

Queensland



TRANSPORT PLANNING AND COORDINATION ACT 1994

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Also see endnotes for information about—

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TRANSPORT PLANNING AND COORDINATION ACT 1994

[as amended by all amendments that commenced on or before 20 May 2004]

An Act about the planning and coordination of transport, and other matters for which the Minister is responsible

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Transport Planning and Coordination Act 1994*.

2 Objectives

The objectives of this Act are, within the government's overall policy agenda, to improve—

- (a) the economic, trade and regional development performance of Queensland; and
- (b) the quality of life of Queenslanders;

by achieving overall transport effectiveness and efficiency through strategic planning and management of transport resources.

3 Definitions

In this Act—

“busway transport infrastructure” has the meaning given in the *Transport Infrastructure Act 1994*, schedule 6.

“light rail transport infrastructure” has the meaning given in the *Transport Infrastructure Act 1994*, schedule 6.

“**SEQTA**” see section 10.

“**SEQTA area**” means the area declared under a regulation to be in the SEQTA area.

“**transport Act**” means an Act administered by the Minister, and includes this Act.

“**transport decision**” means a decision under a transport Act.

“**transport GOC**” means a GOC, or a candidate GOC (within the meaning of the *Government Owned Corporations Act 1993*), whose functions relate mainly to transport.

“**transport land**” means land that—

- (a) has been acquired for transport purposes or for an incidental or complementary purpose; and
- (b) is required for—
 - (i) the operations of a transport GOC; or
 - (ii) road transport infrastructure to which a road franchise agreement under the *Transport Infrastructure Act 1994*, chapter 6, part 6¹ applies; or
 - (iii) the operations of a person who is a railway manager under the *Transport Infrastructure Act 1994*, chapter 7;² or
 - (iv) busway transport infrastructure or bus passenger services; or
 - (v) light rail transport infrastructure or light rail passenger services.

“**transport purpose**” includes any purpose for which the Minister is responsible.

1 *Transport Infrastructure Act 1994*, chapter 6 (Road transport infrastructure), part 6 (Franchised roads)

2 *Transport Infrastructure Act 1994*, chapter 7 (Rail transport infrastructure and other matters)

PART 2—TRANSPORT COORDINATION PLAN

4 Development of transport coordination plan

(1) The chief executive must from time to time develop for the Minister's approval a transport coordination plan to provide a framework for strategic planning and management of transport resources in Queensland in accordance with the objectives of this Act.

(2) In developing a transport coordination plan, the chief executive must take reasonable steps to engage in public consultation.

(3) A transport coordination plan applies for the period specified in the plan, but the chief executive may, if it is appropriate in the circumstances, develop a new transport coordination plan for the Minister's approval even though the period has not ended.

(4) The Minister may, at any time, direct the chief executive to prepare a new transport coordination plan for the Minister's approval or to amend the current transport coordination plan in the way the Minister directs.

(5) The Minister may approve a transport coordination plan that is submitted for approval or require the chief executive to amend the plan in the way the Minister directs.

5 Contents of transport coordination plan

(1) A transport coordination plan must include—

- (a) a statement of the specific objectives sought to be achieved by the plan; and
- (b) criteria for deciding priorities for spending on transport; and
- (c) appropriate performance indicators for deciding whether, and to what extent, the objectives of the plan have been achieved.

(2) A transport coordination plan must also provide—

- (a) an adequate framework for the coordinated planning for transport; and
- (b) a way of achieving effective and efficient use of land for transport purposes.

6 Transport coordination plan to be consistent with overall strategic planning for government etc.

Each transport coordination plan must—

- (a) be consistent with the government's overall strategic planning for Queensland; and
- (b) for the SEQTA area—not be inconsistent with any integrated regional transport plan for the area; and
- (c) take into account—
 - (i) national transport strategies; and
 - (ii) regional transport and other development strategies; and
 - (iii) local government interests; and
 - (iv) the government's land use planning; and
 - (v) the government's environmental policies.

7 Tabling of transport coordination plan

The Minister must cause a copy of each transport coordination plan, and of each amendment of a transport coordination plan, approved by the Minister, to be tabled in the Legislative Assembly.

8 Effect of failure to comply with pt 2

(1) It is Parliament's intention that this part be complied with.

(2) However—

- (a) this part is directory only and does not create rights or impose legally enforceable obligations on the State, Minister, chief executive or anyone else; and
- (b) failure to comply with this part does not affect the validity of anything done or not done under this Act or another Act.

(3) In addition, a decision made, or appearing to be made, under this part—

- (a) is final and conclusive; and
- (b) cannot be challenged, appealed against, reviewed, quashed, set aside, or called in question in another way, under the *Judicial*

Review Act 1991 (whether by the Supreme Court, another court, a tribunal or another entity); and

- (c) is not subject to any writ or order of the Supreme Court, another court, a tribunal or another entity on any ground.

(4) In this section—

“**decision**” includes—

- (a) conduct engaged in to make a decision; and
- (b) conduct related to making a decision; and
- (c) failure to make a decision.

PART 3—THE SOUTH-EAST QUEENSLAND TRANSIT AUTHORITY

9 Object of part

(1) The object of this part is to establish a framework for the strategic planning and operation of an integrated transport system in south-east Queensland that ensures that the provision of the transport system is integrated with the objectives of land use planning.

(2) The object of this part includes increasing public passenger transport use in a way that takes account of social, economic and environmental influences of transport.

(3) The way the object of this part takes account of social, economic and environmental influences of transport includes—

- (a) ensuring, as far as is practicable, measures taken to achieve the object have minimal adverse effects on the environment; and
- (b) ensuring transport infrastructure is provided in a coordinated and efficient way; and
- (c) ensuring public passenger transport becomes a more desirable and effective travel alternative to private motor vehicles; and
- (d) ensuring road capacity is used efficiently by—
 - (i) investing in public transport; and

- (ii) developing travel demand management initiatives; and
- (e) providing—
 - (i) affordable public passenger transport services and ensuring better access to the services; and
 - (ii) a more flexible approach to the development and integration of public passenger transport systems; and
- (f) promoting urban development that maximises the use of public passenger transport; and
- (g) developing opportunities for people to walk or cycle.

(4) It is Parliament’s intention that the objects of this part be achieved in a way that reflects a cooperative relationship between public sector units and GOCs involved in the provision of transport infrastructure and operations.

10 The south-east Queensland transit authority

(1) An office called the South-East Queensland Transit Authority (“SEQTA”) is established.

(2) SEQTA consists of the chief executive of SEQTA and the staff of SEQTA.

10A SEQTA is excluded matter for Corporations Act

SEQTA is declared to be an excluded matter for the Corporations Act, section 5F in relation to the Corporations Act, parts 5.7 and 5.7B.³

11 Control of SEQTA

(1) Subject to the Minister, the SEQTA chief executive is to control SEQTA.

(2) Subsection (1) does not prevent the attachment of SEQTA to the department for ensuring that SEQTA is supplied with the administrative

³ Corporations Act, parts 5.7 (Winding up bodies other than companies) and 5.7B (Recovering property or compensation for the benefit of creditors of insolvent company)

support services it requires to carry out its functions effectively and efficiently.

12 Functions of SEQTA

(1) The principal function of SEQTA is to—

- (a) coordinate the strategic planning and operation of an integrated transport system in south-east Queensland; and
- (b) manage the allocation of funds to achieve this outcome.

(2) Without limiting subsection (1), SEQTA is to achieve its function by—

- (a) ensuring more effective integration of land use and transport planning by—
 - (i) evaluating the effectiveness of proposed and existing transport systems in the SEQTA area; and
 - (ii) developing and implementing integrated regional transport plans that complement the objectives of regional and land use plans in south-east Queensland; and
 - (iii) allocating transport funds to transport needs that provide the highest possible overall community benefit, taking into account social, environmental and economic considerations; and
- (b) ensuring the effective planning and development of transport infrastructure; and
- (c) setting standards for provision and operation of transport infrastructure and ensuring that they are observed; and
- (d) coordinating the delivery of integrated public passenger transport services; and
- (e) developing and implementing travel demand management initiatives, including marketing and promotion initiatives, to more efficiently use road capacity.

(3) In performing its functions, SEQTA must—

- (a) adopt a consultative role in the development of an integrated transport system for south-east Queensland; and

- (b) ensure, as far as practicable, that this part is administered in consultation with, and having regard to the views and interests of interested groups and persons and the community generally.

13 SEQTA's powers

(1) Subject to the Minister, the SEQTA chief executive has the functions and powers of the chief executive under a transport Act.

(2) However, the SEQTA chief executive has those powers only for achieving SEQTA's functions in the SEQTA area.

14 Staff of SEQTA

(1) The staff of SEQTA (including the chief executive) are to be employed under the *Public Service Act 1996*.

(2) To remove any doubt, the SEQTA chief executive is not the accountable officer under the *Financial Administration and Audit Act 1977*.

15 Development of integrated regional transport plan

(1) The SEQTA chief executive must from time to time develop for the Minister's approval an integrated regional transport plan for the SEQTA area.

(2) Part 2 applies to an integrated regional transport plan as if it were a transport coordination plan for the SEQTA area and the reference in part 2 to the chief executive were a reference to the SEQTA chief executive.

(3) If a proposed integrated regional transport plan is inconsistent with a transport coordination plan, the inconsistency must be resolved before the Minister approves the proposed integrated regional transport plan.

16 SEQTA board

There is a SEQTA board.

16A SEQTA board is excluded matter for Corporations Act

The SEQTA board is declared to be an excluded matter for the Corporations Act, section 5F in relation to the Corporations Act, parts 5.7 and 5.7B.

17 SEQTA board's composition

(1) The SEQTA board consists of the SEQTA chief executive and not more than 6 other members.

(2) The Minister is to appoint the members of the board.

(3) The Minister is to appoint 1 of the members as the chairperson of the board.

(4) The Minister must ensure, as far as practicable, the board's membership provides balanced representation of government and community interests appropriate to achieving SEQTA's functions.

18 Duration of appointment

(1) A SEQTA board member must be appointed for a term of not longer than 2 years.

(2) The office of a SEQTA board member becomes vacant if the member—

- (a) resigns by signed notice of resignation given to the Minister; or
- (b) is absent from 3 consecutive meetings of the board without the board's leave and without reasonable excuse; or
- (c) is convicted of an indictable offence; or
- (d) becomes—
 - (i) a contractor for SEQTA; or
 - (ii) an employee of a contractor for SEQTA; or
 - (iii) a member of SEQTA's staff (other than the SEQTA chief executive); or
- (e) is removed from office by the Minister under subsection (4).

(3) Subsection (2)(d)(i) and (ii) do not apply if the contractor is the State or a local government.

(4) The Minister may remove a SEQTA board member from office if the member—

- (a) engages in misbehaviour; or
- (b) becomes incapable of performing the duties of a member because of physical or mental incapacity; or
- (c) is incompetent; or
- (d) does anything else that, in the Minister's opinion, is a reasonable justification for removal from office; or
- (e) is convicted of an offence against a transport Act.

19 SEQTA board's functions

A regulation may prescribe the following about the SEQTA board—

- (a) the board's functions;
- (b) meetings, including meetings by telephone, closed circuit television or another form of electronic communication, and meeting procedures.

20 Effect of SEQTA board's decisions

To remove any doubt, a decision of the SEQTA board is advisory only and does not bind the State.

21 Fees and allowances

A member of the SEQTA board may be paid the fees and allowances approved by the Governor in Council.

22 Annual report

(1) Not later than 4 months after the end of each financial year, the SEQTA chief executive must prepare and give to the Minister a report on SEQTA's operations during the year.

(2) Without limiting subsection (1), the SEQTA chief executive must include in the report—

- (a) an outline of SEQTA's goals and objectives; and

- (b) particulars of SEQTA's principal activities for the year; and
- (c) an outline of SEQTA's organisational structure and resources; and
- (d) an assessment of the progress made towards achieving the objects of this part; and
- (e) a statement of how SEQTA has given effect to any integrated regional transport plan for the SEQTA area.

(3) The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the Minister receives it.

PART 4—FUNCTIONS, POWERS AND PROPERTY

23 Functions of chief executive not limited by implication

(1) No transport Act limits, by implication, the chief executive's functions under another Act or law.

Examples—

This Act (and the chief executive's functions under it) do not limit, by implication, the following functions under other Acts or laws—

1. The chief executive's responsibilities as chief executive under the *Public Service Management and Employment Act 1988*, especially section 12.⁴
2. The chief executive's functions as accountable officer under the *Financial Administration and Audit Act 1977*, especially section 36.
3. The chief executive's functions, at common law and under statute, as the person in control, under the Minister, of a department of government of the State.
4. The chief executive's functions under the *Transport Infrastructure Act 1994*, including, for example, the chief executive's functions for road transport infrastructure, busway transport infrastructure and light rail transport infrastructure under that Act.

(2) This section is enacted to remove any doubt about the chief executive's functions.

4 Now see the *Public Service Act 1996*, section 138.

(3) In this section—

“**function**” includes responsibility.

“**law**” includes any common law rule.

24 General powers of chief executive

(1) The chief executive has, under the Minister and as agent of the State, all the powers of the State that are necessary or desirable for performing the chief executive’s functions.

(2) Anything done in the name of, or for, the State by the chief executive in performing the chief executive’s functions is taken to have been done for, and binds, the State.

(3) Without limiting subsection (1), the chief executive may, for example, in performing the chief executive’s functions—

- (a) enter into arrangements, agreements, contracts and deeds; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) charge, and fix terms, for goods, services, facilities and information supplied; and
- (e) seal any document; and
- (f) do other things necessary or convenient to be done for, or in connection with, the chief executive’s functions.

(4) Without limiting subsection (1), the chief executive has the powers given to the chief executive under this or another Act or at common law.

(5) No transport Act limits, by implication, the powers that the chief executive has under another Act or law, and, in particular, no transport Act prevents, by implication—

- (a) the chief executive doing anything in trade or commerce; or
- (b) the chief executive doing anything outside Queensland, including outside Australia.

(6) However, the chief executive’s powers are subject to any restriction expressly imposed on the chief executive under this or another Act.

(7) This section is enacted to remove any doubt about the chief executive’s powers.

(8) In this section—

“**function**” includes responsibility.

“**law**” includes any common law rule.

“**power**” includes legal capacity.

“**restriction**” includes prohibition.

“**trade or commerce**” includes—

- (a) a business or professional activity; and
- (b) anything else done for gain or reward.

25 General powers regarding property

(1) The chief executive may, for the State, acquire, hold, dispose of or otherwise deal with property for the purposes of transport or for an incidental purpose.

(2) The power conferred by subsection (1) includes power to acquire land by resumption in accordance with this part if the land is, in the chief executive’s opinion, required for the purposes of transport or for an incidental purpose.

(3) In particular, the chief executive may, for the State, acquire property for any of the following purposes—

- (a) the facilitation of transport infrastructure;
- (b) the supply or improvement of facilities for users of transport infrastructure;
- (c) the amelioration of negative environmental effects associated with transport infrastructure;
- (d) the construction or relocation of ancillary works and encroachments and public utility plant within the meaning of the *Transport Infrastructure Act 1994*, chapter 6.

(4) In acquiring land under this part, the chief executive must have regard to any relevant provisions of—

- (a) the transport coordination plan; and
- (b) transport infrastructure strategies in force under the *Transport Infrastructure Act 1994*.

(5) The chief executive may have regard to any other matters the chief executive considers relevant.

(6) The power to acquire land under this part includes power to acquire land or an easement or other interest in land above or beneath the surface without acquiring rights in the surface.

(7) Subsection (6) applies to the acquisition of an easement even though the easement—

- (a) is not attached to, or used and enjoyed with, a dominant tenement; or
- (b) must not be used and enjoyed in common with any other person.

(8) The chief executive is a constructing authority within the meaning of the *Acquisition of Land Act 1967*.

(9) The chief executive may, as a constructing authority under the *Acquisition of Land Act 1967*, obtain or resume a lease of State land or some other interest in State land that is less than freehold.

(10) If the chief executive issues a notice of intention to resume a lease of State land, or some other interest in State land that is less than freehold, the chief executive must file a copy of the notice in the appropriate land register kept under the *Land Act 1994*.

(11) If the chief executive amends or discontinues a resumption mentioned in subsection (10), the chief executive must immediately file a notice of the amendment or discontinuance in the register.

(12) If an acquisition of land by the chief executive would sever land of the owner from other land of the owner, the chief executive may, with the Minister's approval, acquire by agreement or resumption the whole or a part of the severed area.

(13) Land acquired under this part may be described in the instrument acquiring the land in any way sufficient to identify the land.

26 Taking of land by the chief executive for future transport purposes

An acquisition of land that will be required at some future time for a purpose for which land may be taken under this Act by the chief executive is an acquisition of land for the purposes of this Act even if the time when the land will be required is indefinite or presently cannot be worked out.

26A Changing requirement for transport land

(1) This section applies to transport land taken under the *Acquisition of Land Act 1967* for a particular transport purpose.

(2) The Minister may, by gazette notice under this Act, declare that the land is required for another stated transport purpose.

(3) The land is taken to have been acquired for the other transport purpose from the day the declaration is published in the gazette.

(4) The *Acquisition of Land Act 1967*, section 41 does not apply to the land because of the change of purpose.

(5) This section does not affect any right of a person to compensation because of the acquisition.

(6) To remove doubt, it is declared that a declaration under subsection (2)—

- (a) is not an acquisition of the land; and
- (b) does not give a right to compensation.

27 Power of chief executive to lease, sell or otherwise dispose of land

(1) The chief executive may, for the State, lease, sell or otherwise dispose of transport land—

- (a) if the land is for busway transport infrastructure or bus passenger services—to any person for busway transport infrastructure or bus passenger services; or
- (b) if the land is for light rail transport infrastructure or light rail passenger services—to any person for light rail transport infrastructure or light rail passenger services; or
- (c) if the land is for a transport purpose other than a purpose mentioned in paragraph (a) or (b)—to a transport GOC or a franchisee or railway manager under the *Transport Infrastructure Act 1994*.

(2) Subsection (1) applies despite the *Acquisition of Land Act 1967*.

28 No compensation for works after notice of intention to resume or agreement to acquire

In deciding the amount of compensation payable to a person for land resumed under this part, regard must not be had to the value of works carried out on the land at a time after a notice of intention to resume the land has been sent to a person entitled to compensation for the land or agreement to acquire has been reached.

PART 4A—SPECIAL PROVISIONS FOR BUSWAYS**28A Definitions for pt 4A**

In this part—

“Acquisition Act” means the *Acquisition of Land Act 1967*.

“agreement” means an agreement under the Acquisition Act, section 15(1).

“busway” means—

- (a) a route especially designed and constructed for, and dedicated to, the priority movement of buses for passenger transport purposes; and
- (b) places for the taking on and letting off of bus passengers using the route.

“commencement” means the commencement of section 28B.

“constructing authority”, for a land acquisition, means the constructing authority for the land acquisition under the Acquisition Act.

“construction contract” means a contract concerning the construction of a busway.

“land acquisition” means the taking of land under the authority of this Act and the Acquisition Act if, regardless of the particular purpose for the taking of the land, the taking of land is concerned with the construction or proposed construction of a busway.

“notice of intention to resume” means a notice of intention to resume under the Acquisition Act.

“**taking of land**” means the taking of land—

- (a) under a gazette notice under the Acquisition Act, section 9(7), including as amended by any amending gazette notice under section 11 of that Act; or
- (b) under a gazette notice under the Acquisition Act, section 15(6A).

28B Busway land acquisition

(1) Subsections (2) and (3) apply to a land acquisition that—

- (a) happened before the commencement; or
- (b) happens after the commencement if—
 - (i) the notice of intention to resume for the land acquisition was served before the commencement; or
 - (ii) the date of the agreement for the land acquisition was earlier than the commencement.

(2) It is declared that the validity and effectiveness of the land acquisition was not, and is not, affected by—

- (a) whether the constructing authority was or is, or purported or purports to be—
 - (i) the chief executive with administrative responsibilities concerning matters connected with transport infrastructure; or
 - (ii) the chief executive with administrative responsibilities concerning matters connected with roads; or
- (b) for the application of the Acquisition Act, section 9 or 15, whether the person assuming the role of Minister was or is the Minister mentioned in the Acquisition Act, section 9(2), definition “**Minister**”, paragraph (b) or another Minister.

(3) It is declared that, despite anything done for the land acquisition, the constructing authority for the acquisition is taken to be, and always to have been, the chief executive with administrative responsibilities concerning matters connected with roads.

(4) Subsection (5) applies for achieving a valid and effective land acquisition after the commencement if—

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- (a) the notice of intention to resume for the land acquisition is served after the commencement; or
- (b) the date of the agreement for the land acquisition is later than the commencement.

(5) It is declared that—

- (a) the constructing authority for the land acquisition must be the chief executive with administrative responsibilities concerning matters connected with roads; and
- (b) for the application of the Acquisition Act, section 9 or 15, the person assuming the role of Minister must be the Minister mentioned in the Acquisition Act, section 9(2), definition “**Minister**”, paragraph (b).

(6) Despite anything in a notice of intention to resume or agreement for a land acquisition happening before or after the commencement, and despite any limitations or proposed limitations on the public use of the land the subject of the land acquisition, it is declared that the purposes of the land acquisition—

- (a) if happening before the commencement—are taken always to have included the purpose of roads; and
- (b) if happening after the commencement—are taken to include the purpose of roads.

28C Construction contracts

It is declared that the validity and effectiveness of a construction contract entered into before or after the commencement was not, and is not, affected by whether the entity entering into the contract for the State was or is—

- (a) the chief executive with administrative responsibilities concerning matters connected with transport infrastructure; or
- (b) the chief executive with administrative responsibilities concerning matters connected with roads.

PART 5—REVIEW OF AND APPEALS AGAINST DECISIONS

Division 1—General

29 What part applies to

(1) This part applies if a transport Act states that this part applies to—

- (a) a review of a decision (the **“original decision”**) under the transport Act; and
- (b) an appeal to a court stated in the transport Act (the **“appeal court”**) against a reviewed decision.

(2) However this part does not apply to a review of an appeal against a decision mentioned in the *Transport Operations (Marine Safety) Act 1994*, section 203⁵ except to the extent stated in that section.

30 Definitions

In this part—

“appeal court” see section 29(1).

“chief executive” means, if the original decision is made by the commissioner of the police service under the *Transport Operations (Road Use Management) Act 1995*, section 43—the commissioner.

“original decision” see section 29(1).

“reviewed decision” see section 34.

Division 2—Review of original decisions

31 Applying for review

(1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.

⁵ *Transport Operations (Marine Safety) Act 1994*, section 203 (Appeals)

(2) However, if—

- (a) the notice did not state the reasons for the original decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1);

the person may apply within 28 days after the person is given the statement of the reasons.

(3) In addition, the chief executive may extend the period for applying.

(4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

(1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the appeal court.

(2) The appeal court may stay the original decision to secure the effectiveness of the review and any later appeal to the court.

(3) In setting the time for hearing the application, the appeal court must allow at least 3 business days between the day the application is filed with it and the hearing day.

(4) The chief executive is a party to the application.

(5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the appeal court with it on the chief executive at least 2 business days before the hearing.

(6) The stay—

- (a) may be given on conditions the appeal court considers appropriate; and
- (b) operates for the period specified by the appeal court; and
- (c) may be revoked or amended by the appeal court.

(7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the appeal court allows the applicant to enable the applicant to appeal against the decision.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

33 Review panels

- (1) The chief executive may establish review panels for this part.
- (2) Subject to subsection (5), a review panel consists of persons nominated by the chief executive.
- (3) A member of a review panel may be paid the fees and allowances decided by the Governor in Council.
- (4) The chief executive may refer an application for a review of an original decision to a review panel for advice.
- (5) The person who made the original decision can not be a member of a review panel reviewing the decision.

34 Decision on review

- (1) A decision on an application for review of an original decision must be made within 28 days after the application is made.
- (2) If the chief executive was not the original decision maker, the chief executive, in reviewing the decision, has the same powers as the original decision maker.
- (3) If within the 28 days, the chief executive confirms or amends the original decision or substitutes another decision, the chief executive must give the applicant written notice (the “**decision notice**”) of the confirmed, amended or substituted decision (the “**reviewed decision**”).
- (4) The decision notice must state—
 - (a) the reasons for the reviewed decision; and
 - (b) that the applicant may, within 28 days, appeal against the reviewed decision to the appeal court.
- (5) However, if a decision is not made on the application within the 28 days, the chief executive is taken to have made a decision (also the “**reviewed decision**”) at the end of the 28 days confirming the original decision and the reasons given for it.
- (6) In appealing to the appeal court, the decision subject to appeal is the reviewed decision and not the original decision.

Division 3—Appeals against reviewed decisions**35 Time for making appeals**

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

36 Starting appeals

(1) An appeal must be started by—

- (a) filing a written notice of appeal with the appeal court; and
- (b) serving a copy of the notice on the chief executive.

(2) An appeal to a Magistrates Court or District Court may be made to the Magistrates Court or District Court nearest the place where the applicant resides or carries on business.

36A Stay of operation of reviewed decision

(1) If a person appeals against a reviewed decision to the appeal court, the person may immediately apply to the appeal court for a stay of the decision.

(2) The appeal court may stay the reviewed decision to secure the effectiveness of the appeal.

(3) In setting the time for hearing the stay application, the appeal court must allow at least 3 business days between the day the application is filed with it and the hearing day.

(4) The chief executive is a party to the application.

(5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the appeal court with it on the chief executive at least 2 business days before the hearing.

(6) The stay—

- (a) may be given on conditions that the appeal court considers appropriate; and
- (b) operates for the period specified by the appeal court, but not extending past the time when the court decides the appeal; and
- (c) may be revoked or amended by the appeal court.

(7) Apart from a stay of the operation of a decision, an appeal does not affect the operation or carrying out of the decision.

36B Powers of appeal court on appeal

(1) In deciding an appeal against a reviewed decision, the appeal court—

- (a) has the same powers as the person who made the original decision; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in court or in chambers.

(2) An appeal is by way of rehearing.

(3) The appeal court may—

- (a) confirm the reviewed decision; or
- (b) set aside the reviewed decision and substitute another decision that it considers appropriate; or
- (c) set aside the reviewed decision and return the issue to the person who made the original decision with the directions that it considers appropriate.

36C Effect of decision of appeal court on appeal

If the appeal court substitutes another decision for the reviewed decision, the substituted decision is, for the relevant provision of the transport Act, taken to be that of the person who made the original decision.

36D Assessors

If the judge hearing an appeal in a District Court is of the opinion that the appeal against a reviewed decision involves a question of special knowledge and skill, the judge may appoint 1 or more assessors to help the judge in deciding the appeal.

36DA Commissioner for Children and Young People

(1) This section applies if an appeal concerns a reviewed decision about driver authorisation if a driver disqualifying offence involving a child was relevant to the original decision.

(2) The Commissioner for Children and Young People may appear as a party.

(3) In this section—

“driver authorisation” means driver authorisation under the *Transport Operations (Passenger Transport) Act 1994*.

“driver disqualifying offence” means a driver disqualifying offence under the *Transport Operations (Passenger Transport) Act 1994*.

PART 6—GENERAL

36E Advisory committees

(1) The Minister may establish as many advisory committees as the Minister considers appropriate for the administration of a transport Act.

(2) An advisory committee has the functions the Minister decides.

(3) A member of an advisory committee may be paid the fees and allowances decided by the Governor in Council.

37 Delegation by the Minister or the chief executive

(1) The Minister, chief executive, or SEQTA chief executive (the **“delegator”**) may delegate to a person a power of the delegator under this or another Act.

(2) A power may be subdelegated if the delegation allows the subdelegation of the power.

38 Regulations

The Governor in Council may make regulations for the purposes of this Act.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 May 2004. Future amendments of the Transport Planning and Coordination Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	15 April 1994	27 April 1994
2	to 1994 Act No. 32	1 July 1994	19 July 1994
3	to 1995 Act No. 32	1 July 1995	7 July 1995
4	to 1995 Act No. 57	15 December 1995	29 January 1996
4A	to 1996 Act No. 37	1 December 1996	21 March 1997
4B	to 1997 Act No. 66	12 December 1997	13 January 1998
5	to 1997 Act No. 66	12 December 1997	14 January 1998
5A	to 2000 Act No. 40	21 December 2001	11 January 2002
5B	to 2002 Act No. 15	24 June 2002	24 June 2002
			(Column discontinued)
			Notes
5C	to 2002 Act No. 15	14 October 2002	
5D	to 2003 Act No. 54	1 December 2003	
5E	to 2004 Act No. 9	20 May 2004	

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

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Obsolete and redundant provisions	3
Renumbered provisions	4

6 List of legislation

Transport Planning and Coordination Act 1994 No. 2

date of assent 7 March 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 15 April 1994 (1994 SL No. 129)

amending legislation—

Transport Infrastructure Amendment Act 1994 No. 32 ss 1–2, 14 sch 1

date of assent 30 June 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1994 (see s 2)

Transport Operations (Road Use Management) Act 1995 No. 9 ss 1–2, 92 sch 1

date of assent 5 April 1995

commenced on date of assent (see s 2(1))

Transport Infrastructure Amendment (Rail) Act 1995 No. 32 pt 1, s 23 sch

date of assent 14 June 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1995 (see s 2(2), 1995 SL No. 162
ss 2(3), 19)

Transport Planning and Coordination Amendment Act 1995 No. 48 pts 1–2

date of assent 22 November 1995

ss 1–2 commenced on date of assent

remaining provisions commenced 15 December 1995 (1995 SL No. 365)

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Transport Legislation Amendment Act 1997 No. 66 pts 1, 9

date of assent 1 December 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 12 December 1997 (1997 SL No. 439)

Transport (Busway and Light Rail) Amendment Act 2000 No. 40 pts 1, 5

date of assent 13 October 2000

ss 1–2, 39 commenced on date of assent

pt 5 hdg, ss 33, 36–37 commenced 21 December 2001 (2001 SL No. 278)

remaining provisions commenced 14 October 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 183 s 2))

Transport Legislation Amendment Act 2002 No. 15 ss 1, 2(2), pt 10

date of assent 17 May 2002

ss 1–2 commenced on date of assent

remaining provisions commenced 24 June 2002 (2002 SL No. 140)

Transport Infrastructure Act 1994 No. 8 s 491(3) sch 5 (prev s 200A(3) sch 2B) (this Act is amended, see amending legislation below)

amending legislation—

Transport Infrastructure and Another Act Amendment Act 2003 No. 54 ss 1–2, 34, 39 (amends 1994 No. 8 above)

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2003 (2003 SL No. 294)

Transport and Other Legislation Amendment Act 2004 No. 9 s 1, pt 6

date of assent 20 May 2004

commenced on date of assent

7 List of annotations

This Act has been renumbered—see table of renumbered provisions in endnote 8.**Title** amd 1994 No. 32 s 14 sch 1**Objectives****s 2** prev s 2 om R3 (see RA s 37)**Definitions**

s 3 def “**busway transport infrastructure**” ins 2000 No. 40 s 34(1)
 amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39)
 def “**chief executive**” om R3 (see RA s 39)
 def “**light rail transport infrastructure**” ins 2000 No. 40 s 34(1)
 amd 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54 ss 34, 39)
 def “**SEQTA**” ins 1995 No. 48 s 4
 def “**SEQTA area**” ins 1995 No. 48 s 4
 def “**transport Act**” ins 1994 No. 32 s 14 sch 1
 def “**transport decision**” ins 1994 No. 32 s 14 sch 1
 def “**transport GOC**” ins 1995 No. 32 s 23 sch
 def “**transport land**” ins 1995 No. 32 s 23 sch
 amd 2000 No. 40 s 34(2); 1994 No. 8 s 491(3) sch 5 (amd 2003 No. 54
 ss 34, 39)
 def “**transport purpose**” ins 1994 No. 32 s 14 sch 1

Transport coordination plan to be consistent with overall strategic planning for government etc.

s 6 amd 1995 No. 48 s 5

Effect of failure to comply with pt 2s 8 prev s 8A renum as s 8B 1995 No. 32 s 23 sch
pres s 8 ins 1995 No. 9 s 92 sch**PART 3—THE SOUTH-EAST QUEENSLAND TRANSIT AUTHORITY**

pt hdg ins 1995 No. 48 s 6

Object of parts 9 ins 1995 No. 48 s 6
amd 1996 No. 37 s 147 sch 2**The south-east Queensland transit authority**

s 10 ins 1995 No. 48 s 6

SEQTA is excluded matter for Corporations Act

s 10A ins 2002 No. 15 s 64

Control of SEQTA

s 11 ins 1995 No. 48 s 6

Functions of SEQTA

s 12 ins 1995 No. 48 s 6

SEQTA's powers

s 13 ins 1995 No. 48 s 6

Staff of SEQTAs 14 prev s 14 om 1994 No. 32 s 14 sch 1
pres s 14 ins 1995 No. 48 s 6
amd 1996 No. 37 s 147 sch 2**Development of integrated regional transport plan**

s 15 ins 1995 No. 48 s 6

SEQTA board

s 16 ins 1995 No. 48 s 6

SEQTA board is excluded matter for Corporations Act

s 16A ins 2002 No. 15 s 65

SEQTA board's composition

s 17 ins 1995 No. 48 s 6

Duration of appointment

s 18 ins 1995 No. 48 s 6

SEQTA board's functions

s 19 ins 1995 No. 48 s 6

Effect of SEQTA board's decisions

s 20 ins 1995 No. 48 s 6

Fees and allowances

s 21 prev s 21 om 1995 No. 57 s 4 sch 1
pres s 21 ins 1995 No. 48 s 6

Annual report

s 22 ins 1995 No. 48 s 6

PART 4—FUNCTIONS, POWERS AND PROPERTY

pt hdg sub 1994 No. 32 s 14 sch 1

Functions of chief executive not limited by implication

s 23 prev s 23 om 1995 No. 57 s 4 sch 1
pres s 23 (prev s 8A) ins 1994 No. 32 s 14 sch 1
renum 1995 No. 32 s 23 sch
amd 2000 No. 40 s 35

General powers of chief executive

s 24 sub 1994 No. 32 s 14 sch 1

General powers regarding property

s 25 amd 1995 No. 32 s 23 sch; 2000 No. 40 s 36; 1994 No. 8 s 491(3) sch 5 (amd
2003 No. 54 ss 34, 39); 2004 No. 9 s 71

Changing requirement for transport land

s 26A ins 2000 No. 40 s 37

Power of chief executive to lease, sell or otherwise dispose of land

prov hdg amd 1995 No. 32 s 23 sch; 2000 No. 40 s 38(1)
s 27 prev s 27 ins 1995 No. 48 s 8
om R4 (see RA s 37)
pres s 27 amd 1994 No. 32 s 14 sch 1
sub 1995 No. 32 s 23 sch
amd 2000 No. 40 s 38(2)

PART 4A—SPECIAL PROVISIONS FOR BUSWAYS

pt 4A (ss 28A–28C) ins 2000 No. 40 s 39

PART 5—REVIEW OF AND APPEALS AGAINST DECISIONS

pt hdg sub 1997 No. 66 s 138

Division 1—General

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s 29 sub 1997 No. 66 s 138

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s 33 sub 1997 No. 66 s 138

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s 35 sub 1997 No. 66 s 138

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Powers of appeal court on appeal

s 36B ins 1997 No. 66 s 138

Effect of decision of appeal court on appeal

s 36C ins 1997 No. 66 s 138

Assessors

s 36D ins 1997 No. 66 s 138

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s 36DA ins 2004 No. 9 s 71A

Advisory committees

s 36E ins 1997 No. 66 s 139

Delegation by Minister or the chief executive

s 37 amd 1995 No. 48 s 7

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS [Reprint No. 4]
 under the Reprints Act 1992 s 43 as required by the Transport Planning and
 Coordination Act 1994 s 27

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3	2
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7(b)	7(c)
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Transport Planning and Coordination Act 1994

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