

Transport Operations (Passenger Transport) Amendment Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HRA), I, the Honourable Mark Bailey MP, Minister for Transport and Main Roads provide this human rights certificate with respect to the *Transport Operations (Passenger Transport) Amendment Regulation 2020* (the amendment regulation) made under the *Transport Operations (Passenger Transport) Act 1994*.

In my opinion, the amendment regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The purpose of the amendment regulation is to remove the requirement to reimburse concession fares for Integrated Regional Transport Agreements (IRTA). An IRTA is a proposed new type of standard service contract, which aims to streamline the administration of service contracts for certain service contract areas or routes across Queensland.

TOPTA currently provides that if a standard service contract requires the service contract holder to provide a concession fare to a class of person that is not prescribed in the regulation, the State must reimburse the service contract holder for the concession fare.

The amendment regulation will remove the requirement, under an IRTA, to reimburse the service contract holder for concession fares. The holder of an IRTA will instead estimate their revenue, including estimates of persons travelling on concession fares, as part of the bidding process. The amendment regulation does not change who is eligible for concession fares or the level of concession provided to the travelling public.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The amendment regulation does not raise a human rights issue.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The application of section 13 of the HRA has not been considered because the amendment regulation does not raise a human rights issue.

Conclusion

I consider that the amendment regulation is compatible with the HRA because it does not raise a human rights issue.

Mark Bailey MP
Minister of Transport and Main Roads

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