

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 119

made under the

Transport Operations (Passenger Transport) Act 1994

General Outline

Short title

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2015

Authorising law

Sections 12(2)(c), 24(2)(c), 111(2)(f) and 155 of the *Transport Operations (Passenger Transport) Act 1994*

Policy objectives and the reasons for them

Clarifying provisions relating to Gold Coast light rail

Gold Coast light rail operations commenced in 2014. GoldLinQ Pty Ltd (GoldLinQ) is the light rail manager/operator engaged by the State to build and operate the Gold Coast light rail system. As operator franchisee, GoldLinQ is accountable to the State for revenue and asset protection on the system.

Revenue protection and other enforcement activities on the public transport network are undertaken by ‘authorised persons’ appointed under the *Transport Operations (Passenger Transport) Act 1994*. The main roles of authorised persons are to reduce fare evasion and help ensure the safety and security of passengers and staff on the public transport network.

The *Transport Operations (Passenger Transport) Regulation 2005* allows the chief executive to appoint employees of the light rail manager/operator as authorised persons for the Gold Coast light rail and sets out the powers of these authorised persons. These provisions were introduced in 2011 to enable the light rail manager/operator to undertake effective revenue and asset protection on the light rail system once operations commenced.

Amendments will clarify that contractors for the light rail manager/operator, and employees of contractors, may be appointed by the chief executive as authorised persons for the Gold Coast light rail in addition to employees of the light rail manager/operator. The amendments will also clarify that the power of a light rail manager/operator to move abandoned, parked or left vehicles on the light rail system as a 'responsible person' extends to its contractors.

These amendments are consistent with the policy intent that the relevant statutory functions should be exercisable by the light rail operator franchisee and its contractors on the light rail system.

Exclusion of monorail and cableway services from operator accreditation and driver authorisation requirements

The *Transport Operations (Passenger Transport) Act 1994* requires operators and drivers of public passenger services to attain and maintain operator accreditation and driver authorisation respectively unless the service is excluded from these requirements under that Act or the *Transport Operations (Passenger Transport) Regulation 2005*.

Operator accreditation and driver authorisation requirements have never been applied to monorail or cableway services because they were considered to be a type of service that was exempt. However, monorail and cableway services are not expressly excluded by the existing provisions.

Amendments will clarify that operators and drivers of monorail and cableway services are exempt from requirements to hold operator accreditation and driver authorisation, consistent with the original policy intent and to provide certainty.

Correction of minor drafting error

The note to section 45 of the *Transport Operations (Passenger Transport) Regulation 2005* incorrectly references section 42A of the *Transport Operations (Passenger Transport) Act 1994* as applying to a public passenger service to which a regulation under section 36 (Market entry restrictions) applies. An amendment will remove the reference to section 42A from this note to correct this minor drafting error.

Achievement of policy objectives

Clarifying provisions relating to Gold Coast light rail

The amendments will achieve policy objectives by including contractors for the light rail manager/operator within the existing authorised person and responsible person provisions for light rail. This supports the efficient and safe operation of the Gold Coast light rail system by the light rail manager/operator and its contractors and is consistent with the original policy intent.

Exclusion of monorail and cableway services from operator accreditation and driver authorisation requirements

The amendments will achieve policy objectives by clarifying that operators and drivers of monorail and cableway services are exempt from requirements to hold operator accreditation and driver authorisation. This supports the existing policy position that these types of services are appropriately exempted and provides certainty regarding their treatment under these provisions.

Correction of minor drafting error

The amendment will achieve the objective of ensuring that the *Transport Operations (Passenger Transport) Regulation 2005* is accurate and consistent with its authorising law.

Consistency with policy objectives of authorising law

The amendments to the *Transport Operations (Passenger Transport) Regulation 2005* are consistent with the objectives in section 2 of the *Transport Operations (Passenger Transport) Act 1994* about providing a system of public passenger transport that is responsive to community needs and offers an attractive alternative to private transport; promoting the personal safety of persons using public transport; providing a reasonable level of community access and mobility; and keeping government regulation to a minimum.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The clarifying amendments relating to light rail are expected to benefit the operator and users of the Gold Coast light rail system by ensuring statutory functions supporting the operation of an efficient and safe public transport system can be exercised effectively for light rail.

The amendments relating to operator accreditation and driver authorisation will benefit monorail and cableway operators and drivers by confirming their exemption from these requirements.

The changes will not result in significant costs for government, industry or the community.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

The Department consulted with the Department of the Premier and Cabinet, Department of Justice and Attorney-General, Queensland Police Service, Queensland Treasury and the Office of Best Practice Regulation, Queensland Competition Authority on the proposed amendments.

All agencies consulted agree with the proposed amendments.

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