS equipment, within the meaning of the *Fisheries Act 1994*, required by an authority under that Act to be carried on a boat.’. 30
31
32

1 *Fisheries Act 1994*, section 217A (Authority to disclose personal information)

Clause 47	Insertion of new s 199A	1
	After section 199—	2
	<i>insert—</i>	3
‘199A	Court may make orders about compensation and other matters	4
		5
	‘(1) This section applies to a prosecution for an offence against this Act.	6
		7
	‘(2) If the court finds the defendant has contravened a direction of a harbour master in contravention of this Act, the court may order the defendant to pay to the State the amount the State could have recovered under section 94(2).	8
		9
		10
		11
	‘(3) If the court finds the defendant has unlawfully interfered with an aid to navigation, or moored a ship to an aid to navigation, in contravention of this Act and in a way that has damaged or destroyed the aid, the court may order the defendant to pay to the State—	12
		13
		14
		15
		16
	(a) if the defendant is the master or owner of a ship that caused the damage or destruction—the amount the State could have recovered under section 107A(3); ² or	17
		18
		19
	(b) otherwise—an amount for the expense of repairing and reinstating the aid to navigation.	20
		21
	‘(4) An order under subsection (2) or (3) is in addition to any penalty or other order the court may make or impose under this Act.	22
		23
		24
	‘(5) In particular, this section does not limit the court’s powers under the <i>Penalties and Sentences Act 1992</i> or any other law.	25
		26
	‘(6) However, if a court makes an order under subsection (2) or (3) in relation to a defendant, the State can not recover an amount, under section 94(2) or 107A(3), from the defendant in relation to the same direction, or damage or destruction.’.	27
		28
		29
		30
Clause 48	Insertion of new s 205A	31
	After section 205—	32

2 Section 107A (Damage to an aid to navigation)

<i>insert—</i>	1
‘205A Inquiries about person’s suitability to conduct examinations or conduct training programs	2 3
‘(1) The chief executive may make inquiries about a person to help in deciding whether—	4 5
(a) the person is a suitable person for approval, or to continue to be approved, to—	6 7
(i) conduct examinations for issuing licences; or	8
(ii) conduct training programs in the operation of ships; or	9 10
(b) a corporation or unincorporated body for which the person is a nominee is a suitable person for approval, or to continue to be approved, to—	11 12 13
(i) conduct examinations for issuing licences; or	14
(ii) conduct training programs in the operation of ships; or	15 16
(c) a corporation of which the person is an executive officer is a suitable person for approval, or to continue to be approved, to—	17 18 19
(i) conduct examinations for issuing licences; or	20
(ii) conduct training programs in the operation of ships.	21 22
‘(2) If asked by the chief executive, the commissioner of the police service must give the chief executive a written report about the person’s criminal history.	23 24 25
‘(3) Subsection (2) applies to the criminal history in the commissioner’s possession or to which the commissioner has access.	26 27 28
‘(4) A person (the <i>first person</i>) must not disclose, record or use information about another person’s criminal history that the first person gained through involvement in the administration of this Act other than—	29 30 31 32
(a) in the discharge of a function under this Act; or	33
(b) if it is authorised—	34

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(i) under another Act or a regulation; or	1
(ii) by the person to whom the information relates; or	2
(c) to a court or tribunal in a proceeding in which the information is relevant.	3 4
Maximum penalty—200 penalty units.	5
‘(5) In this section—	6
<i>criminal history</i> , of a person—	7
(a) means the person’s criminal history within the meaning of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> ; and	8 9 10
(b) despite that Act, includes a charge or pending charge made against the person for an offence, whether made in Queensland or elsewhere, other than a charge the proceedings for which have ended without a conviction being recorded.	11 12 13 14 15
<i>disclose</i> information means—	16
(a) intentionally or recklessly disclose the information; or	17
(b) allow access to the information.’.	18

Part 5	Amendment of Transport Operations (Passenger Transport) Act 1994	19 20 21
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Clause 49	Act amended in pt 5	22
	This part amends the <i>Transport Operations (Passenger Transport) Act 1994</i> .	23 24
Clause 50	Insertion of new s 22B	25
	Chapter 3, after section 22A—	26
	<i>insert</i> —	27

'22B	Accredited operator to notify if authorised driver charged with or convicted of driver disqualifying offence	1 2 3
	'(1) This section applies if an accredited operator reasonably believes that an authorised driver who drives a vehicle for the operator has been charged with, or convicted of, a driver disqualifying offence.	4 5 6 7
	'(2) The accredited operator must immediately notify the chief executive, in writing, about the charging or conviction of the authorised driver.	8 9 10
	Maximum penalty—10 penalty units.	11
	'(3) However, the accredited operator need not comply with subsection (2) if the operator reasonably believes the chief executive has already been notified that the authorised driver has been charged with, or convicted of, the driver disqualifying offence.	12 13 14 15 16
	'(4) The accredited operator is not liable, civilly, criminally or under an administrative process, for complying with subsection (2).	17 18 19
	'(5) Without limiting subsection (4)—	20
	(a) in a proceeding for defamation, the accredited operator has a defence of absolute privilege for publishing the information; and	21 22 23
	(b) if the accredited operator would otherwise be required to maintain confidentiality about the information under an Act, oath, rule of law or practice—	24 25 26
	(i) the accredited operator does not contravene the requirement by disclosing the information; and	27 28
	(ii) is not liable to disciplinary action for giving the information.'	29 30
Clause 51	Amendment of s 28B (Driver authorisation—category B driver disqualifying offences)	31 32
	Section 28B(5)(a), after 'Young People'—	33
	<i>insert—</i>	34
	'and Child Guardian'.	35

Clause 52	Amendment of s 43 (Obligation to hold service contracts)	1
	Section 43(1)(a)(ii), ‘that is not a service contract’—	2
	<i>omit.</i>	3
Clause 53	Amendment of s 62AAG (New service contract area or route in the Translink area)	4
	Section 62AAG(7), definition <i>affected operator</i> , paragraph (a), ‘service area or route’—	5
	<i>omit, insert—</i>	6
	‘service contract area or route’.	7
		8
		9
Clause 54	Amendment of ch 13, hdg (Transitional provisions)	10
	Chapter 13, heading, after ‘ Transitional ’—	11
	<i>insert—</i>	12
	‘ and validation ’.	13
Clause 55	Insertion of new ch 13, pt 3	14
	After section 177—	15
	<i>insert—</i>	16
‘Part 3	Validation of particular service contracts	17
		18
‘178	Validation of service contracts in Translink area	19
	‘(1) This section applies if, before the commencement of the relevant section—	20
		21
	(a) a person provided a public passenger service for a service contract area or route that is in the Translink area; and	22
		23
		24
	(b) the public passenger service was provided under a written agreement with the chief executive that was a service contract.	25
		26
		27

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- ‘(2) The written agreement and anything done under the agreement, is taken to be, and to have always been, as valid as it would be if it were a written agreement with the chief executive within the meaning of section 43(1)(a)(ii), entered into after the commencement of the relevant section.
- ‘(3) Without limiting subsection (2), the public passenger service provided under the written agreement is taken to be, and to have always been, as validly provided under the agreement as it would have been if it had been provided after the commencement of the relevant section.
- ‘(4) Subsection (2) does not make invalid any instrument that is valid.
- ‘(5) In this section—
relevant section means the *Transport Legislation Amendment Act 2005*, section 52.’.

Clause 56 Amendment of sch 1A (Driver disqualification offences)

- (1) Schedule 1A, part 1, division 2—
insert—
- ‘3 Section 223 (Incest by adult female), if the person in relation to whom the offence was committed was a child when the offence was committed
- 4 Section 344 (Aggravated assaults), as the provision was in force from 20 December 1946 until its repeal by the *Criminal Law Amendment Act 1997*, if—
- (a) the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined by the *Criminal Law Amendment Act 1945*, section 2A; and
- (b) the person in relation to whom the offence was committed was a child when the offence was committed.’.
- (2) Schedule 1A, part 1—
insert—

‘Division 3	Provisions of the Criminal Code repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>	1 2 3 4
1	Section 212 (Defilement of girls under twelve)	5
2	Section 214 (Attempt to abuse girls under ten)	6
3	Section 220 (Unlawful detention with intent to defile or in a brothel), if the person in relation to whom the offence was committed was a child when the offence was committed’.	7 8 9 10
(3)	Schedule 1A, part 2, entry for <i>Drugs Misuse Act 1986</i> , item 4, from ‘if’—	11 12
	<i>omit, insert—</i>	13
	‘if—	14
(a)	paragraph (a) or (b) of the maximum penalty for the provision applies; or	15 16
(b)	paragraph (d) of the maximum penalty for the provision applies, so far as it relates to a dangerous drug that is a thing specified in the <i>Drugs Misuse Regulation 1987</i> , schedule 1.’.	17 18 19 20
Part 6	Amendment of Transport Operations (Road Use Management) Act 1995	21 22 23
Clause 57	Act amended in pt 6	24
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	25 26
Clause 58	Amendment of s 17A (Definition)	27
	Section 17A, definition <i>approval—</i>	28

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<i>insert—</i>	1
‘(c) an authorised scheme under chapter 5, part 7A;	2
(d) the authorisation, under chapter 5, part 7A, of a person to perform a role under an authorised scheme.’	3 4

Clause 59	Amendment of s 19 (Procedure for amending, suspending or cancelling approvals)	5 6
	Section 19(6)(a), ‘operator’—	7
	<i>omit, insert—</i>	8
	‘holder’.	9
Clause 60	Amendment of s 78 (Driving of motor vehicle without a driver licence prohibited)	10 11
	Section 78(3) and (6), ‘Queensland Road Rules’—	12
	<i>omit, insert—</i>	13
	‘ <i>Transport Operations (Road Use Management—Road Rules) Regulation 1999</i> ’.	14 15
Clause 61	Amendment of s 85 (Racing and speed trials on roads)	16
	Section 85—	17
	<i>insert—</i>	18
	‘(6) If the court convicts a person of an offence against subsection (1), the court, in addition to imposing a penalty, must disqualify the person from holding or obtaining a Queensland driver licence for a period of at least 6 months.’	19 20 21 22
Clause 62	Replacement of ch 5, pt 7, div 1	23
	Chapter 5, part 7, division 1—	24
	<i>omit, insert—</i>	25

‘Division 1	Speed detection devices	1
‘112	Use of speed detection devices	2
	‘When using a speed detection device, a police officer must comply with the following, as in force from time to time—	3 4
	(a) for a radar speed detection device, AS 2898.2: Radar speed detection—Operational procedures;	5 6
	(b) for a laser-based speed detection device, AS 4691.2: Laser-based speed detection devices—Operational procedures.’	7 8 9
Clause 63	Insertion of new ch 5, pt 7A	10
	After section 121—	11
	<i>insert—</i>	12
‘Part 7A	Crossing supervisor scheme	13
‘Division 1	Definitions	14
‘122	Definitions for pt 7A	15
	‘In this part—	16
	<i>applicant</i> means a person applying for authority to act as a crossing supervisor.	17 18
	<i>authorised scheme</i> see section 122A(1)(a).	19
	<i>authority</i> means authority to perform a role under an authorised scheme.	20 21
	<i>criminal history</i> , of a person who is an applicant or crossing supervisor—	22 23
	(a) means the following—	24
	(i) the date of conviction for a disqualifying offence or the date a charge of a disqualifying offence was laid, whether before or after the commencement of this section;	25 26 27 28

(ii)	the name of the Act, and the provision, under which the disqualifying offence is created;	1 2
(iii)	for a conviction for a disqualifying offence—the penalty or other order made in relation to the conviction; ³ and	3 4 5
(b)	despite section 6 ⁴ of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , includes a conviction of the person to which that section applies; and	6 7 8
(c)	despite section 5 ⁵ of the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , includes a charge made against the person for a disqualifying offence.	9 10 11
	crossing supervisor see section 122A(1)(b).	12
	disqualifying offence means—	13
(a)	a serious child-related sexual offence, or serious offence, under the <i>Commission for Children and Young People and Child Guardian Act 2000</i> ; or	14 15 16
(b)	an offence against a provision of the Criminal Code mentioned in schedule 2; or	17 18
(c)	an offence against the <i>Drugs Misuse Act 1986</i> , part 2; ⁶ or	19 20
(d)	an offence similar to an offence mentioned in paragraph (a), (b) or (c) committed outside Queensland.	21 22
‘Division 2	Scheme and authorisation of persons under scheme	23 24
‘122A Chief executive may authorise scheme		25
‘(1)	The chief executive may—	26

3 See schedule 4 (Dictionary), which defines *convicting*.

4 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 6 (Non-disclosure of convictions upon expiration of rehabilitation period)

5 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 5 (Matter excluded from criminal history)

6 *Drugs Misuse Act 1986*, part 2 (Drug trafficking)

(a)	authorise a scheme to help children to safely cross roads (an <i>authorised scheme</i>); and	1 2
(b)	authorise a person to perform a role under the scheme (a <i>crossing supervisor</i>).	3 4
‘(2)	An authorised scheme comes into force on the day stated in the scheme.	5 6
‘122B	Unauthorised person must not act as crossing supervisor	7 8
‘(1)	A person must not perform a role under an authorised scheme as a crossing supervisor unless the person is a crossing supervisor.	9 10 11
	Maximum penalty—20 penalty units.	12
‘(2)	A person must not hold himself or herself out as being a crossing supervisor if the person is not authorised as a crossing supervisor under an authorised scheme.	13 14 15
	Maximum penalty—20 penalty units.	16
‘122C	Chief executive may refuse to authorise person under scheme	17 18
	‘The chief executive may refuse to authorise a person to perform a role under an authorised scheme if the person—	19 20
(a)	has been convicted of a disqualifying offence; or	21
(b)	has been charged with a disqualifying offence and the charge has not been finally dealt with; or	22 23
(c)	has previously had the person’s authority to act as a crossing supervisor cancelled under this part.	24 25
‘122D	Chief executive may impose conditions on authority	26
	‘The chief executive may authorise a person to perform a role under an authorised scheme subject to conditions.	27 28

‘122E Notice to be given about refusal or imposition of condition	1
	2
‘(1) This section applies if the chief executive—	3
(a) refuses to authorise a person to perform a role under an authorised scheme; or	4
	5
(b) authorises a person to perform a role under an authorised scheme subject to conditions.	6
	7
‘(2) The chief executive must inform the person of the decision by written notice.	8
	9
‘(3) The notice must state—	10
(a) the reasons for the decision; and	11
(b) that the person may, under section 65, ask for the decision to be reviewed and appeal against the reviewed decision.	12
	13
	14
‘(4) The decision takes effect on the day the notice is given to the person.	15
	16
‘Division 3 Criminal history	17
‘122F Criminal history to be disclosed by applicants and crossing supervisors	18
	19
‘(1) A person who is an applicant or a crossing supervisor must, by written notice as required by subsection (2), give the chief executive details of the person’s criminal history.	20
	21
	22
Maximum penalty—40 penalty units.	23
‘(2) The applicant or crossing supervisor must give the written notice—	24
	25
(a) for a charge laid or an offence of which the applicant is convicted before the application is made—with the application; or	26
	27
	28
(b) for a charge laid or an offence of which the applicant is convicted after the application is made but before the application is decided—as soon as practicable after the charge is laid or the applicant is convicted; or	29
	30
	31
	32

- (c) for a charge laid or an offence of which the crossing supervisor is convicted after becoming a crossing supervisor—as soon as practicable after the charge is laid or the crossing supervisor is convicted. 1
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‘122G Crossing supervisor may surrender authority 5

- ‘(1) A crossing supervisor who fails to give a notice required by section 122F(2)(c) does not commit an offence if, as soon as practicable after the requirement arises, the crossing supervisor gives the chief executive written notice that the crossing supervisor will immediately stop acting as a crossing supervisor. 6
7
8
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11
- ‘(2) If a crossing supervisor gives the chief executive a notice under subsection (1), the crossing supervisor’s authority to perform a role under an authorised scheme is taken to be cancelled on the day the notice is given to the chief executive. 12
13
14
15

‘122H Chief executive may ask commissioner for criminal history 16
17

- ‘(1) The chief executive may ask the commissioner for a written report about the criminal history of a person who is an applicant. 18
19
20
- ‘(2) The chief executive may, at any time, ask the commissioner for a written report about the criminal history of a person who is a crossing supervisor if the chief executive is satisfied, on reasonable grounds, it is necessary to do so to ensure the protection of children. 21
22
23
24
25
- ‘(3) If requested, the commissioner must give the chief executive a written report about the criminal history of the person— 26
27
- (a) that is in the commissioner’s possession; or 28
- (b) to which the commissioner ordinarily has access through arrangements with the police service of the Commonwealth or another State. 29
30
31
- ‘(4) This section expires 1 year after it commences. 32

‘Division 4	Amendment, suspension and cancellation of authorities	1 2
‘122I	Grounds for amending, suspending or cancelling authority	3 4
	‘Each of the following is a ground for amending, suspending or cancelling a person’s authority as a crossing supervisor—	5 6
	(a) the person has, since becoming a crossing supervisor, been charged with, or convicted of, a disqualifying offence;	7 8 9
	(b) the chief executive considers—	10
	(i) public safety, particularly the safety of children, has been endangered, or is likely to be endangered, because of the authority; or	11 12 13
	(ii) it is otherwise necessary in the public interest;	14
	(c) the authority was issued by error or was granted because of a false or fraudulent document, statement or representation;	15 16 17
	(d) the person has contravened a condition of the authority;	18
	(e) the person can no longer perform the role of a crossing supervisor satisfactorily, including because of any known medical condition or physical or mental incapacity.	19 20 21 22
‘122J	Show cause procedure for amending, suspending or cancelling authority	23 24
	‘If the chief executive considers a ground exists to amend, suspend or cancel a crossing supervisor’s authority (the <i>proposed action</i>), the chief executive must give the crossing supervisor written notice stating—	25 26 27 28
	(a) the proposed action; and	29
	(b) the ground for the proposed action; and	30
	(c) an outline of the facts and circumstances forming the basis for the ground; and	31 32

- (d) if the proposed action is to amend the authority, including a condition of the authority—the proposed amendment; and
- (e) if the proposed action is to suspend the authority—the proposed suspension period; and
- (f) an invitation to the crossing supervisor to show in writing, within a stated time of at least 28 days, why the proposed action should not be taken.

‘122K Amending, suspending or cancelling authority

- ‘(1) If, after considering all the written representations made within the stated time under section 122J(f), the chief executive still considers a ground exists to take proposed action, the chief executive may—
 - (a) if the proposed action was to amend the authority—amend the authority in the way stated in the notice; or
 - (b) if the proposed action was to suspend the authority—
 - (i) amend the authority in the way the chief executive considers appropriate; or
 - (ii) suspend the authority for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the authority—
 - (i) amend the authority in a way the chief executive considers appropriate; or
 - (ii) suspend the authority for a period; or
 - (iii) cancel the authority.
- ‘(2) However, if the proposed action relates to a matter that is the subject of a proceeding before a court that has not been finally decided, the chief executive—
 - (a) need not make a final decision under subsection (1) until the proceeding is finally decided; but

(b) must make the decision as soon as reasonably practicable after the proceeding is decided.	1 2
‘(3) This section does not apply if section 122P ⁷ applies.	3
‘122L Notice to be given to crossing supervisor	4
‘(1) The chief executive must inform the crossing supervisor by written notice about the chief executive’s decision under section 122K(1).	5 6 7
‘(2) If the chief executive decides to amend, suspend or cancel the authority, the notice must state—	8 9
(a) the reasons for the decision; and	10
(b) that the crossing supervisor may—	11
(i) under section 65, ask for the decision to be reviewed and appeal against the reviewed decision; and	12 13 14
(ii) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, ask for the decision or the reviewed decision to be stayed.	15 16 17
‘(3) The decision takes effect on the later of the following—	18
(a) the day the notice is given to the crossing supervisor;	19
(b) the day stated in the notice.	20
‘122M Grounds for immediate suspension of authority	21
‘(1) Despite section 122J, the chief executive may immediately suspend a crossing supervisor’s authority, by written notice given to the crossing supervisor, if the chief executive reasonably believes it is necessary because—	22 23 24 25
(a) public safety, particularly the safety of children, has been endangered, or is likely to be endangered, because of the authority; or	26 27 28
(b) it is otherwise necessary in the public interest.	29

7 Section 122P (Other amendments of authorities)

- ‘(2) Without limiting the chief executive’s powers under subsection (1), it is enough to immediately suspend a crossing supervisor’s authority if—
- (a) a person complains to a police officer about the crossing supervisor’s conduct and the chief executive reasonably believes—
 - (i) the complaint is not trivial, vexatious or otherwise lacking in substance; and
 - (ii) the alleged conduct complained of justifies taking action under subsection (1); or
 - (b) having regard to statements or other information about the crossing supervisor’s conduct given to the chief executive, the chief executive reasonably believes the statements or other information justifies taking action under subsection (1).

‘122N Procedure for immediate suspension of authority 16

- ‘(1) If the chief executive immediately suspends an authority, the suspension—
- (a) takes effect on the day the notice is given to the crossing supervisor; and
 - (b) has effect until—
 - (i) if the chief executive informs the crossing supervisor of the chief executive’s decision by notice under section 122L—the day the decision takes effect under section 122L(3); or
 - (ii) if the decision is set aside on review or appeal—the day the decision is set aside; or
 - (iii) otherwise—the end of 56 days after the notice is given to the crossing supervisor or the end of any further period or periods by which the suspension is extended under subsection (3).
- ‘(2) If the chief executive immediately suspends an authority, the notice under section 122M(1) must state—
- (a) the reasons for the decision; and

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(b) the general effect of subsection (1)(b); and	1
(c) that the crossing supervisor may—	2
(i) under section 65, ask for the decision to be reviewed and appeal against the reviewed decision; and	3 4 5
(ii) under the <i>Transport Planning and Coordination Act 1994</i> , part 5, ask for the decision or the reviewed decision to be stayed.	6 7 8
‘(3) If the immediate suspension of an authority relates to a matter that is the subject of a proceeding before a court that has not been finally decided, the chief executive—	9 10 11
(a) may extend the suspension for a further period or periods until the proceeding is finally decided; but	12 13
(b) must make a decision about whether to take proposed action under section 122K as soon as practicable after the proceeding is decided.	14 15 16
‘1220 Further action after immediate suspension	17
‘(1) This section applies if—	18
(a) under section 122M, the chief executive immediately suspends a crossing supervisor’s authority; and	19 20
(b) the chief executive proposes, under section 122J, to amend, further suspend or cancel the crossing supervisor’s authority (also the <i>proposed action</i>).	21 22 23
‘(2) The chief executive must, within 14 days after immediately suspending the crossing supervisor’s authority, give the crossing supervisor a notice that states—	24 25 26
(a) the information mentioned in section 122J(a), (b) and (c) in relation to the proposed action; and	27 28
(b) if the proposed action is to amend the authority, including a condition of the authority—the proposed amendment; and	29 30 31
(c) if the proposed action is further suspension of the authority—the proposed suspension period; and	32 33

- (d) an invitation to the crossing supervisor to show cause in writing, within a stated time of at least 28 days, why the proposed action should not be taken. 1
2
3
- ‘(3) The notice under subsection (2) may be combined with the notice given to the crossing supervisor under section 122M. 4
5
- ‘(4) Sections 122K and 122L apply to the proposed action as if the notice had been given under section 122J. 6
7
- ‘(5) Despite subsection (4), section 122K(1)(b)(ii) or (c)(ii) does not limit the chief executive’s powers to extend the period of suspension under section 122N(3). 8
9
10

‘122P Other amendments of authorities 11

- ‘(1) This section applies only if the chief executive proposes to amend a crossing supervisor’s authority— 12
13
- (a) for a formal or clerical reason; or 14
- (b) in another way that does not adversely affect the crossing supervisor’s interests; or 15
16
- (c) because the crossing supervisor asks. 17
- ‘(2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the crossing supervisor.’. 18
19
20

Clause 64 Amendment of s 124 (Facilitation of proof) 21

- (1) Section 124(1)(p)— 22
omit, insert— 23
- ‘(p) a certificate purporting to be signed by the chief executive, the commissioner or a superintendent stating a specified stop watch, other watch or speedometer has been tested and found to produce accurate results at the time of testing is evidence the stop watch, other watch or speedometer was producing accurate results at the time of testing and for 6 months after the day of testing;’. 24
25
26
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29
30
- (2) Section 124(1)(pa), ‘Australian Standard 2898.1’— 31
omit, insert— 32

	‘AS 2898.2: Radar speed detection—Operational procedures’.	1
(3)	Section 124(1)(pc), from ‘60 days’—	2
	<i>omit, insert—</i>	3
	‘6 months after the day of testing;’.	4
(4)	Section 124(1)(pd), ‘laser’—	5
	<i>omit, insert—</i>	6
	‘laser-based’.	7
Clause 65	Insertion of new s 129B	8
	After section 129A—	9
	<i>insert—</i>	10
‘129B	Disqualification period for person driving more than 40km/h over speed limit	11
		12
‘(1)	This section applies if—	13
	(a) a person is convicted of an offence against a regulation for driving more than 40km/h over the speed limit; and	14
		15
	(b) the court that convicts the person decides, under the <i>Penalties and Sentences Act 1992</i> , section 187, ⁸ to disqualify the person from holding or obtaining a driver licence for a period.’.	16
		17
		18
		19
‘(2)	The disqualification must be for a period of at least 6 months.’.	20
		21
Clause 66	Omission of s 132 (Appeals against licence suspension under regulations)	22
		23
	Section 132—	24
	<i>omit.</i>	25

8 *Penalties and Sentences Act 1992*, section 187 (Disqualification from holding driver licence)

Clause 67	Amendment of s 134 (Alteration and defacing of numbers etc.)	1 2
	(1) Section 134, heading—	3
	<i>omit, insert—</i>	4
'134	Altering, defacing or removing identifying numbers'.	5
	(2) Section 134(a), from 'any number' to 'such engine or chassis'—	6 7
	<i>omit, insert—</i>	8
	'an identifying number on a motor vehicle'.	9
	(3) Section 134(b), 'the engine or chassis of any motor vehicle any'—	10 11
	<i>omit, insert—</i>	12
	'a motor vehicle a'.	13
	(4) Section 134(b), 'the number of such engine or chassis'—	14
	<i>omit, insert—</i>	15
	'an identifying number'.	16
	(5) Section 134(b)(i), 'such engine or chassis'—	17
	<i>omit, insert—</i>	18
	'the motor vehicle'.	19
	(6) Section 134(b)(ii), 'such number on such engine or chassis, as the case may be'—	20 21
	<i>omit, insert—</i>	22
	'the identifying number on the motor vehicle'.	23
	(7) Section 134(c), 'the engine number or chassis number'—	24
	<i>omit, insert—</i>	25
	'an identifying number'.	26
	(8) Section 134(c), 'any engine number or chassis number'—	27
	<i>omit, insert—</i>	28
	'an identifying number'.	29
	(9) Section 134, penalty—	30

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omit, insert— 1

‘Maximum penalty—100 penalty units or 1 year’s 2
imprisonment.’. 3

Clause 68 Omission of s 138 (Scheme to facilitate children crossing streets) 4
5

Section 138— 6

omit. 7

Clause 69 Amendment of s 150 (Regulating driver management) 8

Section 150— 9

insert— 10

(1A) Without limiting subsection (1)(c), a regulation may provide 11
that a court may make orders, on the basis of special hardship, 12
authorising persons whose licences have been suspended to 13
continue to drive motor vehicles under the licences in stated 14
circumstances, including, for example— 15

(a) how applications for the orders are to be made; and 16

(b) the criteria to be used in deciding applications for the 17
orders; and 18

(c) the type of conditions that may be included in the 19
orders; and 20

(d) variation of the orders; and 21

(e) the consequences for failing to comply with the orders, 22
including, for example, the creation of offences and the 23
disqualification of persons from holding or obtaining 24
driver licences.’. 25

Clause 70 Insertion of new s 150A 26

Chapter 5, part 10, after section 150— 27

insert— 28

‘150A	Regulating form of licence	1
‘(1)	A regulation may provide for the form of a licence under this Act, including the information to be included on a licence.	2 3
‘(2)	Without limiting subsection (1), a regulation may provide that a licence under this Act may include information that identifies the holder of the licence as being the holder of a licence under another Act.	4 5 6 7
	<i>Example for subsection (2)—</i>	8
	A regulation may provide that a licence issued under this Act may include information indicating the holder of the licence also holds a licence under the <i>Transport Operations (Marine Safety) Act 1994</i> .	9 10 11
Clause 71	Insertion of new ch 7, pt 7	12
	After section 198—	13
	<i>insert—</i>	14
‘Part 7	Transitional provisions for the Transport Legislation Amendment Act 2005	15 16 17
‘199	Transitional provision for offences against s 85	18
‘(1)	This section applies if, after the commencement of this section—	19 20
	(a) a person is convicted of an offence against section 85(1); and	21 22
	(b) the act for which the person is convicted (the <i>relevant act</i>) happened before the commencement.	23 24
‘(2)	Section 85(6) applies to the conviction of the person as if the relevant act had happened after the commencement.	25 26
‘200	Transitional provision for evidentiary certificates under s 124	27 28
‘(1)	This section applies to a certificate under section 124(1)(p) or (pc) that was—	29 30
	(a) signed before the commencement of this section; and	31

(b)	in force immediately before the commencement.	1
‘(2)	The certificate continues to be evidence of the matters stated in it for the period it would have been evidence of the matters if this Act had not commenced.	2 3 4
‘201	Transitional provision for s 129B	5
‘(1)	This section applies if—	6
(a)	after the commencement of this section, a person is convicted of an offence against a regulation for driving more than 40km/h over the speed limit (the <i>driving at excessive speed</i>); and	7 8 9 10
(b)	the court that convicts the person decides, under the <i>Penalties and Sentences Act 1992</i> , section 187, ⁹ to disqualify the person from holding or obtaining a driver licence for a period; and	11 12 13 14
(c)	the driving at excessive speed for which the person is convicted happened before the commencement.	15 16
‘(2)	Section 129B(2) applies to the conviction of the person as if the driving at excessive speed had happened after the commencement.	17 18 19
‘202	Transitional regulation-making power	20
‘(1)	A regulation (a <i>transitional regulation</i>) may make provision about a matter for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of a section 132 regulation to the operation of a section 150(1A) regulation.	21 22 23 24 25
‘(2)	Without limiting subsection (1), a transitional regulation may provide that—	26 27
(a)	an appeal under a section 132 regulation is taken to be an application for an order under a section 150(1A) regulation; or	28 29 30

⁹ *Penalties and Sentences Act 1992*, section 187 (Disqualification from holding driver licence)

	(b) a court may make an order, under a section 150(1A) regulation, in relation to the suspension of a licence that occurred before the commencement of the regulation.	1 2 3
‘(3)	This section and a transitional regulation expire 5 years after the commencement of this section.	4 5
‘(4)	In this section—	6
	<i>section 132 regulation</i> means a regulation made under section 132, as in force before the commencement of this section.	7 8
	<i>section 150(1A) regulation</i> means a regulation under section 150(1A).	9 10
‘203	Transitional power for authorised schemes and crossing supervisors	11 12
‘(1)	If, immediately before the commencement, a scheme to help children safely cross roads was an authorised scheme under repealed section 138, on the commencement the scheme, with necessary changes, is taken to be an authorised scheme under chapter 5, part 7A as if it had been authorised under section 122A(1)(a).	13 14 15 16 17 18
‘(2)	If, immediately before the commencement, a person was a crossing supervisor under repealed section 138, on the commencement the person is taken to be a crossing supervisor under chapter 5, part 7A as if the person had been authorised under section 122A(1)(b).	19 20 21 22 23
‘(3)	An application under repealed section 138 to authorise a scheme, or authorise a person to perform a function or exercise a power under the scheme, made, but not decided, before the commencement may be decided under chapter 5, part 7A as if it were an application made under that part to authorise a scheme or authorise a person to perform a role.	24 25 26 27 28 29
‘(4)	In this section—	30
	<i>commencement</i> means the commencement of this section.	31
	<i>repealed section 138</i> means section 138, as in force immediately before the commencement of this section.’.	32 33

Clause 72	Replacement of sch 2 (Disqualifying offences—crossing supervisors)	1 2
	Schedule 2—	3
	<i>omit, insert—</i>	4
	‘Schedule 2 Disqualifying offences under the Criminal Code—crossing supervisors	5 6 7
	section 122, definition <i>disqualifying offence</i> , paragraph (b)	8
	section 226 (Supplying drugs or instruments to procure abortion)	9 10
	section 227 (Indecent acts)	11
	section 307 (Accessory after the fact to murder)	12
	section 308 (Threats to murder in document)	13
	section 314 (Concealing the birth of children)	14
	section 320 (Grievous bodily harm)	15
	section 321 (Attempting to injure by explosive or noxious substances)	16 17
	section 321A (Bomb hoaxes)	18
	section 323 (Wounding and similar acts)	19
	section 327 (Setting mantraps)	20
	section 328 (Negligent acts causing harm)	21
	section 335 (Common assault)	22
	section 339 (Assaults occasioning bodily harm)	23
	section 340 (Serious assaults)	24
	section 355 (Deprivation of liberty)	25
	section 356 (False certificates by officers charged with duties relating to liberty)	26 27

section 359 (Threats)	1
section 359E (Punishment of unlawful stalking)'.	2

Clause 73 Amendment of sch 3 (Reviewable decisions) 3

Schedule 3—	4
<i>insert—</i>	5

'122C	Refusing to authorise a person	Magistrates
122D	Imposing conditions on an authority	Magistrates
122K(1)	Amending, suspending or cancelling an authority	Magistrates
122M(1)	Immediately suspending an authority	Magistrates'.

Clause 74 Amendment of sch 4 (Dictionary) 6

(1)	Schedule 4, definitions <i>bicycle</i> , <i>criminal history</i> , <i>disqualifying offence</i> , <i>power-assisted bicycle</i> , <i>power-assisted cycle</i> , <i>power-assisted tricycle</i> , <i>power source</i> and <i>wheeled recreational device—</i>	7
		8
		9
		10
	<i>omit.</i>	11
(2)	Schedule 4—	12
	<i>insert—</i>	13
	'applicant , for chapter 5, part 7A, see section 122.	14
	authorised scheme , for chapter 5, part 7A, see section 122A(1)(a).	15
		16
	authority , for chapter 5, part 7A, see section 122.	17
	bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears, whether or not it has an auxiliary motor, and—	18
		19
		20
(a)	includes a pedicab, penny-farthing and tricycle; but	21
(b)	does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts whether or not the motor is operating.	22
		23
		24
		25
	chassis number , of a motor vehicle, means an identification number of the chassis that is permanently marked on the	26
		27

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- chassis or another part of the motor vehicle, but does not
include the motor vehicle's VIN. 1
2
- criminal history***— 3
- (a) for section 17B—see section 17B(5); and 4
- (b) for chapter 5, part 7A—see section 122. 5
- crossing supervisor***, for chapter 5, part 7A, see section
122A(1)(b). 6
7
- disqualifying offence***— 8
- (a) for chapter 5, part 7A—see section 122; and 9
- (b) otherwise—means an offence against the Criminal
Code. 10
11
- engine number***, of a motor vehicle, means an identification
number of the engine that is permanently marked on the
engine of the motor vehicle, but does not include the motor
vehicle's VIN. 12
13
14
15
- identifying number***, of a motor vehicle, means the motor
vehicle's— 16
17
- (a) chassis number; or 18
- (b) engine number; or 19
- (c) VIN. 20
- proposed action*** see section 122J. 21
- VIN***, of a motor vehicle, means the unique vehicle
identification number assigned to the motor vehicle. 22
23
- wheeled recreational device*** means a wheeled device, built to
transport a person, propelled by human power or gravity, and
ordinarily used for recreation and play, and— 24
25
26
- (a) includes rollerblades, rollerskates, a skateboard, scooter,
unicycle or similar wheeled device; but 27
28
- (b) does not include a golf buggy, pram, stroller or trolley, a
motor-assisted device (whether or not the motor is
operating), or a bicycle, wheelchair or wheeled toy.' 29
30
31

Part 7	Amendment of Transport Planning and Coordination Act 1994	1 2 3
Clause 75	Act amended in pt 7	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5 6
Clause 76	Amendment of s 3 (Definitions)	7
	Section 3, definition <i>public passenger transport infrastructure</i> —	8 9
	<i>insert</i> —	10
	‘(i) a road on which a public passenger service operates.’.	11
Clause 77	Amendment of s 8D (Impact of change of management of local government road on public passenger transport)	12 13
	(1) Section 8D(5)—	14
	<i>omit</i> .	15
	(2) Section 8D(6) to (8)—	16
	<i>renumber</i> as section 8D(5) to (7).	17
Clause 78	Amendment of s 8E (Guidelines for ss 8B-8D)	18
	(1) Section 8E(1)—	19
	<i>insert</i> —	20
	‘(c) making proposals in relation to the provision of public passenger transport.’.	21 22
	(2) Section 8E—	23
	<i>insert</i> —	24
	‘(1A) The guidelines may also include other matters relevant to subsection (1).’.	25 26

Clause 79	Amendment of s 36DA (Commissioner for Children and Young People)	1 2
	(1) Section 36DA, heading, after ‘Young People’—	3
	<i>insert—</i>	4
	‘and Child Guardian’.	5
	(2) Section 36DA(2), after ‘Young People’—	6
	<i>insert—</i>	7
	‘and Child Guardian’.	8
Part 8	Amendment of Transport (South Bank Corporation Area Land) Act 1999	9 10 11
Clause 80	Act amended in pt 8	12
	This part amends the <i>Transport (South Bank Corporation Area Land) Act 1999</i> .	13 14
Clause 81	Insertion of new pt 1, hdg	15
	Before section 1—	16
	<i>insert—</i>	17
	‘Part 1 Preliminary’.	18
Clause 82	Insertion of new pt 2, hdg	19
	After section 1—	20
	<i>insert—</i>	21
	‘Part 2 Provisions for construction of the busway in or about South Bank’.	22 23 24

Clause 83	Amendment of s 2 (Exclusion of land from South Bank Corporation area)	1 2
	Section 2, ‘the schedule’—	3
	<i>omit, insert</i> —	4
	‘schedule 1’.	5
Clause 84	Amendment of s 3 (Validation of certain notices of intention to resume)	6 7
	Section 3, ‘the schedule’—	8
	<i>omit, insert</i> —	9
	‘schedule 1’.	10
Clause 85	Amendment of s 4 (Effect of certain proclamations)	11
	Section 4(1), ‘the schedule’—	12
	<i>omit, insert</i> —	13
	‘schedule 1’.	14
Clause 86	Insertion of new pt 3	15
	After section 4—	16
	<i>insert</i> —	17
‘Part 3	Provisions on completion of construction of the busway in or about South Bank	18 19 20
‘5	Purpose of pt 3	21
	‘The purpose of this part is to provide for land dealt with in part 2, and other land, after the completion of the construction of the busway in or about South Bank.	22 23 24
‘6	Definitions for pt 3	25
	‘In this part—	26

corporation means the corporation established by the *South Bank Corporation Act 1989*. 1
2

corporation area means the corporation area as defined under the *South Bank Corporation Act 1989*. 3
4

‘7 Inclusion of land in corporation area 5

‘(1) The land mentioned in schedule 1 is taken to be included in the corporation area. 6
7

‘(2) Subsection (1) has effect, or is taken to have had effect— 8

(a) for the land mentioned in schedule 1, item 11, on 25 August 1998; and 9
10

(b) for the land mentioned in schedule 1, item 10, on 10 September 1998; and 11
12

(c) for the land mentioned in schedule 1, items 17, 18 and 20 to 23, on 22 April 1999; and 13
14

(d) for the land mentioned in schedule 1, items 1 to 9, 12 to 16 and 19, on the commencement of this section. 15
16

‘8 Exclusion of land from corporation area 17

‘(1) The land mentioned in schedule 2 is taken to be excluded from the corporation area as that area is varied by section 7. 18
19

‘(2) Subsection (1) has effect, or is taken to have had effect— 20

(a) for land mentioned in schedule 2, items 1 to 5, on 15 May 1998; and 21
22

(b) for land mentioned in schedule 2, item 6, on 25 August 1998; and 23
24

(c) for land mentioned in schedule 2, item 7, on 10 September 1998; and 25
26

(d) for land mentioned in schedule 2, items 8 to 11, on 22 April 1999; and 27
28

(e) for land mentioned in schedule 2, items 12 to 43, on the commencement of this section. 29
30

‘9	Ownership of particular land	1
	‘(1) On registration of the following plans the land described by reference to the following lots on the plans is vested in the State in fee simple—	2 3 4
	• Lot 111 on SP141936	5
	• Lot 112 on SP141937	6
	• Lot 116 on SP150310	7
	• Lot 138 on SP150332.	8
	‘(2) Any easement, lease, right, privilege or other interest in relation to the land mentioned in subsection (1) is, on the vesting of the land in the State, extinguished.	9 10 11
	‘(3) No compensation is payable for the extinguishment of an easement, lease, right, privilege or other interest under subsection (2).	12 13 14
‘10	Registrar may register instruments etc.	15
	‘(1) The registrar of titles may register all plans and other instruments and record the particulars of the lots in the freehold land register to give effect to section 9.	16 17 18
	‘(2) The registrar of titles may do anything necessary and convenient to give effect to sections 7 to 9.	19 20
‘11	Recording of vesting of land	21
	‘The registrar of titles or anyone else required or permitted to record particulars necessary to identify interests in land may, on the written request of the chief executive, record the particulars of any interest in land vested in the State under this part.	22 23 24 25 26
‘12	State may sign plans and other documents	27
	‘(1) This section applies if, under another Act, another entity is required to give approval to a plan or other instrument that is required to give effect to this part.	28 29 30

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- ‘(2) Despite that Act, the entity’s approval is not required and it is sufficient for the chief executive to—
- (a) give approval to the plan or other instrument; and
- (b) sign the plan or other instrument required to give effect to this part.
- ‘(3) Without limiting subsection (2), the *Integrated Planning Act 1997*, chapter 3, part 7, does not apply to a plan that is required to give effect to this part.
- ‘(4) If, under subsection (3), the *Integrated Planning Act 1997*, chapter 3, part 7, does not apply to a plan, the *Land Title Act 1994*, sections 50(g) and (h) and 83(2) do not apply to the registration of the plan.

- ‘13 Exemption from fees and charges**
- ‘No fee or charge, including any duty under the *Duties Act 2001*, is payable by the State, the corporation or Queensland Rail in relation to dealings with land to give effect to this part.

- ‘14 Management statement terminated**
- ‘On registration of the plans mentioned in section 9, a management statement relating to the land (*section 9 land*) described in that section, and in force immediately before the registration—
- (a) is terminated only to the extent it relates to the section 9 land; and
- (b) otherwise continues in force according to its terms to the extent it relates to land other than the section 9 land.’.

- Clause 87 Amendment of schedule (Land excluded from corporation area)**
- Schedule, heading and authorising section—
- omit, insert—*

‘Schedule 1 **Areas excluded from** 1
 corporation area for 2
 construction of busway in or 3
 about South Bank 4

sections 2 and 7’. 5

Clause 88 **Insertion of new sch 2** 6
 At the end of the Act— 7
 insert— 8

‘Schedule 2 **Areas excluded from** 9
 corporation area on 10
 completion of construction of 11
 busway in or about South Bank 12

section 8 13

- 1 Lot 115 on SP150309 14
- 2 Lot 117 on SP150311 15
- 3 Lot 139 on SP150333 16
- 4 Lot 140 on SP150334 17
- 5 Lot 70 on SP149284 18
- 6 Lot 4 on SP121757 19
- 7 Lot 5 on SP121758 20
- 8 Lot 111 on SP141936 21
- 9 Lot 112 on SP141937 22
- 10 Lot 116 on SP150310 23
- 11 Lot 138 on SP150332 24
- 12 Lot 118 on SP150312 25

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13	Lot 119 on SP150313	1
14	Lot 120 on SP150314	2
15	Lot 121 on SP150315	3
16	Lot 122 on SP150316	4
17	Lot 123 on SP150317	5
18	Lot 124 on SP150318	6
19	Lot 125 on SP150319	7
20	Lot 126 on SP150320	8
21	Lot 127 on SP150321	9
22	Lot 128 on SP150322	10
23	Lot 129 on SP150323	11
24	Lot 130 on SP150324	12
25	Lot 131 on SP150325	13
26	Lot 132 on SP150326	14
27	Lot 133 on SP150327	15
28	Lot 134 on SP150328	16
29	Lot 135 on SP150329	17
30	Lot 136 on SP150330	18
31	Lot 137 on SP150331	19
32	Lot 141 on SP150335	20
33	Lot 241 on SP157139	21
34	Lot 142 on SP150336	22
35	Lot 242 on SP157140	23
36	Lot 143 on SP150337	24
37	Lot 243 on SP157141	25
38	Lot 144 on SP150338	26
39	Lot 244 on SP157142	27
40	Lot 145 on SP150339	28
41	Lot 245 on SP157143	29

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- | | | |
|----|-----------------------|---|
| 42 | Lot 146 on SP150340 | 1 |
| 43 | Lot 246 on SP157144'. | 2 |

Part 9	Minor and consequential amendments	3
		4

- | | | |
|------------------|---|---|
| Clause 89 | Minor and consequential amendments | 5 |
| | The schedule amends the Acts it mentions. | 6 |

Schedule	Minor and consequential amendments	1 2
	section 89	3
	Commission for Children and Young People and Child Guardian Act 2000	4 5
1	Schedule 1, section 6F, ‘section 138.’ and footnote— <i>omit, insert—</i> ‘section 122A(1)(b).’.	6 7 8
	Integrated Planning Act 1997	9
1	Schedule 8, part 1, table 2, item 6 relating to public passenger transport— <i>renumber and relocate</i> as schedule 8, part 1, table 2, item 9.	10 11 12
2	Schedule 8, part 1, table 2, item 7 relating to railways— <i>renumber and relocate</i> as schedule 8, part 1, table 2, item 10.	13 14
	South Bank Corporation Act 1989	15
1	Section 106— <i>omit, insert—</i>	16 17
‘106	Application of Transport Infrastructure Act 1994 to corporation area ‘The <i>Transport Infrastructure Act 1994</i> , section 255, applies to the corporation area.’.	18 19 20 21

Schedule (continued)

2 Schedule 2—

omit, insert—

‘Schedule 2 Corporation area

section 3, definition *corporation area*

1
2
3
4



