



*I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,  
Brisbane,*

*W. R. K. R.*  
The Clerk of the Parliament.  
*5th September 2014*

*In the name and on behalf of the Queen, I assent to this Bill.*

*Paul de Jersey*  
Government House,  
Brisbane,

*5th September 2014*



Queensland

**No. 43 of 2014**  
**A BILL for**

**An Act to amend the Adult Proof of Age Card Act 2008, the G20 (Safety and Security) Act 2013, the Heavy Vehicle National Law Act 2012, the Mineral Resources Act 1989, the Police Powers and Responsibilities Act 2000, the Transport Infrastructure Act 1994, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, and the Transport Planning and Coordination Act 1994, and to make consequential or minor amendments of the Acts mentioned in schedule 1, for particular purposes**





## Queensland

# Transport and Other Legislation Amendment Bill 2014

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Short title . . . . . 10
2	Commencement . . . . . 10
<b>Part 2</b>	<b>Amendment of Adult Proof of Age Card Act 2008</b>
3	Act amended . . . . . 11
4	Amendment of s 36 (Restricted access to information electronically stored on card) . . . . . 11
<b>Part 2A</b>	<b>Amendment of G20 (Safety and Security) Act 2013</b>
4A	Act amended . . . . . 11
4B	Amendment of sch 1 (Application of Act to declared areas and restricted areas) . . . . . 12
<b>Part 3</b>	<b>Amendment of Heavy Vehicle National Law Act 2012</b>
5	Act amended . . . . . 14
6	Amendment of schedule, s 468 (Driver must carry accreditation details) 14
7	Amendment of schedule, s 469 (Driver must return particular documents if stops operating under accreditation etc.) . . . . . 15
8	Amendment of schedule, s 470 (General requirements applying to operator with heavy vehicle accreditation) . . . . . 15
<b>Part 4</b>	<b>Amendment of Mineral Resources Act 1989</b>
9	Act amended . . . . . 16
10	Amendment of s 271A (Deciding mining lease application) . . . . . 16
11	Amendment of s 404A (Distance of excavation from railway works) 17
12	Insertion of new ch 15, pt 7 . . . . . 17
Part 7	Transitional provisions for Transport and Other Legislation Amendment Act 2014
817	Mining lease application not decided before the commencement . . . . . 18

Contents

---

13	Amendment of sch 2 (Dictionary) . . . . .	18
<b>Part 5</b>	<b>Amendment of Police Powers and Responsibilities Act 2000</b>	
14	Act amended . . . . .	19
15	Amendment of s 22 (Power to enter etc. for relevant laws) . . . . .	19
16	Amendment of s 195A (Definitions for pt 5A) . . . . .	20
17	Amendment of ch 7, pt 5A, div 4, hdg (Accessing information stored electronically on a prescribed document) . . . . .	20
18	Amendment of s 195I (Accessing information stored electronically on a prescribed document) . . . . .	20
19	Amendment of s 195J (Giving copy of access approval order to relevant entity) . . . . .	21
20	Amendment of s 754 (Offence for driver of motor vehicle to fail to stop motor vehicle) . . . . .	21
21	Amendment of sch 6 (Dictionary) . . . . .	22
<b>Part 6</b>	<b>Amendment of Transport Infrastructure Act 1994</b>	
22	Act amended . . . . .	22
23	Amendment of s 24 (Declaration of State-controlled roads) . . . . .	22
24	Amendment of s 29 (Powers of chief executive for road works contracts etc.) . . . . .	22
25	Amendment of s 35 (Temporary occupation and use of land) . . . . .	23
26	Amendment of s 36 (Notice of entry or permission to enter) . . . . .	23
27	Insertion of new s 84CB . . . . .	25
	84CB Effect of State toll road corridor land declaration on State-controlled road declaration . . . . .	25
28	Amendment of s 99 (Notice to vehicle's registered operator) . . . . .	25
29	Insertion of new s 105JAB . . . . .	26
	105JAB Effect of local government tollway corridor land declaration on State-controlled road declaration . . . . .	26
30	Amendment of s 105ZH (Notice to vehicle's registered operator) . . . . .	26
31	Amendment of s 110 (How to apply for a rail feasibility investigator's authority) . . . . .	26
32	Amendment of s 240 (Sublease of land to railway managers) . . . . .	27
33	Amendment of s 283ZZC (Restriction on designation for community infrastructure) . . . . .	28
34	Amendment of s 297 (Functions) . . . . .	28
35	Amendment of s 299 (When land may be entered, occupied or used) . . . . .	28
36	Amendment of s 301 (Definition for pt 3) . . . . .	29
37	Amendment of s 303AB (Licence in relation to busway land or busway transport infrastructure) . . . . .	29

38	Omission of ss 303A–303C . . . . .	30
39	Omission of ch 9, pt 4, div 3 (Ancillary works and encroachments) . . . . .	30
40	Amendment of s 336 (Who may drive on a busway) . . . . .	30
41	Omission of ch 9, pt 6 (Busway safety officers) . . . . .	30
42	Amendment of s 348 (Functions) . . . . .	30
43	Amendment of s 350 (When land may be entered, occupied or used) . . . . .	31
44	Amendment of s 355A (Licence in relation to light rail land or infrastructure) . . . . .	32
45	Amendment of s 475ZG (Definitions for ch 15A) . . . . .	32
46	Amendment of s 475ZI (Declaration of transport interface management area) . . . . .	34
47	Insertion of new s 477AA . . . . .	34
	477AA Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act . . . . .	34
48	Amendment of s 477F (Watercourse crossings) . . . . .	35
49	Replacement of s 477G (Chief executive may approve a compliance management plan) . . . . .	36
	477G Chief executive may approve a compliance management plan . . . . .	36
50	Insertion of new s 477H . . . . .	39
	477H Chief executive may make a compliance management plan . . . . .	39
51	Amendment of s 488 (Altering materials etc.) . . . . .	41
52	Amendment of s 489 (Recovery of cost of damage) . . . . .	42
53	Insertion of new ch 21, pt 4 . . . . .	42
	Part 4 Transitional provisions for Transport and Other Legislation Amendment Act 2014 . . . . .	
	582 Recovery of chief executive's costs for rail feasibility investigator's authority . . . . .	42
54	Amendment of sch 6 (Dictionary) . . . . .	42
<b>Part 7</b>	<b>Amendment of Transport Operations (Marine Safety) Act 1994</b> . . . . .	
55	Act amended . . . . .	46
56	Amendment of s 54 (Amendment of standards) . . . . .	46
57	Amendment of s 63F (Restricted access to information stored electronically on a smartcard marine licence indicator) . . . . .	47
<b>Part 8</b>	<b>Amendment of Transport Operations (Passenger Transport) Act 1994</b> . . . . .	
58	Act amended . . . . .	48

Contents

---

59	Amendment of s 41 (Other matters to be included in service contracts)	48
60	Amendment of s 42 (Declaration that service contracts are required)	48
61	Amendment of s 42B (Amendment of service contract area or route)	48
62	Replacement of s 51 (Conditions of funding) . . . . .	49
	51        Concessions under a service contract . . . . .	49
63	Amendment of s 99 (Amendment of standards). . . . .	49
64	Insertion of new s 126DA . . . . .	50
	126DA    Forfeiture on conviction . . . . .	51
65	Amendment of s 143AA (Definitions for ch 11A) . . . . .	51
66	Amendment of s 143ADA (Power to require production of tickets)	51
67	Amendment of s 143ADB (Evidence of concession entitlement) .	52
68	Omission of s 143AF (Creating disturbance or nuisance on or in public transport infrastructure or vehicle) . . . . .	52
69	Amendment of s 143AHA (Power to require person to leave public transport infrastructure if person committing particular offences)	53
70	Insertion of new ss 143AHC and 143AHD . . . . .	53
	143AHC    Direction to ensure orderly movement . . . . .	53
	143AHD    Direction to ensure safety and security . . . . .	53
71	Amendment of s 143AJ (Person given direction to be told particular things). . . . .	54
72	Insertion of new s 143C . . . . .	54
	143C        Unclaimed credit on smartcards. . . . .	54
73	Amendment of s 155 (Regulation-making power) . . . . .	55
74	Insertion of new ch 13, pt 14 . . . . .	55
	Part 14        Validation provisions for Transport and Other Legislation Amendment Act 2014	
	203        Extended services under integrated mass transit service contracts. . . . .	55
	204        Extended services under standard service contracts. . . . .	56
75	Amendment of sch 1A (Driver disqualification offences) . . . . .	56
76	Amendment of sch 3 (Dictionary). . . . .	57
<b>Part 9</b>	<b>Amendment of Transport Operations (Road Use Management) Act 1995</b>	
77	Act amended . . . . .	59
78	Amendment of s 60 (Evidentiary aids) . . . . .	59
79	Amendment of s 62 (Proceedings for offences) . . . . .	59

80	Amendment of s 77 (Restricted written or electronic release of person's prescribed authority and traffic history information) . . . . .	59
81	Insertion of new s 77AB . . . . .	61
	77AB      Confirming Queensland driver licence is valid . . . . .	61
82	Amendment of s 78 (Driving of motor vehicle without a driver licence prohibited) . . . . .	62
83	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests) . . . . .	62
84	Insertion of new s 84A . . . . .	63
	84A      Driving of motor vehicles carrying placard loads in tunnels	63
85	Amendment of s 85 (Racing and speed trials on roads) . . . . .	65
86	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences) . . . . .	65
87	Amendment of s 87 (Issue of restricted licence to disqualified person)	65
88	Amendment of s 90C (Cumulative periods of disqualification for acts done and offences committed at same time) . . . . .	66
89	Amendment of s 91F (Restricted access to information stored electronically on a smartcard driver licence) . . . . .	66
90	Amendment of s 91W (Driving a motor vehicle other than as allowed under an interlock condition) . . . . .	66
91	Amendment of s 91X (Noncompliance with restrictions applying to interlock exemption) . . . . .	67
92	Amendment of s 92 (Duties and liabilities of drivers involved in road incidents) . . . . .	67
93	Amendment of s 113 (Definitions for div 2) . . . . .	68
94	Insertion of new s 113A . . . . .	69
	113A      Photographic detection device defined. . . . .	69
95	Amendment of s 114 (Offences detected by photographic detection device) . . . . .	70
96	Amendment of s 115 (Limitation of prosecution period extended in particular circumstances) . . . . .	72
97	Amendment of s 116 (Notice accompanying summons) . . . . .	72
98	Amendment of s 118 (Photographic evidence—inspection) . . . . .	72
99	Amendment of s 119 (Notice of dispute about traffic control device or sign) . . . . .	72
100	Amendment of s 120 (Evidentiary provisions) . . . . .	73
101	Amendment of s 127 (Effect of disqualification) . . . . .	73
102	Replacement of s 133 (Occupiers of garages etc. to keep register of repairs) . . . . .	73

Contents

---

	133	Business owner to record information about repairs and painting. . . . .	73
	133A	When information in s 133 must be recorded. . . . .	76
	133B	How long information in s 133 must be kept. . . . .	77
103		Amendment of s 140 (Service if address unknown etc.) . . . . .	77
104		Amendment of s 151 (Application of ch 5A) . . . . .	78
105		Insertion of new s 166A . . . . .	78
	166A	Toll officers . . . . .	78
106		Insertion of new ch 7, pt 18 . . . . .	79
	Part 18	Transitional provision for Transport and Other Legislation Amendment Act 2014	
	227	Keeping register under former s 133 . . . . .	79
107		Amendment of sch 4 (Dictionary) . . . . .	80
<b>Part 10</b>		<b>Amendment of Transport Planning and Coordination Act 1994</b>	
108		Act amended . . . . .	81
109		Amendment of s 3 (Definitions) . . . . .	81
110		Insertion of new pt 4, div 1, hdg . . . . .	82
	Division 1	General	
111		Amendment of s 25 (General powers regarding property) . . . . .	82
112		Amendment of s 27A (Power of chief executive to dispose of land) . . . . .	82
113		Insertion of new pt 4, div 2 . . . . .	83
	Division 2	Transport easement for support	
	28AB	Definitions for div 2 . . . . .	83
	28AC	Meaning of transport easement for support . . . . .	84
	28AD	Application of div 2 . . . . .	85
	28AE	Rights and liabilities relating to benefited land and burdened land. . . . .	85
	28AF	Notice of entry . . . . .	86
	28AG	Continuation of transport easement for support. . . . .	87
	28AH	Terms bind successors in title . . . . .	88
114		Omission of s 36H (Storing emergency contact information electronically on a relevant prescribed document) . . . . .	89
115		Insertion of new s 36H . . . . .	89
	36H	Service of document by post . . . . .	89
116		Insertion of new pt 7. . . . .	89
	Part 7	Transitional provision for the Transport and Other Legislation Amendment Act 2014	

---



---

	39	Easement for support registered before commencement	90
<b>Part 11</b>		<b>Minor and consequential amendments</b>	
117		Legislation amended in schedule 1 . . . . .	90
<b>Schedule 1</b>		<b>Minor and consequential amendments</b> . . . . .	91
		Maritime Safety Queensland Act 2002 . . . . .	91
		Transport Infrastructure Act 1994 . . . . .	91
		Transport Operations (Road Use Management) Act 1995 . . . . .	98
		Transport Planning and Coordination Act 1994 . . . . .	101



# 2014

---

## A Bill

for

***An Act to amend the *Adult Proof of Age Card Act 2008*, the *G20 (Safety and Security) Act 2013*, the *Heavy Vehicle National Law Act 2012*, the *Mineral Resources Act 1989*, the *Police Powers and Responsibilities Act 2000*, the *Transport Infrastructure Act 1994*, the *Transport Operations (Marine Safety) Act 1994*, the *Transport Operations (Passenger Transport) Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, and the *Transport Planning and Coordination Act 1994*, and to make consequential or minor amendments of the Acts mentioned in schedule 1, for particular purposes***

---

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Transport and Other Legislation Amendment Act 2014*.

### **2 Commencement**

The following provisions commence on a day to be fixed by proclamation—

- (a) part 3;
- (b) sections 15, 28, 30 and 41;
- (c) section 54(2);
- (d) sections 59, 62, 64, 67 to 71, and 73;
- (e) section 76(2), (4), (5), (7), (8) and (9);
- (f) sections 78, 79 and 81;
- (g) section 82(1), (2) and (4);
- (h) sections 84, 88, 92 to 100, and 102 to 106;
- (i) section 107(2), (4), (5) and (6);
- (j) section 115;
- (k) schedule 1, amendments for the *Transport Infrastructure Act 1994*, amendment 40.

## **Part 2                      Amendment of Adult Proof of Age Card Act 2008**

### **3            Act amended**

This part amends the *Adult Proof of Age Card Act 2008*.

### **4            Amendment of s 36 (Restricted access to information electronically stored on card)**

- (1) Section 36(1)(c)—  
*omit.*
- (2) Section 36(1)(d), ‘subject to subsection (2),’—  
*omit.*
- (3) Section 36(1)(d)—  
*renumber* as section 36(1)(c).
- (4) Section 36(2)—  
*omit.*
- (5) Section 36(3), definition *emergency contact information*—  
*omit.*
- (6) Section 36(3)—  
*renumber* as section 36(2).

## **Part 2A                      Amendment of G20 (Safety and Security) Act 2013**

### **4A          Act amended**

This part amends the *G20 (Safety and Security) Act 2013*.

[s 4B]

---

**4B Amendment of sch 1 (Application of Act to declared areas and restricted areas)**

- (1) Schedule 1, part 1, from ‘This Act’ to ‘22 September 2014—’—

*omit, insert—*

**1 Core declared areas and core restricted areas**

This Act applies to an area mentioned in column 1 of the following table from the date stated in column 2 to 22 September 2014—

- (2) Schedule 1, section 1, table, last entry—

*omit.*

- (3) Schedule 1, part 1—

*insert—*

**2 Additional declared areas and additional restricted areas**

This Act applies to an area mentioned in column 1 of the following table from the date stated in column 2 to the date stated in column 3—

Column 1 Area	Column 2 Date from which Act applies	Column 3 Date Act stops applying
an area in Cairns declared as an additional declared area or additional restricted area	the date stated in the regulation or order declaring the area as the date from which this Act applies to the area	the date stated in the regulation or order declaring the area as the date this Act stops applying to the area

- (4) Schedule 1, part 2, from ‘This Act’ to ‘17 November 2014—’—

*omit, insert—*

**3 Core declared areas and core restricted areas**

This Act applies to an area mentioned in column 1 of the following table from the date stated in column 2 to 17 November 2014—

- (5) Schedule 1, section 3, table, last entry—

*omit.*

- (6) Schedule 1, part 2—

*insert—*

#### **4 Additional declared areas and additional restricted areas**

This Act applies to an area mentioned in column 1 of the following table from the date stated in column 2 to the date stated in column 3—

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area</b>	<b>Date from which Act applies</b>	<b>Date Act stops applying</b>
an area in Brisbane declared as an additional declared area or additional restricted area	the date stated in the regulation or order declaring the area as the date from which this Act applies to the area	the date stated in the regulation or order declaring the area as the date this Act stops applying to the area

- (7) Schedule 1—

*insert—*

### **Part 3 Other declared areas and restricted areas**

#### **5 Other declared areas and restricted areas**

This Act applies to an area mentioned in column 1 of the following table from the date stated in column 2 to the date stated in column 3—

[s 5]

---

Column 1 Area	Column 2 Date from which Act applies	Column 3 Date Act stops applying
an area that is not in Brisbane or Cairns and is declared as an additional declared area or additional restricted area	the date stated in the regulation or order declaring the area as the date from which this Act applies to the area	the date stated in the regulation or order declaring the area as the date this Act stops applying to the area

## Part 3                      Amendment of Heavy Vehicle National Law Act 2012

### 5            Act amended

This part amends the *Heavy Vehicle National Law Act 2012* by amending the Heavy Vehicle National Law set out in the Schedule to that Act.

### 6            Amendment of schedule, s 468 (Driver must carry accreditation details)

- (1) Schedule, section 468, heading, after ‘Driver’—  
*insert—*

**operating under BFM accreditation or AFM  
accreditation**

- (2) Schedule, section 468(1), ‘heavy vehicle accreditation’—  
*omit, insert—*

**BFM accreditation or AFM accreditation**



**7 Amendment of schedule, s 469 (Driver must return particular documents if stops operating under accreditation etc.)**

- (1) Schedule, section 469, heading, after ‘under’—  
*insert—*

**BFM accreditation or AFM**

- (2) Schedule, section 469(1)(a) and (c), ‘heavy vehicle accreditation’—  
*omit, insert—*

BFM accreditation or AFM accreditation

**8 Amendment of schedule, s 470 (General requirements applying to operator with heavy vehicle accreditation)**

- (1) Schedule, section 470(2), ‘The operator’—  
*omit, insert—*

If the accreditation is BFM accreditation or AFM accreditation, the operator

- (2) Schedule, section 470(4)(b)—  
*omit, insert—*

(b) if the operator’s heavy vehicle accreditation is BFM accreditation or AFM accreditation—

- (i) a current list of drivers operating under the operator’s accreditation; and  
(ii) records demonstrating the operator has complied with—

(A) if the operator’s heavy vehicle accreditation is BFM accreditation—subsection (2); or

(B) if the operator’s heavy vehicle accreditation is AFM

[s 9]

---

accreditation—subsections (2) and (3); and

(3) Schedule, section 470(4)(d)—

*omit.*

(4) Schedule, section 470(5)(b) and (c)—

*omit, insert—*

(b) for each list or record made under subsection (4)(b) or (c)—at least 3 years after the list or record is made.

(5) Schedule, section 470(7)(a), ‘subsection (4)(b)’—

*omit, insert—*

subsection (4)(b)(i)

## **Part 4                      Amendment of Mineral Resources Act 1989**

### **9            Act amended**

This part amends the *Mineral Resources Act 1989*.

### **10          Amendment of s 271A (Deciding mining lease application)**

(1) Section 271A—

*insert—*

(2A) Also, a mining lease may only be granted for land below the surface of the whole or part of a reserve that is rail corridor land if—

(a) the owner of the land has given written consent to the grant for the land below the

surface and the applicant has lodged the consent with the chief executive; or

- (b) the Governor in Council has consented to the grant for the land below the surface.

- (2) Section 271A(2A) and (3)—  
*renumber* as section 271A(3) and (4).

**11 Amendment of s 404A (Distance of excavation from railway works)**

- (1) Section 404A(2), ‘the land less than 12m horizontally, or 15m vertically, from’—

*omit, insert—*

land near the railway works if the excavation is likely to adversely affect

- (2) Section 404A(3)(a), ‘chief executive officer of the railway manager for the railway’—

*omit, insert—*

owner of the rail corridor land where the railway works are situated

- (3) Section 404A(4), definition *railway manager*—

*omit.*

**12 Insertion of new ch 15, pt 7**

Chapter 15—

*insert—*

[s 13]

---

## **Part 7                      Transitional provisions for Transport and Other Legislation Amendment Act 2014**

### **817 Mining lease application not decided before the commencement**

- (1) This section applies to a mining lease application for land mentioned in section 271A that, on the commencement of this section, has not been decided by the Minister.
- (2) Section 271A(3) applies to the application.

### **13            Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *rail corridor land*—  
*omit.*
- (2) Schedule 2—  
*insert—*

*rail corridor land* means—

- (a) existing rail corridor land or new rail corridor land under the *Transport Infrastructure Act 1994*; or
  - (b) land taken or acquired under the *State Development and Public Works Organisation Act 1971* for the purpose of a railway.
- (3) Schedule 2, definition *owner*, paragraph (j), from ‘the Minister’—  
*omit, insert—*
    - (i) if the rail corridor land is existing rail corridor land or new rail corridor land under the *Transport Infrastructure Act*

1994—the Minister administering chapter 7 of that Act; or

- (ii) if the rail corridor land is land taken or acquired under the *State Development and Public Works Organisation Act 1971* for the purpose of a railway—the Coordinator-General under that Act.

## **Part 5                      Amendment of Police Powers and Responsibilities Act 2000**

### **14        Act amended**

This part amends the *Police Powers and Responsibilities Act 2000*.

### **15        Amendment of s 22 (Power to enter etc. for relevant laws)**

- (1) Section 22(4)(b), ‘keep a register’—

*omit, insert—*

record information

- (2) Section 22(5)(a), ‘or (b)’—

*omit.*

- (3) After section 22(5)(a)—

*insert—*

- (aa) a place used by a person to carry out activities for which information must be recorded as mentioned in subsection (4)(b);

[s 16]

---

**16 Amendment of s 195A (Definitions for pt 5A)**

- (1) Section 195A, definitions *adult proof of age card*, *emergency contact information*, *marine licence indicator*, *prescribed document* and *relevant entity*—

*omit.*

- (2) Section 195A—

*insert—*

*relevant entity*, for a registered digital photo, means—

- (a) for a registered digital photo kept under the *Transport Operations (Marine Safety) Act 1994*—
- (i) the chief executive of the department in which that Act is administered; or
- (ii) the general manager appointed under the *Maritime Safety Queensland Act 2002*; or
- (b) for a registered digital photo kept under another prescribed smartcard Act—the chief executive of the department in which the prescribed smartcard Act is administered.

**17 Amendment of ch 7, pt 5A, div 4, hdg (Accessing information stored electronically on a prescribed document)**

Chapter 7, part 5A, division 4, heading, ‘a prescribed document’—  
*omit, insert—*

**smartcard transport authorities**

**18 Amendment of s 195I (Accessing information stored electronically on a prescribed document)**

- (1) Section 195I, heading, ‘prescribed document’—

*omit, insert—*

**smartcard transport authority**

- (2) Section 195I(1), ‘(other than any emergency contact information)’—

*omit.*

- (3) Section 195I(2) to (5)—

*omit.*

**19 Amendment of s 195J (Giving copy of access approval order to relevant entity)**

- (1) Section 195J, ‘prescribed document’—

*omit, insert—*

registered digital photo

- (2) Section 195J, after ‘the relevant entity’—

*insert—*

who keeps the registered digital photo

**20 Amendment of s 754 (Offence for driver of motor vehicle to fail to stop motor vehicle)**

- (1) Section 754(3), from ‘in’ to ‘penalty’—

*omit, insert—*

whether or not any other sentence is imposed

- (2) Section 754(8)—

*insert—*

*sentence* see the *Penalties and Sentences Act 1992*, section 4.

[s 21]

---

**21 Amendment of sch 6 (Dictionary)**

Schedule 6, definitions *adult proof of age card*, *emergency contact information*, *marine licence indicator* and *prescribed document*—  
*omit.*

**Part 6 Amendment of Transport  
Infrastructure Act 1994**

**22 Act amended**

This part amends the *Transport Infrastructure Act 1994*.

**23 Amendment of s 24 (Declaration of State-controlled roads)**

Section 24(1)—  
*insert—*

*Note—*

See sections 84CB and 105JAB for the revocation of a declaration made under this subsection by the making of a declaration under section 84A(1) or 105H(3).

**24 Amendment of s 29 (Powers of chief executive for road works contracts etc.)**

(1) Section 29—  
*insert—*

- (5A) The chief executive may, for the State, carry out, or enter into contracts with other persons to carry out, accommodation works that are necessary or convenient to be done as a result of road works, other than work done under subsection (7).



- (2) Section 29(5A) to (7)—  
*renumber* as section 29(6) to (8).

**25 Amendment of s 35 (Temporary occupation and use of land)**

- (1) Section 35(1), ‘, the chief executive’—  
*omit, insert—*  
or accommodation works, the chief executive, or  
someone authorised in writing by the chief executive,  
**(temporary occupier)**
- (2) Section 35(2), ‘chief executive’—  
*omit, insert—*  
temporary occupier
- (3) Section 35—  
*insert—*  
(3) However, without limiting subsection (1), the  
subsection does authorise the chief executive to  
extract and use quarry material reserved to the  
State and administered under the *Forestry Act*  
*1959* from land.

**26 Amendment of s 36 (Notice of entry or permission to enter)**

- (1) Section 36(1), ‘to occupy or use land under section 35 (Temporary occupation and use of land)’—  
*omit, insert—*  
to occupy and use land under section 35 **(proposed temporary occupier)**
- (2) Section 36(1)(a)—  
*omit, insert—*

[s 26]

---

- (a) give at least 7 days written notice to the owner or occupier of the land and the following persons—
  - (i) if the land is land from which quarry material mentioned in section 35(3) is to be extracted—to the chief executive of the department in which the *Forestry Act 1959* is administered;
  - (ii) if the land is administered under the *Land Act 1994*—to the chief executive of the department in which that Act is administered; or
- (3) Section 36(2)(a), after ‘road works’—  
*insert—*  
and any accommodation works
- (4) Section 36(2)—  
*insert—*
  - (e) if accommodation works are proposed to be carried out on the land—the owner or occupier may, within 7 days after the notice is given, make submissions to the proposed temporary occupier about the accommodation works proposed to be carried out on the land.
- (5) Section 36—  
*insert—*
  - (3A) If accommodation works are proposed to be carried out on the land, the proposed temporary occupier must consider any submissions that are made within the 7 days after the notice is given, before carrying out the accommodation works.
- (6) Section 36(4), ‘3 days’—  
*omit, insert—*

7 days

- (7) Section 36(3A) to (5)—  
*renumber* as section 36(4) to (6).

**27 Insertion of new s 84CB**

After section 84CA—

*insert—*

**84CB Effect of State toll road corridor land declaration on State-controlled road declaration**

- (1) This section applies if—
- (a) the Minister has declared a road or route, or part of a road or route, to be a State-controlled road under section 24(1) (*State-controlled road declaration*); and
  - (b) land where the State-controlled road, or part of the State-controlled road, is situated is later declared under section 84A(1) to be State toll road corridor land.
- (2) The State-controlled road declaration is revoked to the extent the declaration is for the State-controlled road, or part of the State-controlled road, situated on the State toll road corridor land.
- (3) Section 25 does not apply to the revocation.

**28 Amendment of s 99 (Notice to vehicle's registered operator)**

Section 99(4), 'the address'—

*omit, insert—*

a residential, postal or business address

[s 29]

---

**29 Insertion of new s 105JAB**

After section 105JAA—

*insert—*

**105JAB Effect of local government tollway corridor  
land declaration on State-controlled road  
declaration**

- (1) This section applies if—
  - (a) the Minister has declared a road or route, or part of a road or route, to be a State-controlled road under section 24(1) (*State-controlled road declaration*); and
  - (b) land where the State-controlled road, or part of the State-controlled road, is situated is later declared under section 105H(3) to be local government tollway corridor land.
- (2) The State-controlled road declaration is revoked to the extent the declaration is for the State-controlled road, or part of the State-controlled road, situated on the local government tollway corridor land.
- (3) Section 25 does not apply to the revocation.

**30 Amendment of s 105ZH (Notice to vehicle's registered operator)**

Section 105ZH(4), 'the address'—

*omit, insert—*

a residential, postal or business address

**31 Amendment of s 110 (How to apply for a rail feasibility investigator's authority)**

Section 110—

*insert—*

- (3) The reasonable costs and expenses incurred by the chief executive in acting under sections 111 and 112 relation to the application are a debt payable by the applicant to the State.

**32 Amendment of s 240 (Sublease of land to railway managers)**

- (1) Section 240—

*insert—*

- (7A) If acquired land is freehold land, the chief executive must require the registrar of titles to include the freehold land in the perpetual lease by a written notice made under this section, instead of under the *Land Act 1994*, section 360A(3).
- (7B) The registrar of titles must amend the description in the following documents to include the freehold land—
- (a) the perpetual lease;
  - (b) the sublease mentioned in subsection (4).
- (7C) When the registrar of titles registers the amendment to the perpetual lease—
- (a) the freehold land—
    - (i) is surrendered absolutely; and
    - (ii) becomes part of the rail transport corridor under the perpetual lease and the sublease; and
  - (b) all interests in that part of the rail transport corridor, other than public utility easements, are extinguished.

- (2) Section 240(9)—

*insert—*

***perpetual lease*** means the lease mentioned in subsection (2).

[s 33]

---

**33 Amendment of s 283ZZC (Restriction on designation for community infrastructure)**

Section 283ZZC(4)—

*omit.*

**34 Amendment of s 297 (Functions)**

(1) Section 297(a), from ‘maintaining’ to ‘establish,’—

*omit, insert—*

constructing, maintaining, managing or operating, or  
arranging for someone else to investigate, plan,  
establish, construct,

(2) Section 297(b), ‘construction,’—

*omit, insert—*

establishment, construction, maintenance,

(3) Section 297—

*insert—*

(da) investigating, planning or carrying out  
accommodation works that are necessary or  
convenient to be done as a result of busway  
transport infrastructure or busway transport  
infrastructure works;

(4) Section 297(da) and (e)—

*renumber* as section 297(e) and (f).

**35 Amendment of s 299 (When land may be entered, occupied or used)**

(1) Section 299(5)—

*insert—*

(f) if accommodation works are proposed to be  
carried out on the land—the owner or  
occupier may, within 7 days after the notice

is given, make submissions to the person about the accommodation works proposed to be carried out on the land.

(2) Section 299—

*insert—*

(6A) If accommodation works are proposed to be carried out on the land, the person must consider any submissions that are made within 7 days after the notice is given, before carrying out the accommodation works.

(3) Section 299(6A) and (7)—

*renumber* as section 299(7) and (8).

### **36 Amendment of s 301 (Definition for pt 3)**

Section 300, definition *road*—

*omit, insert—*

***road*** means—

- (a) a road under the *Land Act 1994*; and
- (b) a State-controlled road.

### **37 Amendment of s 303AB (Licence in relation to busway land or busway transport infrastructure)**

(1) Section 303AB(3)—

*omit, insert—*

(3) If the chief executive gives the registrar of titles written notice of a licence granted under subsection (1), the registrar must record the licence against the land in the appropriate register.

(2) Section 303AB(3A), ‘granted under subsection (1) in relation to busway land’—

*omit, insert—*

[s 38]

---

recorded under subsection (3)

(3) After section 303AB(3A)—

*insert—*

(3AA) No fee is payable for recording a licence under subsection (3).

(4) Section 303AB(6)(a), ‘the *Local Government Act 1993*, section 901 or’—

*omit.*

**38 Omission of ss 303A–303C**

Sections 303A to 303C—

*omit.*

**39 Omission of ch 9, pt 4, div 3 (Ancillary works and encroachments)**

Chapter 9, part 4, division 3—

*omit.*

**40 Amendment of s 336 (Who may drive on a busway)**

Section 336(1), ‘, other than a busway common area,’—

*omit.*

**41 Omission of ch 9, pt 6 (Busway safety officers)**

Chapter 9, part 6—

*omit.*

**42 Amendment of s 348 (Functions)**

(1) Section 348(a), from ‘maintaining’ to, ‘establish,’—

*omit, insert—*



constructing, maintaining, managing or operating, or  
arranging for someone else to investigate, plan,  
establish, construct,

- (2) Section 348(b), ‘construction,’—

*omit, insert—*

establishment, construction, maintenance,

- (3) Section 348—

*insert—*

(ca) investigating, planning or carrying out  
accommodation works that are necessary or  
convenient to be done as a result of light rail  
transport infrastructure or light rail transport  
infrastructure works;

- (4) Section 348(ca) and (d)—

*renumber* as section 348(d) and (e).

#### **43 Amendment of s 350 (When land may be entered, occupied or used)**

- (1) Section 350(5)—

*insert—*

(f) if accommodation works are proposed to be  
carried out on the land—the owner or  
occupier may, within 7 days after the notice  
is given, make submissions to the person  
about the accommodation works proposed  
to be carried out on the land.

- (2) Section 350—

*insert—*

(6A) If accommodation works are proposed to be  
carried out on the land, the person must consider  
any submissions that are made within 7 days after  
the notice is given, before carrying out the  
accommodation works.

[s 44]

---

- (3) Section 350(6A) and (7)—  
*renumber* as section 350(7) and (8).

**44 Amendment of s 355A (Licence in relation to light rail land or infrastructure)**

- (1) Section 355A(3)—  
*omit, insert—*
- (3) If the chief executive gives the registrar of titles written notice of a licence granted under subsection (1), the registrar must record the licence against the land in the appropriate register.
- (2) Section 355A(3A), ‘granted under subsection (1) in relation to light rail land’—  
*omit, insert—*  
recorded under subsection (3)
- (3) After section 355A(3A)—  
*insert—*
- (3AA) No fee is payable for recording a licence under subsection (3).
- (4) Section 355A(6)(a), ‘the *Local Government Act 1993*, section 901 or’—  
*omit.*

**45 Amendment of s 475ZG (Definitions for ch 15A)**

- (1) Section 475ZG, definition *transport interface object*—  
*omit.*
- (2) Section 475ZG—  
*insert—*
- public marine transport infrastructure works*  
means works done for—

- (a) constructing public marine facilities or things associated with public marine facilities; or
- (b) maintaining public marine facilities or things associated with public marine facilities; or
- (c) facilitating the operation of public marine facilities.

***transport associated development*** see *Transport Planning and Coordination Act 1994*, section 3.

***transport infrastructure works*** means any of the following—

- (a) busway transport infrastructure works;
- (b) light rail transport infrastructure works;
- (c) public marine transport infrastructure works;
- (d) transport associated development;
- (e) railway works;
- (f) road works.

***transport interface object*** means any of the following—

- (a) transport infrastructure;
- (b) transport infrastructure works;
- (c) railway crossing;
- (d) State land on which transport infrastructure is located.

***watercourse*** means land that is the property of the State under the *Land Act 1994*, section 9 or 13A(1) or (2).

- (3) Section 475ZG, definition *transport interface*, paragraph (b)(i) and (ii), ‘or road’—

[s 46]

---

*omit, insert—*

, road or watercourse

**46 Amendment of s 475ZI (Declaration of transport interface management area)**

(1) Section 475ZI—

*insert—*

(4A) If the chief executive gives the registrar of titles a copy of the gazette notice for the declaration of land or part of land as a transport interface management area, the registrar of titles must note the details of the declaration in the appropriate register.

(4B) No fee is payable by the chief executive for the noting of the details in the appropriate register.

(2) Section 475ZI(4A) to (5)—

*renumber* as section 475ZI(5) to (7).

**47 Insertion of new s 477AA**

After section 477A—

*insert—*

**477AA Chief executive taken to be owner of particular transport land for particular circumstances under Planning Act**

(1) This section applies if, under the Planning Act—

- (a) land that is transport land is to be designated for community infrastructure; or
- (b) an application requires notice to be given to an owner of adjoining land and the land is transport land; or
- (c) the consent of an owner of land that is transport land is otherwise required.

(2) For the purposes of the Planning Act, the chief executive is taken to be the owner of the land that is transport land.

(3) In this section—

***transport land*** means State land held for a transport purpose by the department in which the *Transport Planning and Coordination Act 1994* is administered.

*Note—*

See section 247 for transport land that is rail corridor land or non-rail corridor land.

#### **48 Amendment of s 477F (Watercourse crossings)**

(1) Section 477F(1)—

*omit, insert—*

(1) Subject to this or another Act—

(a) the chief executive, or a person authorised in writing by the chief executive, may—

(i) survey and resurvey a watercourse crossing; and

(ii) construct, augment, improve, maintain, operate and replace a watercourse crossing; and

(b) the chief executive may name and number a watercourse crossing.

(2) After section 477F(1)—

*insert—*

(1A) If the chief executive gives a copy of the prescribed details for an authorisation under subsection (1)(a)(ii) for a watercourse crossing to the registrar of titles, the registrar of titles must note the prescribed details against the relevant land in the appropriate register.

[s 49]

---

(3) Section 477F(2), definition *transport infrastructure*—  
*omit.*

(4) Section 477F(2)—  
*insert—*

***prescribed details***, for an authorisation under subsection (1)(a)(ii) for a watercourse crossing, means the following—

- (a) the name and other identifying details of the watercourse crossing;
- (b) the name of the person to whom the authorisation is given;
- (c) the term of the authorisation.

***relevant land*** means the land adjoining the watercourse crossing.

(5) Section 477F(1A) and (2)—  
*renumber* as section 477F(2) and (3).

## **49 Replacement of s 477G (Chief executive may approve a compliance management plan)**

Section 477G—

*omit, insert—*

### **477G Chief executive may approve a compliance management plan**

- (1) This section applies if, under a transport Act, the chief executive grants or enters into, or proposes to grant or enter into, an arrangement to establish, construct, maintain, manage or operate transport infrastructure with a relevant entity.
- (2) The chief executive may ask or give consent to the relevant entity to submit a compliance management plan (a ***CMP***) addressing 1 or more compliance matters for the arrangement.

- 
- (3) If subsection (2) applies, the relevant entity may submit to the chief executive a **CMP** for the compliance matter.
  - (4) A **CMP** may apply, adopt or incorporate any document.
  - (5) The chief executive may approve a **CMP** for a compliance matter only if the chief executive—
    - (a) has consulted the relevant agency; and
    - (b) is satisfied the compliance matter is adequately addressed in the **CMP**.
  - (6) The chief executive may approve a **CMP** subject to any conditions (***CMP conditions***) the chief executive considers necessary or desirable.
  - (7) If the chief executive approves a **CMP** subject to **CMP conditions**, the conditions form part of the approved **CMP**.
  - (8) If the chief executive approves a **CMP**, the chief executive must give written notice to the relevant entity stating—
    - (a) that the **CMP** is approved; and
    - (b) any conditions the chief executive imposed under subsection (6); and
    - (c) the date the approved **CMP** takes effect and the date it expires; and
    - (d) the compliance matters addressed in the **CMP** (the ***approved compliance matters***).
  - (9) The chief executive must publish the notice and any other information about the approved **CMP** the chief executive considers appropriate on the department's website.

*Note—*

The department's website is located at  
<[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

[s 49]

---

- (10) If the relevant entity complies with the approved CMP, the relevant entity is taken to have met the requirements for the approved compliance matters under the relevant laws.

- (11) In this section—

**address**, a compliance matter, means demonstrate how the purpose of the relevant law will be satisfied in relation to the compliance matter.

**approval**, under a relevant law for a compliance matter, includes an authorisation or permit.

**arrangement** includes an agreement, authority, approval, contract, lease, licence and permit.

**compliance matter**, for an arrangement, means a matter—

- (a) regulated by an Act; and
- (b) relating to the establishment, construction, maintenance, management or operation of the transport infrastructure under the arrangement.

*Examples—*

- the closure of a road to facilitate construction activities for which an order may be obtained under the *Transport Operations (Road Use Management) Act 1995* or a local law
- construction activities emitting dust, light, noise or odour to which standards apply under the *Environment Protection Act 1994* or a local law.

**government entity** includes any of the following—

- (a) the State, the Commonwealth or another State; or
- (b) an instrumentality, agent, authority, company, GOC or entity of the State, the Commonwealth or another State; or



(c) a local government.

**relevant entity** means—

(a) a government entity; or

(b) a person.

**relevant law**, for a compliance matter, means a law—

(a) under which approval is required for the compliance matter; or

(b) under which a standard applies for the compliance matter; or

(c) that provides for a relevant agency for the compliance matter to enforce compliance with the relevant law; or

(d) that otherwise regulates the compliance matter.

**transport Act** means—

(a) this Act; or

(b) another Act, or a provision of another Act, administered by the Minister.

## 50 Insertion of new s 477H

After section 477G—

*insert—*

### **477H Chief executive may make a compliance management plan**

- (1) This section applies if the chief executive proposes to establish, construct, maintain, manage or operate transport infrastructure under a transport Act (the **works**).
- (2) The chief executive may make a compliance management plan (**CMP**) addressing 1 or more compliance matters for the works.

[s 50]

---

- (3) A CMP may apply, adopt or incorporate any document.
- (4) The chief executive may make a CMP only if the chief executive—
  - (a) has consulted the relevant agency; and
  - (b) is satisfied the compliance matter is adequately addressed in the CMP.
- (5) The chief executive must publish the CMP and any other information about the CMP the chief executive considers appropriate on the department's website.

*Note—*

The department's website is located at <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

- (6) If the chief executive makes a CMP subject to CMP conditions, the conditions form part of the approved CMP.
- (7) If the chief executive complies with the CMP made under this section, the chief executive is taken to have met the requirements for the compliance matters under the relevant laws.
- (8) In this section—

***address***, a compliance matter, means demonstrate how the purpose of the relevant law will be satisfied in relation to the compliance matter.

***approval***, under a relevant law for a compliance matter includes an authorisation or permit.

***compliance matter***, for the works, means a matter—

- (a) regulated by an Act; and
- (b) relating to the works.

*Examples—*

- the closure of a road to facilitate construction activities for which an order may be obtained under the *Transport Operations (Road Use Management) Act 1995* or a local law
- construction activities emitting dust, light, noise or odour to which standards apply under the *Environment Protection Act 1994* or a local law.

**relevant agency**, for a compliance matter, means an entity administering a relevant law for the compliance matter.

**relevant law**, for a compliance matter, means a law—

- (a) under which approval is required for the compliance matter; or
- (b) under which a standard applies for the compliance matter; or
- (c) that provides for a relevant agency for the compliance matter to enforce compliance with the relevant law; or
- (d) that otherwise regulates the compliance matter.

**transport Act** means—

- (a) this Act; or
- (b) another Act, or a provision of another Act, administered by the Minister.

## 51 Amendment of s 488 (Altering materials etc.)

Section 488(3), definition *works*, paragraph (a)—

*omit, insert—*

- (a) for a busway—busway transport infrastructure works; or

[s 52]

---

**52 Amendment of s 489 (Recovery of cost of damage)**

Section 489(6), definition *works*, paragraph (a)—

*omit, insert—*

- (a) for a busway—busway transport infrastructure works; or

**53 Insertion of new ch 21, pt 4**

After section 581—

*insert—*

**Part 4 Transitional provisions  
for Transport and Other  
Legislation  
Amendment Act 2014**

**582 Recovery of chief executive's costs for rail  
feasibility investigator's authority**

Section 110(3) applies to an application for a rail feasibility investigator's authority that is not decided before the commencement of this section.

**54 Amendment of sch 6 (Dictionary)**

- (1) Schedule 6, definitions *busway common area*, *railway* and *watercourse*—

*omit.*

- (2) Schedule 6, definition *relevant busway legislation*—

*omit.*

- (3) Schedule 6—

*insert—*

***accommodation works*** means temporary or permanent works carried out on, over or under

land affected by busway transport infrastructure, busway transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to—

- (a) minimise the impact those works or that infrastructure had on the land; or
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.

***active transport infrastructure*** see the *Transport Planning and Coordination Act 1994*, section 8A(3).

***community infrastructure*** see the Planning Act, schedule 3.

***public marine transport infrastructure works***, for chapter 15A, see section 475ZG.

***railway*** means a guided system, or proposed guided system, designed for the movement of rolling stock that is capable of transporting passengers or freight, or both, on a railway track and—

- (a) includes—
  - (i) rail transport infrastructure; and
  - (ii) a railway being or proposed to be built on future railway land; but
- (b) does not include—
  - (i) rolling stock; and
  - (ii) a railway mentioned in section 107(2).

***transport associated development***, for chapter 15A, see section 475ZG.

***transport infrastructure works***, for chapter 15A, see section 475ZG.

[s 54]

---

***watercourse***—

- (a) for chapter 15A, see section 475ZG; or
- (b) otherwise—includes a lake, spring, stream or swale.

(4) Schedule 6, definition *busway transport infrastructure works*—

*insert*—

- (d) establishing, constructing or maintaining transport infrastructure, other than busway transport infrastructure, if the works are—
  - (i) directly related to an activity mentioned in paragraph (a), (b) or (c); and
  - (ii) necessary for the safety, efficiency and operational integrity of transport infrastructure; or
- (e) other works declared under a regulation to be busway transport infrastructure works.

(5) Schedule 6, definition *light rail transport infrastructure works*—

*insert*—

- (d) establishing, constructing or maintaining transport infrastructure, other than light rail transport infrastructure, if the works are—
  - (i) directly related to an activity mentioned in paragraph (a), (b) or (c); and
  - (ii) necessary for the safety, efficiency and operational integrity of transport infrastructure; or
- (e) other works declared under a regulation to be light rail transport infrastructure works.

(6) Schedule 6, definition *railway works*, paragraph (b)—

*omit, insert—*

- (b) works for establishing, constructing or maintaining transport infrastructure, other than rail transport infrastructure, that are—
  - (i) directly related to paragraph (a); and
  - (ii) necessary for the safety, efficiency and operational integrity of transport infrastructure; or
- (c) other works declared under a regulation to be railway works.

- (7) Schedule 6, definition *road works*, ‘chapter 6’—

*omit, insert—*

chapters 6 and 15A

- (8) Schedule 6, definition *road works*, paragraph (a)—

*omit, insert—*

- (a) works done for—
  - (i) establishing or constructing roads or things associated with roads; or
  - (ii) maintaining roads or things associated with roads (other than public utility plant); or
  - (iii) facilitating the operation or safety of road transport infrastructure; or
  - (iv) establishing, constructing or maintaining transport infrastructure, other than road transport infrastructure, if the works are—
    - (A) directly related to an activity mentioned in subparagraph (i), (ii) and (iii); and
    - (B) necessary for the safety, efficiency, operation or structural

[s 55]

---

integrity of transport  
infrastructure; or

(9) Schedule 6, definition *transport infrastructure*—  
*insert*—

- (c) other rail infrastructure; and
- (d) active transport infrastructure.

## Part 7                      Amendment of Transport Operations (Marine Safety) Act 1994

### 55      Act amended

This part amends the *Transport Operations (Marine Safety) Act 1994*.

### 56      Amendment of s 54 (Amendment of standards)

Section 54(2)(b)—

*omit, insert*—

- (b) only provides for, or to the extent it only provides for, any of the following—
  - (i) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature;
  - (ii) a matter that does not operate to the disadvantage of any person (other than a government entity) by decreasing the person's rights;
  - (iii) a matter that does not operate to the disadvantage of any person (other than



- a government entity) by imposing liabilities on the person;
- (iv) an amendment to take account of current Queensland legislative drafting practice;
- (v) an amendment that does not fundamentally affect the standard's application or operation;
- (vi) a matter of a savings or transitional character;
- (vii) a matter that is substantially uniform or complementary with legislation of the Commonwealth or another State;
- (viii) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland;
- (ix) a matter advance notice of which would enable someone to gain unfair advantage.

**57      Amendment of s 63F (Restricted access to information stored electronically on a smartcard marine licence indicator)**

- (1) Section 63F(1)(c), 'subject to subsection (2),'—  
*omit.*
- (2) Section 63F(2)—  
*omit.*
- (3) Section 63F(3), definition *emergency contact information*—  
*omit.*

[s 58]

---

- (4) Section 63F(3)—  
*renumber* as section 63F(2).

## **Part 8                      Amendment of Transport Operations (Passenger Transport) Act 1994**

### **58        Act amended**

This part amends the *Transport Operations (Passenger Transport) Act 1994*.

### **59        Amendment of s 41 (Other matters to be included in service contracts)**

Section 41(1)—

*insert*—

- (ja) require the holder to provide improved  
levels of productivity; and

### **60        Amendment of s 42 (Declaration that service contracts are required)**

Section 42(2) and (3), ‘public notice’—

*omit, insert*—

notice on the department’s website

### **61        Amendment of s 42B (Amendment of service contract area or route)**

- (1) Section 42B(1), ‘public notice’—

*omit, insert*—

notice on the department’s website

- (2) Section 42B(3), ‘public’—  
*omit.*

## **62 Replacement of s 51 (Conditions of funding)**

Section 51—

*omit, insert—*

### **51 Concessions under a service contract**

- (1) A service contract may require the holder to provide a concession to a class of persons.
- (2) If—
  - (a) a standard service contract requires the holder to provide a concession to a class of persons; and
  - (b) subsection (3) does not apply;the contract must provide for the State to reimburse the holder for the concession.
- (3) If a standard service contract requires the holder to provide a concession to a class of persons prescribed by regulation, the contract may provide for the State to reimburse the holder for the concession.

## **63 Amendment of s 99 (Amendment of standards)**

Section 99(2)(b)—

*omit, insert—*

- (b) only provides for, or to the extent it only provides for, any of the following—
  - (i) a matter that is not of a legislative character, including, for example, a matter of a machinery, administrative, drafting or formal nature;

[s 64]

---

- (ii) a matter that does not operate to the disadvantage of any person (other than a government entity) by decreasing the person's rights;
- (iii) a matter that does not operate to the disadvantage of any person (other than a government entity) by imposing liabilities on the person;
- (iv) an amendment to take account of current Queensland legislative drafting practice;
- (v) an amendment that does not fundamentally affect the standard's application or operation;
- (vi) a matter of a savings or transitional character;
- (vii) a matter that is substantially uniform or complementary with legislation of the Commonwealth or another State;
- (viii) a matter involving the adoption of an Australian or international protocol, standard, code, or intergovernmental agreement or instrument, if an assessment of the benefits and costs has already been made and the assessment was made for, or is relevant to, Queensland;
- (ix) a matter advance notice of which would enable someone to gain unfair advantage.

**64 Insertion of new s 126DA**

After section 126D—

*insert—*

### **126DA Forfeiture on conviction**

- (1) This section applies to a person who has been convicted of an offence against—
  - (a) this Act; or
  - (b) the *Transport Infrastructure Act 1994*, chapter 14; or
  - (c) a regulation in relation to a railway made under the *Transport Infrastructure Act 1994*.
- (2) On the conviction of the person, the court may order the forfeiture to the State of any thing that—
  - (a) is used to commit the offence; or
  - (b) is the subject of the offence.
- (3) 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.
- (4) The court may make any order to enforce the forfeiture it considers appropriate.
- (5) This section does not limit the court's powers under the *Penalties and Sentences Act 1992* or any other law.

#### **65 Amendment of s 143AA (Definitions for ch 11A)**

Section 143AA, definitions *tag off* and *tag on*—  
*omit.*

#### **66 Amendment of s 143ADA (Power to require production of tickets)**

Section 143ADA(1), 'anyone'—

[s 67]

---

*omit, insert—*

a person

**67 Amendment of s 143ADB (Evidence of concession entitlement)**

- (1) Section 143ADB(1)(a), ‘; or’—

*omit, insert—*

; and

- (2) Section 143ADB(1)(b), ‘issued’—

*omit, insert—*

used

- (3) Section 143ADB(2), ‘anyone’—

*omit, insert—*

a person

- (4) Section 143ADB—

*insert—*

- (2A) If the driver or an authorised person reasonably suspects that a person has just travelled on a concession ticket, the driver or authorised person may require the person to produce evidence of the person’s entitlement to the concession.

- (5) Section 143ADB(2A) and (3)—

*renumber* as section 143ADB(3) and (4).

- (6) Section 143ADB(4), as renumbered, ‘the requirement’—

*omit, insert—*

a requirement under subsection (2) or (3)

**68 Omission of s 143AF (Creating disturbance or nuisance on or in public transport infrastructure or vehicle)**

Section 143AF—

---

*omit.*

**69 Amendment of s 143AHA (Power to require person to leave public transport infrastructure if person committing particular offences)**

Section 143AHA(3), definition *relevant provision*, paragraph (c)—  
*omit, insert—*

- (c) a provision of this Act that—
  - (i) is about creating a disturbance or nuisance; and
  - (ii) is prescribed by regulation; or

**70 Insertion of new ss 143AHC and 143AHD**

After section 143AHB—

*insert—*

**143AHC Direction to ensure orderly movement**

An authorised person may give a direction to a person on public transport infrastructure for the purpose of ensuring the orderly movement of persons onto, off, toward or away from public transport infrastructure.

**143AHD Direction to ensure safety and security**

- (1) An authorised person may give a direction to a person on public transport infrastructure if the authorised person reasonably believes the direction is necessary to ensure the safety or security of 1 or more of the following—
  - (a) persons employed on or in public transport infrastructure;
  - (b) public transport infrastructure;
  - (c) users of public transport infrastructure.

[s 71]

---

- (2) Without limiting subsection (1), an authorised person may give a direction about—
  - (a) driving or parking a vehicle on public transport infrastructure; or
  - (b) leaving property on public transport infrastructure.

**71 Amendment of s 143AJ (Person given direction to be told particular things)**

- (1) Section 143AJ(a)—

*omit, insert—*

- (a) the reason the person has been given the direction; and

- (2) Section 143AJ—

*insert—*

- (2) Subsection (1) does not apply if the direction is given because of an emergency.

**72 Insertion of new s 143C**

After section 143B—

*insert—*

**143C Unclaimed credit on smartcards**

- (1) This section applies to a smartcard that is in credit, including any credit of a deposit paid for the smartcard.
- (2) The chief executive, with the Minister's approval, may use the credit on dormant smartcards for an objective of this Act mentioned in section 2.
- (3) A smartcard is a dormant smartcard if, in the previous 5 years—
  - (a) the smartcard has not been tagged off or tagged on; and



- (b) the balance on the smartcard has not increased.
- (4) Subsection (2) does not affect a person's right to a refund of the credit on the person's smartcard.
- (5) The *Public Trustee Act 1978*, section 102B does not apply to any credit on a smartcard.

**73 Amendment of s 155 (Regulation-making power)**

Section 155(3)—

*insert—*

- (da) provide for a matter relating to persons, vehicles or other property on public transport infrastructure; or

**74 Insertion of new ch 13, pt 14**

Chapter 13—

*insert—*

**Part 14                      Validation provisions  
for Transport and Other  
Legislation  
Amendment Act 2014**

**203 Extended services under integrated mass  
transit service contracts**

- (1) This section applies if, before the commencement of this section, a person was permitted, required or invited to provide, under an integrated mass transit service contract, a road-based general route service for an undeclared area or route.

[s 75]

---

- (2) The undeclared area or route is taken to be, and to always have been, part of the integrated mass transit area.
- (3) The chief executive must, by notice on the department's website, add the undeclared area or route to a service contract area or route within the integrated mass transit area.
- (4) The notice must be published on the department's website within 56 days after the commencement of this section.

#### **204 Extended services under standard service contracts**

- (1) This section applies if, before the commencement of this section, a person was permitted, required or invited to provide, under a standard service contract for a service contract area or route, a road-based general route service for an undeclared area or route.
- (2) The undeclared area or route is taken to be, and to always have been, part of the service contract area or route.
- (3) The chief executive must, by notice on the department's website, add the undeclared area or route to the service contract area or route.
- (4) The notice must be published on the department's website within 56 days after the commencement of this section.
- (5) This section applies to a road-based general route service that is a school service only if the service runs to a timetable fixed under the contract.

#### **75 Amendment of sch 1A (Driver disqualification offences)**

Schedule 1A, part 3, division 1—

---

*insert—*

10A section 359E (Punishment of unlawful stalking)

## 76 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *tag off* and *tag on*—

*omit.*

(2) Schedule 3, definition *general route service*—

*omit.*

(3) Schedule 3—

*insert—*

***road-based general route service*** means a general route service that—

- (a) is not an air service; or
- (b) is not a ferry service; or
- (c) does not involve a rail vehicle.

***standard service contract*** means a service contract that is not—

- (a) an integrated mass transit service contract; or
- (b) a prescribed school service contract.

***tag off*** means present a smartcard to a smartcard reader on completing a journey, or part of a journey, resulting in a response from the smartcard reader that the transaction is successful.

***tag on*** means present a smartcard to a smartcard reader on starting a journey, or part of a journey, resulting in a response from the smartcard reader that the transaction is successful.

***undeclared area or route*** means an area or route that is not a specified area or route to which a

[s 76]

---

declaration, for a road-based general route service, under section 42(2) relates.

(4) Schedule 3—

*insert—*

***general route service*** means a scheduled passenger service, other than a scheduled passenger service prescribed by regulation, that may be used by—

- (a) the general public; or
- (b) a substantial part of the public; or
- (c) a person who pays a subscription or a membership fee that is paid principally for the service.

(5) Schedule 3—

*insert—*

***busway*** see the *Transport Infrastructure Act 1994*, schedule 6.

(6) Schedule 3, definition *proper officer*, ‘a civil banning order or’—

*omit, insert—*

an

(7) Schedule 3, definition *public transport infrastructure*, paragraph (f)—

*omit, insert—*

- (f) a busway;
- (fa) busway transport infrastructure as defined under the *Transport Infrastructure Act 1994*, schedule 6;

(8) Schedule 3, definition *public transport infrastructure*, paragraphs (fa) to (j)—

*renumber* as paragraphs (g) to (k).

- (9) Schedule 3, definition *public transport infrastructure*, paragraphs (i), (j) and (k), as renumbered, ‘or (g)’—  
*omit, insert—*  
or (h)

## **Part 9                      Amendment of Transport Operations (Road Use Management) Act 1995**

### **77        Act amended**

This part amends the *Transport Operations (Road Use Management) Act 1995*.

### **78        Amendment of s 60 (Evidentiary aids)**

Section 60(2)(t)(i), after ‘address’—  
*insert—*

or postal address

### **79        Amendment of s 62 (Proceedings for offences)**

Section 62(2), from ‘that involves’ to ‘person’—  
*omit.*

### **80        Amendment of s 77 (Restricted written or electronic release of person’s prescribed authority and traffic history information)**

- (1) Section 77(1)(c), ‘a person who’—  
*omit, insert—*  
an entity that

[s 80]

---

(2) Section 77(1)—

*insert—*

(ca) an entity (a ***foreign licensing authority***) that issues foreign driver licences; or

(3) Section 77(1)(ca) and (d)—

*renumber* as section 77(1)(d) and (e).

(4) Section 77(3), ‘a person’—

*omit, insert—*

an entity

(5) Section 77(3), ‘the person’—

*omit, insert—*

the entity

(6) Section 77(3A), ‘(1)(d)’—

*omit, insert—*

(1)(e)

(7) Section 77(3A)—

*renumber* as section 77(3B).

(8) Section 77—

*insert—*

(3A) The chief executive may release information about a person’s prescribed authority or traffic history under subsection (1)(d) only on the following conditions—

(a) the information may be used by the foreign licensing authority only to decide whether to issue a foreign driver licence to the person, unless the person gives written consent to another use;

(b) the information may be released by the foreign licensing authority only with the person’s written consent.

- (9) Section 77(3A) to (6)—  
*renumber* as section 77(4) to (8).

## 81 Insertion of new s 77AB

After section 77AA—

*insert—*

### **77AB Confirming Queensland driver licence is valid**

- (1) This section applies if a person (the *enquirer*) gives the chief executive, by electronic communication, all of the following items of information about a Queensland driver licence (the *identifying information*)—
  - (a) the name and date of birth of the person in whose name the licence is issued;
  - (b) the number of the licence;
  - (c) any other information prescribed by a regulation.
- (2) If all of the items of identifying information match the information held by the department for the licence, the chief executive may, by electronic communication, confirm this with the enquirer and advise whether the licence is valid.
- (3) If some of the items of identifying information do not match the information held by the department for the licence, the chief executive may, by electronic communication, advise the enquirer of this but must not advise which of the items do not match.
- (4) In this section—

*valid*, in relation to a Queensland driver licence, means—

  - (a) the licence has not expired; or

[s 82]

---

- (b) the licence has not been cancelled or suspended; or
- (c) the person in whose name the licence is issued is not disqualified from holding or obtaining a Queensland driver licence.

**82 Amendment of s 78 (Driving of motor vehicle without a driver licence prohibited)**

- (1) Section 78(1A)(c), ‘(1D)’—

*omit, insert—*

(1E)

- (2) Section 78—

*insert—*

- (1E) An infringement notice must not be issued to a person for a contravention of subsection (1) if the person has never held a driver licence.

- (3) Section 78(3), from ‘in addition’ to ‘penalty’—

*omit, insert—*

whether or not any other sentence is imposed

- (4) Section 78(3)—

*insert—*

- (k) if, at the time of committing the offence, the person had never held a driver licence—3 months.

**83 Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)**

- (1) Section 80(16B)(b), after ‘the analyst’—

*insert—*

or another analyst

- (2) Section 80(16B)—



---

*insert—*

- (ba) if a laboratory test of the delivered specimen was done by another analyst—the analyst who signed the certificate—
  - (i) examined the laboratory's records about the receipt, storage and testing of the delivered specimen; and
  - (ii) confirms the records show that all quality assurance procedures for the receipt, storage and testing of the delivered specimen that were in place in the laboratory at the time of the laboratory test were complied with; and

(3) Section 80—

*insert—*

**Request for laboratory's records**

- (16BA) If the commissioner receives a written request for a copy of the laboratory's records about the receipt, storage or testing of a delivered specimen from the person who gave the specimen, the commissioner must give a copy of the records to the person within 7 business days after receiving the request.

**84 Insertion of new s 84A**

After section 84—

*insert—*

**84A Driving of motor vehicles carrying placard loads in tunnels**

- (1) A person must not drive a motor vehicle carrying a placard load in a tunnel that has a sign (a *placard load prohibited sign*) complying with

[s 84]

---

subsection (2) at or before the entrance to the tunnel.

Maximum penalty—

- (a) if the contravention results in harm to a person, property or the environment—200 penalty units or 1 year's imprisonment; or
  - (b) otherwise—100 penalty units.
- (2) The placard load prohibited sign must—
- (a) indicate that transporting a placard load in the tunnel is prohibited; and
  - (b) be clearly visible to a person entering the tunnel.
- (3) In the absence of proof to the contrary—
- (a) a motor vehicle is proved to be carrying a placard load if there is evidence of a placard placed on the vehicle or on a thing carried by the vehicle; and
  - (b) a placard load prohibited sign at or before the entrance to a tunnel is taken to be clearly visible to a person entering the tunnel.
- (4) In this section—

***explosive*** see the *Explosives Act 1999*, schedule 2.

***placard*** means a placard required under this Act or another Act, or by a condition of a licence or other authority granted under an Act, to be used in transporting dangerous goods, explosives or radioactive substances.

*Notes—*

- 1 See the dangerous goods regulation.
- 2 See the *Explosives Act 1999*, section 50(2)(a).
- 3 See the *Radiation Safety Act 1999*, section 75(4).

***placard load*** means a load of dangerous goods, explosives or radioactive substances that may be transported by a motor vehicle only if a placard about the load is placed on the vehicle or on a thing carried by the vehicle.

***place***, on a motor vehicle or on a thing carried by a motor vehicle, includes attach to, or stencil or print on, the vehicle or the thing.

***radioactive substance*** see the *Radiation Safety Act 1999*, schedule 2.

**85 Amendment of s 85 (Racing and speed trials on roads)**

Section 85(6), from ‘in’ to ‘penalty’—

*omit, insert—*

whether or not any other sentence is imposed

**86 Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)**

(1) Section 86(6), ‘Any’—

*omit, insert—*

A

(2) Section 86(6), from ‘is’—

*omit, insert—*

applies whether or not any other sentence is imposed for the offence.

**87 Amendment of s 87 (Issue of restricted licence to disqualified person)**

Section 87(10A), from ‘In addition’ to ‘imposed’—

*omit, insert—*

[s 88]

---

Whether or not any other sentence is imposed for an offence under subsection (10)

**88 Amendment of s 90C (Cumulative periods of disqualification for acts done and offences committed at same time)**

Section 90C(1)(c), after ‘(h)’—

*insert—*

, (j) or (k)

**89 Amendment of s 91F (Restricted access to information stored electronically on a smartcard driver licence)**

(1) Section 91F, heading, ‘driver licence’—

*omit, insert—*

**authority**

(2) Section 91F(1)(c), ‘subject to subsection (2),’—

*omit.*

(3) Section 91F(2)—

*omit.*

(4) Section 91F(3), definition *emergency contact information*—

*omit.*

(5) Section 91F(3)—

*renumber* as section 91F(2).

**90 Amendment of s 91W (Driving a motor vehicle other than as allowed under an interlock condition)**

Section 91W(2), from ‘in addition’ to ‘a penalty’—

*omit, insert—*

whether or not any other sentence is imposed

**91 Amendment of s 91X (Noncompliance with restrictions applying to interlock exemption)**

Section 91X(2), from ‘in addition’ to ‘a penalty’—

*omit, insert—*

whether or not any other sentence is imposed

**92 Amendment of s 92 (Duties and liabilities of drivers involved in road incidents)**

(1) Section 92(1), from ‘or damage’ to ‘person’—

*omit.*

(2) Section 92(1)(i)—

*omit.*

(3) Section 92(1)(c) and (j)—

*renumber* as section 92(1)(b) and (c).

(4) Section 92(1), penalty—

*omit, insert—*

Maximum penalty—20 penalty units or 1 year’s imprisonment.

(5) Section 92(2), ‘(1)(c)(i)’—

*omit, insert—*

(1)(b)(i)

(6) Section 92(4), from ‘in respect’ to ‘is injured’—

*omit.*

(7) Section 92(4), ‘the injured person’—

*omit, insert—*

a person injured in the incident,

(8) Section 92(5), from ‘who’ to ‘offence.’—

*omit, insert—*

[s 93]

---

who reports the happening of an incident mentioned in subsection (1) to the Queensland Police Service knowing the report to be false commits an offence.

- (9) Section 92(6)—

*omit.*

- (10) Section 92(7), ‘The’—

*omit, insert—*

In a proceeding for an offence against this section, the

- (11) Section 92(4) to (8)—

*renumber* as section 92(3) to (6).

### **93 Amendment of s 113 (Definitions for div 2)**

- (1) Section 113, definition *photographic detection device*—

*omit.*

- (2) Section 113—

*insert—*

***photographic detection device*** see section 113A(1).

***unregistered or uninsured offence*** means a camera-detected offence that involves a person driving or otherwise using, or permitting someone else to drive or otherwise use, a vehicle that—

- (a) is not registered as required by a regulation under this Act; or
- (b) is not insured as required by the *Motor Accident Insurance Act 1994*.

- (3) Section 113, definition *camera-detected offence*, after ‘photographic detection device’—

*insert—*

, or a photographic detection device that is linked to an information technology system described in section 113A(2)

(4) Section 113, definition *person in charge*, paragraph (c)—  
*insert—*

- (iii) if the person who was the registered operator gives a notice under section 114(3A)(b)—the person named, in any notice under the section, as the person who stole or took the vehicle; or
- (iv) if the person who was the registered operator gives a notice under section 114(3A)(c)—the person named, in any notice under the section, as the person to whom the vehicle was sold or disposed of.

## 94 Insertion of new s 113A

After section 113—

*insert—*

### **113A *Photographic detection device defined***

- (1) A ***photographic detection device*** is a device or system, that captures an image, of a type approved under a regulation as a photographic detection device.

*Example—*

- a digital device
  - a camera system the components of which may include multiple cameras, trigger mechanisms, data transfer capability and image processing
- (2) Without limiting subsection (1), the device or system may be linked to an information technology system that—

[s 95]

---

- (a) accesses information held by the department, in order to detect an offence prescribed by regulation; and
  - (b) if an offence prescribed by regulation is detected—issues an infringement notice for the offence.
- (3) An infringement notice issued under subsection (2)(b) is taken, for the *State Penalties Enforcement Act 1999*, and section 13(1) of that Act in particular, to be an infringement notice served by an authorised person under that Act.

**95 Amendment of s 114 (Offences detected by photographic detection device)**

- (1) Section 114(3), after ‘camera-detected offence’—  
*insert—*  

, other than an unregistered or uninsured offence,
- (2) Section 114—  
*insert—*
  - (3A) It is a defence to an unregistered or uninsured offence for a person to prove that—
    - (a) when the offence happened, the vehicle—
      - (i) was stolen or illegally taken; or
      - (ii) had been sold or otherwise disposed of; and
    - (b) if the vehicle was stolen or illegally taken—the person has notified the chief executive of that fact and either—
      - (i) the name and address of the person who stole or took the vehicle; or
      - (ii) that the person did not know and could not, with reasonable diligence, have ascertained the name and address of the



person who stole or took the vehicle;  
and

- (c) if the vehicle had been sold or otherwise disposed of—the person has notified the chief executive of that fact and of the following information—
  - (i) the name and address of the person to whom the vehicle was sold or disposed of;
  - (ii) the date and, if relevant, time of the sale or disposal.

(3) Section 114(4) and (5)—

*omit, insert—*

- (4) A defence under subsection (3) or (3A) is available only if the person notifies the commissioner or chief executive about the matters in subsections (3) and (6), or subsection (3A), in a statutory declaration given within the required time.
- (5) The required time is 28 days after whichever of the following is first given to the person—
  - (a) a written notice from the commissioner or chief executive alleging a camera-detected offence;
  - (b) an infringement notice under the *State Penalties Enforcement Act 1999*.

(4) Section 114—

*insert—*

- (10) In this section—

***photographic detection device*** includes a photographic detection device that is linked to an information technology system described in section 113A(2).

[s 96]

---

**96 Amendment of s 115 (Limitation of prosecution period extended in particular circumstances)**

Section 115(1)—

*omit, insert—*

- (1) This section applies if a conviction or enforcement order against a person for a camera-detected offence is set aside because the person can not be proved to have committed the offence.

**97 Amendment of s 116 (Notice accompanying summons)**

Section 116(1)(a)—

*omit, insert—*

- (a) if someone has notified the commissioner or chief executive of the name and address of a person under section 114(3)(b)(i) or (3A)(b)(i) or (c)(i)—the particulars of the notification; and

**98 Amendment of s 118 (Photographic evidence—inspection)**

Section 118(2) and (3), ‘commissioner’—

*omit, insert—*

prosecution

**99 Amendment of s 119 (Notice of dispute about traffic control device or sign)**

Section 119(1), ‘commissioner’—

*omit, insert—*

prosecution

---

**100 Amendment of s 120 (Evidentiary provisions)**

(1) Section 120(2) and (2A), ‘the commissioner’—

*omit, insert—*

an official

(2) Section 120(9)—

*insert—*

*official—*

(a) generally—means the commissioner or the chief executive; and

(b) in a proceeding for an offence against section 84A(1)—includes a toll officer within the meaning of section 166A.

**101 Amendment of s 127 (Effect of disqualification)**

Section 127(11), from ‘in addition’ to ‘on conviction’—

*omit, insert—*

whether or not any other sentence is imposed

**102 Replacement of s 133 (Occupiers of garages etc. to keep register of repairs)**

Section 133—

*omit, insert—*

**133 Business owner to record information about repairs and painting**

- (1) A person (*business owner*) who operates a business that includes the repair or painting of motor vehicles or trailers must ensure a record is kept of each of the following (the *required information*) for a motor vehicle or trailer the business owner or an employee of the business owner repairs or paints in the course of operating the business—

[s 102]

---

- (a) the make and model of the motor vehicle or trailer;
- (b) the VIN or chassis number of the motor vehicle or trailer;
- (c) if the motor vehicle or trailer has a number plate—the registration number displayed on the plate;
- (d) the colour of the motor vehicle or trailer—
  - (i) before it is repaired or painted; and
  - (ii) after it is repaired or painted (if different);
- (e) the name and contact details of the person for whom the repair or painting is carried out (the *customer*);
- (f) the date and time the motor vehicle or trailer is delivered to the business owner or access is given to it;
- (g) the proposed nature of the repair or painting at the time the motor vehicle or trailer is delivered or access is given to it;
- (h) if, during the period the motor vehicle or trailer is in the business owner's control, a person drives the motor vehicle or a motor vehicle attached to the trailer on a road outside the business owner's premises—
  - (i) the person's name and contact details; and
  - (ii) the date and time the person started and ended driving the motor vehicle;

*Example for paragraph (h)—*

If an employee of the business owner tests the motor vehicle or trailer on a road, the employee's name, contact details and the date and time the employee started and ended driving the motor vehicle must be recorded.

- (i) if a part for the repair of the motor vehicle or trailer is supplied by the customer or another person on the customer's behalf—details of the part;
- (j) if the repair or painting carried out is different from the proposed nature of the repair or painting recorded under paragraph (g)—the repair or painting carried out;
- (k) any other information prescribed under a regulation.

Maximum penalty—40 penalty units.

- (2) If both a motor vehicle and a trailer attached to the motor vehicle are being repaired or painted, the business owner must ensure the required information is recorded for both the motor vehicle and the trailer.
- (3) The required information may be recorded in different documents.

*Example for subsection (3)—*

A business owner may record the required information about the same motor vehicle or trailer in a job card, invoice, receipt or computer program.

- (4) If the required information is recorded in more than 1 document, the business owner must also record in each document information that identifies the motor vehicle or trailer.

Maximum penalty—40 penalty units.

*Example for subsection (4)—*

A business owner may record in each document a job code that identifies the motor vehicle or trailer.

- (5) The business owner must ensure the name and address of the business owner's business is recorded in at least 1 of the documents in which the required information is recorded.

Maximum penalty—40 penalty units.

[s 102]

---

- (6) A person must not state, or cause or allow to be stated, required information, or information that must be recorded under subsection (4) or (5), that the person knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty—40 penalty units.

- (7) In this section—

***contact details***, of a person, means the person's address or telephone number.

***employee*** includes agent or contractor.

***paint***, a motor vehicle or trailer, means—

- (a) paint to change the predominant colour of the motor vehicle or trailer; or
- (b) paint a part of the motor vehicle or trailer that has or may have been damaged because of a collision involving the motor vehicle or trailer.

***repair***, a motor vehicle or trailer, means to restore or replace a part of the motor vehicle or trailer that has or may have been damaged because of—

- (a) corrosion; or
- (b) a collision involving the motor vehicle or trailer.

### **133A When information in s 133 must be recorded**

- (1) The business owner must record the information mentioned in section 133(1) within the following periods—
- (a) for information mentioned in section 133(1)(a) to (c), (d)(i) and (e) to (g)—as soon as practicable after the motor vehicle or trailer is delivered or access is given to it;

- (b) for information mentioned in section 133(1)(d)(ii) and (j)—as soon as practicable after the motor vehicle or trailer is repaired or painted but before the motor vehicle or trailer ceases to be under the business owner's control;
  - (c) for information mentioned in section 133(1)(h)—as soon as practicable after the person mentioned in section 133(1)(h) drives the motor vehicle or a motor vehicle attached to the trailer;
  - (d) for information mentioned in section 133(1)(i)—as soon as practicable after the part is supplied;
  - (e) for information mentioned in section 133(1)(k)—the period prescribed under a regulation.
- (2) The business owner must record the information mentioned in section 133(4) when the required information is recorded in the relevant document.
  - (3) The business owner must record the information mentioned in section 133(5) when the required information mentioned in subsection (1)(a) is recorded.

### **133B How long information in s 133 must be kept**

The business owner must keep the information mentioned in section 133(1), (4) and (5) for 3 years after the day the motor vehicle or trailer ceases to be under the business owner's control.

Maximum penalty—40 penalty units.

## **103 Amendment of s 140 (Service if address unknown etc.)**

Section 140(1) and (2), after 'business'—

[s 104]

---

*insert—*

, postal address

#### **104 Amendment of s 151 (Application of ch 5A)**

Section 151(1)—

*insert—*

*Note—*

Also see section 84A.

#### **105 Insertion of new s 166A**

After section 166—

*insert—*

##### **166A Toll officers**

- (1) Each of the following persons is a *toll officer*—
  - (a) the highest ranking executive of a toll operator; or
  - (b) an employee, of the toll operator, who is appointed by its highest ranking executive because the employee has the necessary expertise or experience; or
  - (c) a person approved as a toll officer under subsection (2) or (3).
- (2) The chief executive may approve the following persons as toll officers for a toll road—
  - (a) the highest ranking executive of a contractor to a toll operator;
  - (b) an employee, of the contractor, who the chief executive considers has the necessary expertise or experience.



- 
- (3) The chief executive officer of a local government may approve the following persons as toll officers for a local government tollway—
- (a) the highest ranking executive of a contractor to a toll operator;
  - (b) an employee, of the contractor, who the chief executive officer considers has the necessary expertise or experience.
- (4) In this section—
- toll operator*** means—
- (a) for a toll road—a person who is to operate the toll road under a road franchise agreement within the meaning of the *Transport Infrastructure Act 1994*; or
  - (b) for a local government tollway—a local government tollway operator within the meaning of the *Transport Infrastructure Act 1994*.

**106 Insertion of new ch 7, pt 18**

Chapter 7—

*insert—*

**Part 18**

**Transitional provision  
for Transport and Other  
Legislation  
Amendment Act 2014**

**227 Keeping register under former s 133**

- (1) This section applies to a person who, before the commencement of this section, kept a register under section 133.

[s 107]

---

- (2) Section 133(2) and (3)(a) continue to apply to the person in relation to the keeping of the register as if the *Transport and Other Legislation Amendment Act 2014*, part 9 had not commenced.

## 107 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *smartcard authority*—  
*omit.*
- (2) Schedule 4, definition *smartcard driver licence*—  
*omit.*
- (3) Schedule 4—  
*insert—*

***local government tollway*** see the *Transport Infrastructure Act 1994*, section 105GA(5).

***sentence*** see the *Penalties and Sentences Act 1992*, section 4.

***smartcard authority*** means a prescribed authority in the form of a card, or something similar, that is approved by the chief executive and on which information may be stored electronically.

***toll road*** see the *Transport Infrastructure Act 1994*, section 92.

***unregistered or uninsured offence*** see section 113(1).

- (4) Schedule 4—  
*insert—*

***personal mobility device*** means a vehicle that—

- (a) is designed to be used by 1 person; and
- (b) is prescribed by regulation to be a personal mobility device.

- 
- (5) Schedule 4, definition *motor vehicle*, paragraph (b), after ‘scooter’—  
*insert—*  
    , a personal mobility device
- (6) Schedule 4, definition *photographic detection device*, ‘section 113’—  
*omit, insert—*  
    section 113A(1)
- (7) Schedule 4, definition *traffic history*—  
*insert—*  
    (d) the contraventions of the *Police Powers and Responsibilities Act 2000*, section 754 for which the person has been dealt with.

## Part 10                      **Amendment of Transport Planning and Coordination Act 1994**

### 108      **Act amended**

This part amends the *Transport Planning and Coordination Act 1994*.

### 109      **Amendment of s 3 (Definitions)**

Section 3—

*insert—*

***benefited land***, for part 4, division 2, see section 28AE(1).

***burdened land***, for part 4, division 2, see section 28AE(1).

[s 110]

---

*original owner*, for part 4, division 2, see section 28AB.

*owner*, for part 4, division 2, see section 28AB.

*registered*, for part 4, division 2, see section 28AB.

*transport easement for support*, for part 4, division 2, see section 28AC.

*transport infrastructure*, for part 4, division 2, see section 28AB.

*unallocated State land*, for part 4, division 2, see section 28AB.

**110 Insertion of new pt 4, div 1, hdg**

After part 4 heading—

*insert—*

**Division 1                      General**

**111 Amendment of s 25 (General powers regarding property)**

Section 25(6), after ‘easement’—

*insert—*

, including a transport easement for support,

**112 Amendment of s 27A (Power of chief executive to dispose of land)**

(1) Section 27A(3) and (4)—

*omit, insert—*

(3) The chief executive may take an easement over all or part of the land to ensure the structural and operational integrity of transport infrastructure.

(2) Section 27A(6)(b)(ii)—

---

*omit, insert—*

- (ii) if the chief executive has registered an easement—the easement has been registered and the nature and terms of the easement; and

- (3) Section 27A(6)(b)(iv), ‘mentioned in subsection (3)’—

*omit.*

## **113 Insertion of new pt 4, div 2**

After section 28AA—

*insert—*

### **Division 2                      Transport easement for support**

#### **28AB Definitions for div 2**

In this division—

***benefited land*** see section 28AE(1).

***burdened land*** see section 28AE(1).

***original owner***, for benefited land or burdened land for a transport easement for support, means the owner of the land when the easement was created.

***owner***, of land, means—

- (a) for freehold land—the registered owner or lessee of the land; or
- (b) for non-freehold land—
  - (i) the lessee or licensee of the land; or
  - (ii) if the land is a reserve or unallocated State land—the State.

***registered*** means registered under the *Land Act 1994* or *Land Title Act 1994*.

[s 113]

---

***transport easement for support*** see section 28AC.

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

***unallocated State land*** means unallocated State land under the *Land Act 1994*.

### **28AC Meaning of *transport easement for support***

- (1) A ***transport easement for support*** is an easement created for the purpose of support.
- (2) A transport easement for support may be created only—
  - (a) in relation to adjoining lots; and
  - (b) if the benefited land is transport land.
- (3) A document or instrument of easement for a transport easement for support must state that the easement is created for the purpose of support.
- (4) The approval of the Minister administering the *Land Act 1994* is not required for—
  - (a) the creation of a transport easement for support under section 362(1) of that Act; or
  - (b) the registration of a document creating a transport easement for support under section 363(1) of that Act.
- (5) In this section—

***adjoining lot***, for a transport easement for support, includes a lot (***contiguous lot***) adjoining the adjoining lot for the easement, if the contiguous lot is needed for support.

***transport land*** includes land—

- (a) proposed to be acquired for transport purposes or for an incidental purpose; and

- (b) used, or proposed to be used, for transport purposes or for an incidental purpose.

## **28AD Application of div 2**

- (1) This division applies to a registered easement that is a transport easement for support.
- (2) A provision of an Act that provides for the creation, recording or taking of an easement applies to a transport easement for support to the extent the provision is not varied under this division.
- (3) In this section—

*Act* includes the *Acquisition of Land Act 1967*, *Land Act 1994* and *Land Title Act 1994*.

## **28AE Rights and liabilities relating to benefited land and burdened land**

- (1) An easement for lateral, subadjacent or superjacent support exists in favour of land (the ***benefited land***) against other land (the ***burdened land***) if the burdened land is capable of supplying lateral, subadjacent or superjacent support to the benefited land.
- (2) The easement entitles the owner of the benefited land to enter the burdened land, other than a part of the land where a person resides, for the easement—
  - (a) to inspect the burdened land for the purpose of preventing or rectifying any infringement of the rights of the owner of the benefited land; and
  - (b) to maintain, change or replace all or part of a structure providing support.
- (3) An owner of the burdened land—

[s 113]

---

- (a) must do all things necessary to ensure that support for the benefited land by the burdened land is maintained; and
- (b) must not, without the written consent of the owner of the benefited land—
  - (i) remove, or allow another person to remove, support for the benefited land, other than as required under paragraph (a); or
  - (ii) change, or allow another person to change, support for the benefited land, other than as required under paragraph (a); or
  - (iii) do, or allow another person to do, anything that interferes with, or otherwise compromises, support for or the structural integrity of the benefited land, other than as required under paragraph (a).
- (4) If the owner of the burdened land does not comply with subsection (3)(a) or (b), the owner of the benefited land may recover the cost of maintaining or replacing any support from the owner of the benefited land as a debt payable to the owner of the benefited land.
- (5) In a proceeding, subsection (3) is to be read in favour of the owner of the benefited land.

### **28AF Notice of entry**

- (1) This section applies if the owner of benefited land is entitled to enter the burdened land under section 28AE.
- (2) Before exercising the right of entry, the owner of the benefited land must give the owner of the burdened land reasonable notice in writing of—



- (a) the owner's intention to enter the burdened land; and
  - (b) details of the inspection or the maintenance, change or replacement to be carried out.
- (3) However, if in the circumstances, urgent maintenance, change or replacement is required (because the structure has been destroyed, for example) and it is impractical to give a notice under subsection (2)—
  - (a) the owner of the benefited land may exercise the right of entry without giving the notice to carry out the urgent maintenance or replacement; and
  - (b) as soon as practicable after the entry, the owner of the benefited land must give the owner of the burdened land written notice of the entry and details of the maintenance or replacement carried out.

### **28AG Continuation of transport easement for support**

- (1) A transport easement for support continues over affected land.
- (2) *Affected land* is land that is benefited, or burdened, by a transport easement for support and—
  - (a) is dealt with under the *Land Act 1994* or *Land Title Act 1994*; or
  - (b) becomes unallocated State land.
- (3) The owner of the affected land is taken to be the successor in title of the original owner of the land.
- (4) The benefit of a transport easement for support passes with the benefited land.

[s 113]

---

- (5) The burden of a transport easement for support passes with the burdened land.
- (6) This section applies to affected land that becomes unallocated State land despite the following—
  - (a) section 28AC(2)(b);
  - (b) the *Land Act 1994*, section 372;
  - (c) the *Land Title Act 1994*, section 85(3).
- (7) In this section—  
***dealt with*** means—
  - (a) for land under the *Land Act 1994*—
    - (i) granted in fee simple or in fee simple in trust; or
    - (ii) leased; or
    - (iii) dedicated as a reserve under an Act; or
    - (iv) surrendered as a lease; or
  - (b) for land under the *Land Title Act 1994*—reconfigured under that Act.

## **28AH Terms bind successors in title**

- (1) Each term, whether positive or negative, for a transport easement for support—
  - (a) is for the benefit of any successors in title of the benefited land; and
  - (b) is binding on any successors in title of the burdened land.
- (2) However, subsection (1) does not apply to a term expressed to apply only to the original owner of the benefited land or burdened land.
- (3) In this section—  
***term***, for a transport easement for support, means—

- (a) a covenant or other term stated in the document or instrument of easement; and
- (b) a requirement under section 28E(3).

**114 Omission of s 36H (Storing emergency contact information electronically on a relevant prescribed document)**

Section 36H—

*omit.*

**115 Insertion of new s 36H**

After section 36G—

*insert—*

**36H Service of document by post**

- (1) This section applies if a transport Act requires or permits a document to be served on a person.
- (2) The *Acts Interpretation Act 1954*, section 39 applies as if the reference to a person's address included a reference to the postal address that the person last notified to the department.
- (3) In this section—

***person's address*** means the address of the place of residence or business of the person, or the head office, a registered office or a principal office of the body corporate.

**116 Insertion of new pt 7**

After section 38—

*insert—*

## **Part 7                      Transitional provision for the Transport and Other Legislation Amendment Act 2014**

### **39   Easement for support registered before commencement**

- (1) This section applies if an easement for support is registered over State land before the commencement of this section.
- (2) The easement for support is taken to be a transport easement for support under section 28AC.
- (3) Part 4, division 2 applies to the easement for support as if that division was in force when the easement for support was registered.
- (4) In this section—

*easement for support* means a document or instrument of easement that, when registered, complied with section 28AC(1), (2) and (3) as if those provisions were in force before the commencement.

*State land* has the meaning given by the *Transport Infrastructure Act 1994*.

## **Part 11                      Minor and consequential amendments**

### **117   Legislation amended in schedule 1**

Schedule 1 amends the provisions mentioned in it.

## **Schedule 1      Minor and consequential amendments**

section 117

### **Maritime Safety Queensland Act 2002**

- 1      Part 5, division 3, heading, after ‘Pilotage’—**  
*insert—*  
**and Document Verification**

### **Transport Infrastructure Act 1994**

- 1      Section 2(2)(i)(x) and (xi)—**  
*renumber* as section 2(2)(i)(ix) and (x).
- 2      Section 10, ‘(Obligations about government supported  
transport infrastructure)’—**  
*omit.*
- 3      Section 25, ‘(Declaration of State-controlled roads)’—**  
*omit.*
- 4      Section 30, ‘(Powers of chief executive for road works  
contracts etc.)’—**  
*omit.*

Schedule 1

---

- 5      Section 31(1), ‘(Powers of chief executive for road works contracts etc.)’—**  
*omit.*
- 6      Section 34(1), ‘(Prohibition on road works etc. on State-controlled roads)’—**  
*omit.*
- 7      Section 37(1), ‘(Temporary occupation and use of land)’—**  
*omit.*
- 8      Section 44(1)(a), ‘(Impact of certain local government decisions on State-controlled roads)’—**  
*omit.*
- 9      Section 44(3)(a), ‘(Distraction of traffic on motorways)’—**  
*omit.*
- 10     Section 45(2), ‘(Powers of chief executive for road works contracts etc.)’—**  
*omit.*
- 11     Section 52(1), ‘(Ancillary works and encroachments)’—**  
*omit.*
- 12     Section 59, after ‘for example’—**  
*insert—*

- 13     **Section 81(1), ‘(Specification of chief executive’s requirements about public utility plant)’—**  
*omit.*
- 14     **Section 82(1)(a), ‘(Information by owner of public utility plant to chief executive)’—**  
*omit.*
- 15     **Section 83, before ‘—’—**  
*insert—*  

the following
- 16     **Section 83, ‘; or’—**  
*omit, insert—*  

;
- 17     **Section 108(a), ‘railway infrastructure’—**  
*omit, insert—*  

rail transport infrastructure
- 18     **Section 241(5)—**  
*omit.*
- 19     **Section 282H(5)(i), ‘(vi)’—**  
*omit, insert—*  

(iv)
- 20     **Section 283ZY(2) and (4), after ‘is’—**  
*insert—*  

for

Schedule 1

---

- 21 Section 283ZZB(3)(g) and (f)—**  
*renumber* as section 283ZZB(3)(f) and (g).
- 22 Section 283ZZC(1), ‘part’—**  
*omit, insert—*  
chapter
- 23 Section 283ZZF(1) and (2), after ‘functions to’—**  
*insert—*  
the
- 24 Section 283ZZJ(1)(a)(i), after ‘before’—**  
*insert—*  
the
- 25 Section 319, ‘affects’—**  
*insert—*  
effects
- 26 Section 331(2), ‘affect’—**  
*insert—*  
effect
- 27 Section 335AL(2)(d), ‘Editor’s note’—**  
*insert—*  
Note



**28 Section 367, ‘affects’—**

*insert—*

effects

**29 Section 377G(1), ‘Local Government Act 1993’—**

*omit.*

**30 Section 377H, ‘Editor’s note’—**

*insert—*

*Note*

**31 Section 379(2)(a), ‘affect’—**

*insert—*

effect

**32 Section 466(5), ‘Editor’s note’—**

*omit, insert—*

*Note—*

**33 Section 524—**

*insert—*

(3) In this section—

*certificate of accreditation* has the meaning given by section 126(7) as in force immediately before the commencement of the *Transport (Rail Safety) Act 2010*, section 334.

**34 Section 526, after the example—**

*insert—*

*Note—*

Chapter 7, part 3 was repealed by the *Transport (Rail Safety) Act 2010* and regulation conditions are no longer applicable.

(4) In this section—

***approved safety management system*** has the meaning given by section 122 as in force immediately before the commencement of the *Transport (Rail Safety) Act 2010*, section 334.

**35 Section 531(6)—**

*insert—*

***civil or criminal proceeding*** has the meaning given by section 213B as in force immediately before the commencement of the *Transport (Rail Safety) Act 2010*, section 336.

***coronial procedure*** has the meaning given by section 213B as in force immediately before the commencement of the *Transport (Rail Safety) Act 2010*, section 336.

***individual*** has the meaning given by section 213B as in force immediately before the commencement of the *Transport (Rail Safety) Act 2010*, section 336.

**36 Chapter 18, part 8 heading—**

*omit.*

**37 Chapter 18, part 13, division 1 heading—**

*omit.*

- 
- 38 **Chapter 18, part 13, division 2 heading—**  
*omit.*
- 39 **Schedule 3, from entry for section 313 to entry for section 315(4)—**  
*omit.*
- 40 **Schedule 3, entry for section 346R(1)(c)—**  
*omit.*
- 41 **Schedule 6, definitions *approved safety management system, certificate of accreditation, civil or criminal proceeding, coronial procedure, individual, registered interest and regulation condition—***  
*omit.*
- 42 **Schedule 6—**  
*insert—*
- unregistered right*, for chapter 7, part 7, see section 239AH.
- 43 **Schedule 6, definition *acquire*, ‘and chapter 10, part 3’—**  
*omit.*
- 44 **Schedule 6, definition *ancillary works and encroachments*, paragraph (a)(xiv) to (xviii)—**  
*renumber as paragraph (a)(xiii) to (xvii).*
- 45 **Schedule 6, definition *compensation notice*, ‘section 411’—**  
*omit, insert—*



**3 Section 39(1A), editor's note—**

*omit, insert—*

*Note—*

See sections 49, 49A and 50AB for powers about requiring or directing a person to produce a document, provide information or help an authorised officer find and gain access to a document or information.

**4 Section 51G(1)(a), 'either'—**

*omit, insert—*

any of the following applies

**5 Section 51G(1)(a), '; or'—**

*omit, insert—*

;

**6 Section 100(1), editor's note—**

*omit, insert—*

*Note—*

Also see section 51G, which deals with the chief executive's power to move a vehicle, load or other thing on a road.

**7 Section 126(1)(d) to (f)—**

*renumber* as section 126(1)(a) to (c).

**8 Section 139(3)—**

*renumber* as section 139(2).

**9 Section 153A(2), editor's note—**

*omit, insert—*

*Note—*

Also see the Criminal Code, section 16.

**10 Section 170(1), editor's note—**

*omit, insert—*

*Note—*

See chapter 5, part 7, division 2 for other provisions about camera-detected offences.

**11 Section 171(3)(f) to (h)—**

*renumber* as section 171(3)(e) to (i).

**12 Chapter 7, part 5, heading, 'provisions'—**

*omit, insert—*

**provision**

**13 Chapter 7, part 6, heading, 'provisions'—**

*omit, insert—*

**provision**

## Transport Planning and Coordination Act 1994

### 1 Section 36K(2)(b)(i), ‘commissioner’—

*omit, insert—*

chief executive

© State of Queensland 2014

Authorised by the Parliamentary Counsel