

ELECTRONIC VERSION

**A SOUTH-EAST QUEENSLAND TRANSIT
AUTHORITY: TRANSPORT PLANNING AND
COORDINATION AMENDMENT BILL 1995**

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1. INTRODUCTION

In the Minister's Second Reading Speech to the Transport Planning and Coordination Amendment Bill, the Honourable J. P. Elder referred to the establishment of a South East Queensland Transit Authority (SEQTA) as an important step in improving the livability and sustainability of the south-east Queensland region.¹ The Minister said:

The establishment of SEQTA represents the State Government's response to a number of transport challenges currently facing south-east Queensland, including: managing the challenge of rapid population growth; the need for better integration of land use and transport planning; environmental constraints; and the need to restructure historical funding arrangements to allow greater scope to allocate transport funds to those projects which meet the greatest transport needs of the community.

¹ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.902.

2. BACKGROUND

2.1 BRISBANE'S TRANSPORT HISTORY

Like the history of many urban areas, the history of Brisbane transport is characterised by each of the main transport modes developing separately and independently and then eventually coming under some sort of coordination.² John Minnery succinctly outlines the history of transport in the region:

The first recorded public transport service was the boat "Experiment" which plied between Ipswich and Brisbane in 1848. Horse-drawn omnibuses started in 1848, and horse-drawn trams in 1890. Suburban trains were early off the mark but could not compete with trams until the introduction of diesel-electric locomotives in 1952. The first really effective move to coordinate modes occurred after 1925 when Greater Brisbane was formed, at which time the new Brisbane City Council took over the operations of the trams and cross-river ferries. The Council tried unsuccessfully to introduce its own buses in 1926, only to withdraw them in favour of private operators in 1928. But in 1947, 20 of the 50 or so private bus operators then functioning were resumed by the Council. The trams were of course withdrawn in 1969.

By the start of the 1970s, then, the picture was one of a medley of operators with only intermittent ad hoc coordination. Queensland Railways ran the suburban trains (which were only small beer compared with the state's freight services by which the suburban service was effectively subsidised); most buses were run by the Brisbane City Council (often in direct competition with the trains); there were a number of private bus operators; taxis were totally private; and ferries were licensed out by the Council. Of course all operators worked under state legislation with varying degrees of direct and indirect intervention in vehicle operations, routings, licensing and so on. The operational context was that, since the mid-1940s with the rise in use of the private motor car, there had been a consistent, sometimes spectacular, decline in passengers carried on trams and buses.

The Wilbur Smith study presented in 1963, whilst dealing mainly with traffic and freeways, made passing reference to public transport. The deficiency in passenger transport planning was remedied in 1970 with the South-East Queensland - Brisbane Region Public Transport Study, also by Wilbur Smith.³

The 1970 Wilbur Smith and Associates study suggested, amongst other things, a metropolitan transport coordinating body. This recommendation, along with:

² John Minnery, 'Myth and reality in public transport coordination: the case of the Metropolitan Transit Authority', *Queensland Planner*, vol.28, no.3, 1988, pp.3-6, p.3.

³ Minnery, 1988, p.3-4.

- changing community perceptions regarding public transport due to increased traffic problems in Australian cities; and
- the discussion by both political parties at the federal level of changing funding arrangements under which the Commonwealth was to make monies available for urban public transport (such as those later set out under the *State Grants (Urban Public Transport) Act 1974* (Cth) and the *Transport (Planning and Research Act 1974* (Cth));

led to attempts to further coordinate the modes of public transport.

In 1970, the Metropolitan Transit Project Policy Committee was formed. It comprised the Treasurer, the Minister for Transport, Brisbane's Lord Mayor, The Coordinator General and the Under Treasurer. The MTPPC was to provide suitable urban public transport compatible with the objectives of the Wilbur Smith Reports and to investigate the means of its funding. An expert MTPPC Sub-Committee brought together for the first time representatives of the agencies which provided and financed urban public transport.

The MTPPC sub-committee was reconstituted as the Metropolitan Transit Project Board in 1974. The MTPB, in turn, was reconstituted two years later as the Metropolitan Transit Authority (MTA) under the *Metropolitan Transit Authority Act 1976* with powers regarding the planning and operation of public transport within the region. The MTA (discussed under the next heading) was disbanded in 1985, after its powers had been transferred to the Commissioner for Transport, under the *Urban Public Transport Act 1984* (later repealed by the *Transport Operations (Passenger Transport) Act 1994*).

During the course of the life of the MTA, the Brisbane City Council also created a transport Planning and Research Section in 1975, the Railway Department created a Planning and Development Section in 1977, and the Transport Department created a Transport Policy Unit in 1983.

The SEQ 2001 Project's 1993 study into transport planning for the region discussed below in Section 2.3 was preceded by two other major studies:

- the Brisbane City Council's 1990 *The Brisbane Plan: A City Strategy* and its issue paper on *Traffic and Transport*; and the
- *South East Queensland Passenger Transport Study* commissioned by Queensland Transport and released in September 1991.

2.2 THE FORMER METROPOLITAN TRANSIT AUTHORITY

The Metropolitan Transit Authority (MTA) existed from 1974 to 1985. It has since been claimed that the MTA “*was not in practice an effective coordinating body*”⁴. There is a perception, referred to in the Minister’s Second Reading Speech, that a SEQ transit authority, such as the Bill proposes, may come and go the same way the MTA did.⁵ The Minister stated, however, that he believed that, in light of the culture surrounding it, the MTA had been “*ahead of its time*”.⁶

The primary objective of the MTA was the provision of a “*properly integrated and efficient system of public passenger transport*”.⁷ That objective was supported by:

*a number of functions all of which were described as being in support of the primary objective. Those functions included the formulation of works programmes, their implementation if approved by Cabinet, agreements with operators for coordination or expansion of services and, if approved by Cabinet, the operation of transport services.*⁸

To assist the MTA, the Planning Advisory Committee was constituted under Section 61 of the *Metropolitan Transit Authority Act 1974*. The Planning Advisory Committee consisted of the Chairperson of the MTA, a representative of the Commonwealth, and the Commissioners for Transport, Railways and Main Roads. Section 62 outlined that the Committee’s functions were to review:

- *the Authority’s programmes with respect to the construction or acquisition of works of a capital nature in connection with the provision of a properly integrated and efficient system of public passenger transport;*
- *the Authority’s programmes for research with respect to public passenger transport*
- *the Authority’s programmes for operation of public passenger transport services and with respect to facilities to be provided in connection with such operation;*

⁴ John Minnery, ‘Coordinating public transport in Brisbane’, *Australian Urban Studies*, March-June 1990, pp.6-8.

⁵ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.903.

⁶ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.903.

⁷ Russell Bowie, ‘The Coordinators’, in John Minnery (ed) *Coordinating Public Transport in Brisbane: Built Environment Occasional Paper No.1*, Faculty of the Built Environment, Queensland Institute of Technology, August 1987, pp.49-57, p.50.

⁸ Bowie, 1987, p.50.

- *the Authority's programmes for planning with respect to the provision of a properly integrated and efficient system of public passenger transport,*
and shall tender to the Authority such advice and recommendations thereon as the committee thinks fit.

The reported ineffectiveness of the MTA has been attributed to the fact that its statutory responsibilities were not matched by effective statutory powers.⁹ It has been suggested that, in reality, the coordinating role of the MTA was secondary to the real reason for its establishment, to act simply as a funding conduit to receive monies from the Whitlam Federal Government.¹⁰

In comparison, SEQTA, the transit authority proposed by the current Bill, would appear to have a different legislative basis to that of the MTA. Importantly, it is proposed that:

- SEQTA would control the entire State Government road and public transport budget under proposed **Section 8AD(1)**;
- SEQTA, on the reading of proposed **Section 8AE**, would potentially be given very wide statutory powers; and
- further influence of SEQTA on other agencies would result in SEQTA's development of integrated regional transport plans under proposed **Section 8AG**.

These topics are discussed further under Heading 4.4 of this paper.

In summing up the lessons which the demise of the MTA might have for similar coordinating bodies, John Minnery has warned that organisations created with charters that effectively restrict the powers of pre-existing agencies will be resisted and that their jurisdictional limits and powers must be developed and clearly defined or they may have to struggle for their very existence.¹¹

2.3 SEQ 2001

The establishment of a coordinating body such as a transit authority has been supported by the recommendations of the SEQ 2001 regional planning exercise. The SEQ 2001 project was announced by the Premier in 1990 and was undertaken by the Regional Planning Advisory Group (RPAG). In July 1993, RPAG released the

⁹ Bowie, 1987, p.51.

¹⁰ Minnery, 1988, p.5-6.

¹¹ Minnery, 1990, p.8.

Preferred Pattern of Urban Development for South East Queensland, Institutional Arrangements for Growth Management in South East Queensland and a series of fifteen policy papers; one dealing with transport.¹²

Following the consideration of further submissions, the final recommendations of RPAG were released in 1994 as the *Regional Framework for Growth Management for South East Queensland*¹³.

The Regional Framework for Growth Management (RFGM) recommended:

- a cooperative and coordinated partnership approach to growth management in South East Queensland (SEQ);
- the RFGM itself should be used by all spheres of government to manage growth in SEQ;
- the Vision Statement and Regional Outline Plan (including Principles and Priority Actions) contained in the RFGM be adopted by all spheres of government; and
- the set of Action Plans contained in the RFGM be assessed by all governments for implementation.¹⁴

The objective for the Transport component of the Regional Outline Plan is: “*to improve the functioning of existing and future transport networks and facilities in terms of accessibility, costs and environmental impacts*”.¹⁵

The Transport Action Plan contained in the RFGM sets out five policies. All are relevant to the current Bill. The policies are:

- 1) *Integrated transport and land use planning should be carried out within a coordinated planning framework ...*
- 2) *A single organisation should be made responsible for devising, managing and having operated an integrated public passenger transport system for the region including responsibility for transport planning, pricing and coordination of asset management. One of the initial tasks of this organisation should be to prepare a Regional Public Transport Plan, in which opportunities for private sector investment and service provision would be clearly identified. This organisation should also develop transport funding and pricing mechanism based on optimising efficiency, equity and environmental outcomes across all modes of*

¹² Regional Planning Advisory Group, *Transport*, Policy Paper, SEQ 2001 Project, July 1993.

¹³ RPAG, *The Regional Framework for Growth Management for South East Queensland*, Final Report and Recommendations, SEQ 2001 Project, 1994.

¹⁴ Regional Framework for Growth Management, 1994, pp.14-15.

¹⁵ Regional Framework for Growth Management, 1994, p.46.

public transport. The private sector should be encouraged to invest in the provision of public transport infrastructure and services.

- 3) *Economic growth should be encouraged through the development and implementation of a Regional Transportation Plan ...*
- 4) *To provide high quality, efficient and integrated public and private passenger transport systems which will reduce dependence on private motor vehicle for trip making and encourage increased use of public transport, cycling or walking ...*
- 5) *The air, noise and water pollution effects of transportation systems should be reduced ...*¹⁶

2.4 REFORM OF QUEENSLAND'S TRANSPORT LEGISLATION

2.4.1 Challenges

RPAG in its *Transport Policy Paper*, pointed to

*... significant institutional and operational problems associated with the provision of transportation in the region. Management responsibility for both the road network and public transport is spread over the Commonwealth, State, Local Government and private sectors, with each operating to different budgets, policies and objectives.*¹⁷

At the State Government level, transport decisions had previously been made on a somewhat ad hoc basis, under the 55 statutes relating to transport which existed prior to 1993.¹⁸

In terms of public transport, the 1991 South East Queensland Passenger Transport Study (SEPTS) commissioned by the State's Department of Transport (Queensland Transport) commented regarding: "*the almost total absence of an over-arching, strategic planning and management mechanism for service provision.*"¹⁹

2.4.2 Response

In the early 1990s, Queensland Transport set out to consolidate and integrate the State's transport functions and provide for strategic planning across all transport

¹⁶ Regional Framework for Growth Management, 194, pp.134-152.

¹⁷ RPAG, *Transport, Policy Paper*, September 1993, p.(ii).

¹⁸ Lon Bram, 'State initiates transport overhaul', *Business Queensland*, 7 March 1994, p.26.

¹⁹ SEPTS, *The SEPTS Summary*, September 1991.

legislation. The resulting *Transport Planning and Coordination Act 1994*, which the current Bill amends, was established to provide peak legislation for the portfolio. The *Transport Planning and Coordination Act* includes:

- a requirement to develop a Transport Coordination Plan ²⁰ to provide a strategic framework for the planning and management of transport resources throughout Queensland;
- a consolidation of the property acquisition powers which pre-existed in various Transport Acts; and
- the establishment of an interim merits-based appeals process for all transport legislation, pending consideration of a proposed government-wide merits review process.

Primary supporting legislation to the *Transport Planning and Coordination Act* has subsequently been introduced in the form of the *Transport Infrastructure Act 1994* and four other Acts dealing with transport services, namely the:

- *Transport Operations (Passenger Transport) Act 1994*
- *Transport Operations (Marine Safety) Act 1994*
- *Transport Operations (Marine Pollution) Act 1995*
- *Transport Operations (Road Use Management) Act 1995*

This “family” of legislation contains a hierarchy of objectives which become progressively more specific.²¹

In particular, the *Transport Infrastructure Act* is to allow for and promote effective integrated planning and efficient management of the overall system of transport infrastructure.²² The Act also provides specific objectives for the provision and operation of infrastructure for each transport mode: roads, rail, ports and miscellaneous transport.

2.4.3 The Queensland Transport Coordination Plan

As required by Part 2 of the *Transport Planning and Coordination Act*, Queensland Transport released the initial Transport Coordination Plan (TCP) in mid 1995 to cover a ten-year period as the “*key linking element in the State’s strategic planning*”

²⁰ Discussed under the next heading.

²¹ Explanatory Notes to the Transport Infrastructure Bill 1994.

²² *Transport Infrastructure Act 1994*, Section 2(1).

framework for the transport system”.²³ The TCP is to guide the development of infrastructure and operation strategies throughout the transport portfolio by providing key objectives, performance indicators and criteria for transport spending. The TCP follows the Queensland Transport Policy Directions Statement²⁴, released in January 1994.

2.5 QUEENSLAND GOVERNMENT’S 1995 ELECTION POLICY

During the 1995 election campaign, the intention to establish SEQTA was announced by the Queensland Government.²⁵ In terms of funding for transport development in south-east Queensland region, the Government, in its *New Ways to Connect our Communities* policy²⁶, announced a platform to increase expenditure in public transport which included:

- a five-year, \$100 million investment to start implementing a busway and high occupancy lane system for Brisbane, in conjunction with the Brisbane City Council;
- \$225 million investment in new track, stations and trains to regularly connect Brisbane with Beenleigh and Robina by 1997;
- \$57 million for new inner city rail tunnels; and
- \$29 million to upgrade security at train stations.

2.6 DISCUSSION PAPER

Following the 1995 State election, the Queensland Government’s SEQTA Implementation Task Force issued a *Discussion Paper on SEQTA Implementation*.²⁷ The Discussion Paper describes what the Task Force envisioned to be SEQTA’s mission:

²³ Queensland Transport, *Queensland Transport Coordination Plan*, Government Printer, 1995.

²⁴ Queensland Transport, *Queensland Transport Policy Direction Statement*, Government Printer, January 1994.

²⁵ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.902.

²⁶ Australian Labor Party (Queensland), *New Ways to Connect our Communities: The Goss Plan for Better Public Transport*, Election Policy, 1995, pp.10-11.

²⁷ Queensland Government, *Discussion Paper on SEQTA Implementation*, SEQTA Implementation Task Force, 1995.

*to increase public transport usage in South East Queensland and ensure that the transport system preserves the livability of the region.*²⁸

“**Guiding principles**” for SEQTA are listed in the Discussion Paper as:

- *Attaining ecological sustainability;*
- *Advancing social justice; and*
- *Facilitating economic development*²⁹

The Discussion Paper also provides four objectives for SEQTA. These objectives are discussed in Section 4.3.1 below, where they are compared with the functions set out for SEQTA in the Bill.

3. PURPOSE

Clause 6 of the Bill proposes to insert a new Part 2A into the *Transport Planning and Coordination Act 1994* (the principal Act). The objectives of the principal Act are to improve, within the governments overall policy agenda:

- a) *the economic, trade and regional development performance of Queensland;*
and
 - b) *the quality of life of Queenslanders;*
- by achieving overall transport effectiveness and efficiency through strategic planning and management of transport resources.*³⁰

The **proposed Section 8AA** contained in **Clause 6** of the Bill³¹ provides that the objective of the new Part 2A is the establishment of a framework for establishing an integrated transport system for south-east Queensland which is, in turn, consistent with the objects of land use planning. The objective includes increasing public passenger transport use in a “*way that takes account of social, economic and environmental influences of transport*”: **Section 8AA(2)**. How these social, economic and environmental influences are to be taken into account is by ensuring that:

- (a) measures have minimal adverse environmental effects;

²⁸ Queensland Government, 1995, p.1.

²⁹ Queensland Government, 1995, p.2.

³⁰ *Transport Planning and Coordination Act 1994*, Section 3.

³¹ Hereinafter, new sections of the principal Act which are proposed by **Clause 6** of the Bill will be emphasised in bold as **Section X**. Otherwise provisions of the Bill will be referred to as **Clause Y**.

- (b) transport infrastructure is provided in a coordinated and efficient way;
- (c) public transport becomes a more attractive and effective alternative to private vehicles; and
- (d) road capacity is used efficiently by:
 - (i) investing in public transport; and
 - (ii) developing travel demand management initiatives; and by
- (e) providing:
 - (i) affordable and accessible public transport services; and
 - (ii) more flexibility in developing and integrating public transport systems;
- (f) promoting urban development that maximises the use of public transport; and
- (g) developing the opportunities for people to walk or cycle: **Section 8AA(3)**.

These objectives are to be achieved through the creation of SEQTA, whose functions involve the implementation of these objectives, and through the development of integrated regional transport plans (IRTPs). These are discussed below.

4. MAIN PROVISIONS OF THE BILL

4.1 ESTABLISHMENT, COMPOSITION AND ORGANISATIONAL STRUCTURE OF SEQTA

The South-East Queensland Transit Authority is established under **Section 8AB(1)**. **Section 8AB(2)** provides that SEQTA is to consist of the chief executive of SEQTA and SEQTA staff, who are to be public servants appointed under the *Public Service Management and Employment Act 1988* (**Section 8AF(1)**). It is suggested that SEQTA will operate with a staff of between 20 and 40 officers, who will include experts in planning, transport modeling and benefit-cost analysis and persons familiar with various modes of transport.³²

The SEQTA chief executive will control SEQTA, subject to the direction of the Minister: **Section 8AC(1)**. The SEQTA chief executive has all the functions and powers of a chief executive of a Department under the *Public Service Management and Employment Act 1988* as if SEQTA were a department under the Act: **Section**

³² Queensland Government, 1995, p.10.

8AF(2). This gives the SEQTA chief executive control over SEQTA's organisational structure, personnel and the determination of its priorities.

Instead of creating SEQTA as a separate statutory authority, it is proposed that SEQTA will be established as an office within Queensland Transport and will report directly to the Minister. The proposed **Section 8AC(2)** enables the attachment of SEQTA to the Department. This will allow SEQTA to access administrative support from the Department and avoid duplication of corporate services. The SEQTA chief executive will not be the accountable officer responsible for the keeping of accounts and preparation of annual reports under the *Financial Administration and Audit Act 1977* (**Section 8AF(3)**). This responsibility will instead fall to the Director-General of Queensland Transport.

The SEQTA chief executive must present to the Minister an annual report which is to be tabled in Parliament: **Section 8AN**.

4.2 GEOGRAPHICAL LIMITS

The scope of the region of SEQTA involvement is not outlined in the wording of the Bill. Instead, **Clause 4** of the Bill proposes that the “**SEQTA area**” is to be defined by future regulation. The Explanatory Notes to the Bill assist here, stating that the region will include the boundaries of:

- the cities of Brisbane, Caloundra, Gold Coast, Ipswich, Logan, Redcliffe and Toowoomba; and
- the shires of Beaudesert, Boonah, Caboolture, Esk, Gatton, Kilcoy, Laidley, Maroochy, Noosa, Pine Rivers and Redland.

The Discussion Paper on SEQTA Implementation stated SEQTA's geographical limits as “... *the SEQ 2001 region, from the NSW border to the Noosa River and west to Toowoomba*”.³³

4.3 FUNCTIONS OF SEQTA

Section 8AD(1) provides that:

the principle function of SEQTA is to:

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

³³ Queensland Government, 1995, p.2.

Section 8AD(2) then lists various **subordinate functions** which SEQTA is to fulfill in achieving its principal function of integrating south-east Queensland transport. These subordinate functions are (with emphasis added):

- a) *ensuring more effective integration of land use and transport planning by:

 - i) *evaluating the effectiveness of proposed and existing transport systems in the SEQTA area;*
 - ii) *developing and implementing integrated regional transport plans that complement the objectives of regional and land use plans in south-east Queensland; and*
 - iii) *allocating transport funds to transport needs that provide the highest possible overall community benefit, taking into account social, environmental and economic considerations;**
- (b) *ensuring the effective planning and development of transport infrastructure;*
- (c) *setting standards for provision and operation of transport infrastructure and ensuring that they are observed*
- (d) *coordinating the delivery of integrated public passenger transport services; and*
- (e) *developing and implementing travel demand management initiatives, including marketing and promotion initiatives, to more efficiently use road capacity:* Section 8AD(2).

4.3.1 SEQTA's Objectives in the Discussion Paper

The subordinate functions listed in **Section 8AD(2)** closely resemble the objectives outlined in the *Discussion Paper on SEQTA Implementation*. The Discussion Paper's objectives indicate how SEQTA might function. Four objectives for SEQTA are listed and discussed,³⁴ including “**key actions**” which SEQTA might follow in order to fulfill the objectives. SEQTA's four objectives listed in the discussion paper include:

A. Achieve better integration of land use and transport planning

The subordinate functions under **Subsection 8AD(2)(a)** listed above reflect this objective.

The Discussion Paper claims that enhanced integration of land use and transport planning is “*essential*” if the use of public transport is to be increased.³⁵ SEQTA will coordinate all transport planning for the region and will provide a means to evaluate any impact which sub-regional plans, planning schemes and development control plans may have on transport.

³⁴ Queensland Government, 1995, pp.3-5.

³⁵ Queensland Government, 1995, p.3.

The integrated regional transport plans (IRTPs) to be developed by SEQTA under the current Bill will be the major instruments to achieve this objective, as will SEQTA's ability to allocate transport funding. Both these aspects are discussed below in relation to the powers and influence of SEQTA.

“**Key actions**” listed in the Discussion Paper under this objective include:

- evaluation of land use and transport plans using sophisticated integrated transport modeling and benefit-cost analysis that takes account of economic, social and environmental impacts including externalities (such as the benefit of a public transport proposal in avoiding the need for a new road).

B. Ensure the provision of effective transport infrastructure

Sections 8AD(2)(b) and (c) reflect this objective.

The Discussion Paper proposes that SEQTA will have the responsibility for ensuring that transport infrastructure is provided. However, it will actually be Queensland Transport, Queensland Rail, local governments and private sector managers who will actually be doing the providing, operation and maintenance of infrastructure.

Key actions will include:

- ensuring a regional busways network.
- bikeway networks.
- an improved and expanded passenger rail network.
- an inner city transit system.
- public transport interchanges.
- roads consistent with the targets of the IRTP and SEQTA.

C. Coordinate the delivery of improved integrated public transport services

Section 8AD(2)(d) mirrors this objective.

The Discussion Paper notes that this means aiming for service at appropriate levels and transport services which can respond to changing needs. It is proposed that SEQTA will coordinate services and will assist service operators to integrate their services, for example, the need for buses to meet trains.

Key actions for SEQTA to perform under this objective include:

- specification of performance targets for service contracts.
- auditing of service contracts.
- coordinating services.

D. Reduce reliance on private travel through demand management.

Section 8AD(2)(e) reflects this objective.

The Discussion Paper asserts:

In parallel with the direct improvements in public transport, action on travel demand management is needed to ensure that gains from public transport improvements are not comprised by policies and regulations which favour private over public travel.³⁶

Key actions for SEQTA relevant to this objective are:

- providing community information, marketing, promotion and trialing of initiatives.
- the development of road use management strategies and policies on parking supply and pricing.
- pricing of road use.

“**Deliverables and Outcomes**” for SEQTA which are listed in the Discussion Paper are contained in **Appendix A** of this paper.

4.4 POWERS AND INFLUENCE OF SEQTA

SEQTA would derive its powers and influence from three main sources:

- (a) powers of the SEQTA chief executive granted under **Section 8AE**;
- (b) influence through the development of the integrated regional transport plan (IRTP) and its intended effects on transport strategies under transport legislation and on local government land use planning;
- (c) the ability to allocate funding under **Section 8AD(1)**.

These three sources of SEQTA’s authority are elaborated below.

4.4.1 Powers of SEQTA chief executive under proposed section 8AE

Section 8AE is a potent empowering provision, potentially conferring a very wide ambit of authority to SEQTA. It confers on the SEQTA chief executive all the necessary functions and powers of the Director-General under transport legislation for the fulfilment of SEQTA’s functions in the SEQTA area.

³⁶ Queensland Government, 1995, p.4.

This would appear to mean that if a Transport Act confers any function or power to the Director-General whatsoever, the SEQTA chief executive also becomes granted with the power or authority, *so long as* its exercise is one that is *intra vires*, that is, it concerns a SEQTA function in the SEQTA area. One such power, for example, is the power of the Director-General to acquire land that will be required at some future time for transport purposes under Section 11 of *the Transport Planning and Coordination Act*. **Section 8AE** would also appear to give the SEQTA chief executive the authority to approve the “Section 6 strategies” under the Transport Acts contained in the following section of this paper.

It must be remembered, however, that the powers granted to SEQTA’s chief executive would appear subject to, and curbed by, the provisions of **Section 8AD(3)**, which states that, in performing its functions, SEQTA *must*:

- (a) adopt a consultative role; and
- (b) ensure, as far as practicable, that the new Part 2A which the Bill proposes to insert into the principal Act:

is administered in consultation with, and must have regard to, the views and interests of interested groups and persons and the community generally.

In addition, **Section 8AA(4)** states:

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

Clause 7 of the Bill provides for delegation of the SEQTA chief executive’s powers.

Relationship between SEQTA and Queensland Transport

The potential breadth of authority granted to the SEQTA chief executive might well lead to a lack of clarity and potential conflict between SEQTA’s chief executive and the Department’s Director-General during any future transport planning for South East Queensland. Hence, the Minister’s Second Reading Speech refers to the pressing need to develop administrative arrangements to ensure that the respective roles of SEQTA and Queensland Transport in the south-east of the State are clearly distinguished.³⁷

The specific division of responsibility between SEQTA and the Department for the administration of legislation is yet to be formally announced. However, the

³⁷ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.904.

Explanatory Notes to the Bill state that legislative provisions to be administered by the SEQTA chief executive will include:

- *strategic transport planning including planning for the provision of transport infrastructure and transport operations;*
- *establishing performance standards to be met by scheduled passenger services provided under the Transport Operations (Passenger Transport) Act 1994;*
- *third-party provision of people-mover systems under the State Transport (People - Movers) Act 1989;*
- *approval of certain decisions of local governments under s.40 of the Transport Infrastructure Act 1994 and s.145 of the Transport Operations (Passenger Transport) Act 1994 which would adversely affect State-controlled roads or the provision of public passenger transport; and*
- *development and implementation of travel demand initiatives to reduce public reliance on private motor vehicles.*

The Discussion Paper refers to SEQTA's proposed relationship with Queensland Transport in the following way:

It is essential that SEQTA remains focused on better integration and coordination. SEQTA has overall responsibility for transport planning in south-east Queensland. SEQTA will ensure that decisions based on transport planning are implemented, while not actually implementing decisions on the ground.³⁸

For example, regarding performance standards for scheduled passenger services, the Discussion Paper envisages that SEQTA will stipulate performance targets for providers of passenger transport and will subsequently audit service contracts to ensure that minimum service levels and environmental requirements are met. However, it will be the Department, not SEQTA, which actually enters into and administers service contracts with the providers of public transport.³⁹

The Explanatory Notes state further that SEQTA will **not** be responsible for certain matters, including:

- *building of transport infrastructure;*
- *administration of vehicle registration or driver licensing requirements;*
- *limousine, tourist bus, or long distance bus services;*
- *tow-trucks;*
- *driving school accreditation or instructor licensing; and*
- *marine safety or marine pollution.*

³⁸ Queensland Government, 1995, p.6.

³⁹ Queensland Government, 1995, pp.4,6.

Appeals

The decisions made by the SEQTA chief executive under a Transport Act, pursuant to the proposed **Section 8AE**, would presumably be subject to appeal to the same extent as if that decision were made by the Director-General of the Department. Part 3 of the *Transport Planning and Coordination Act* provides for an interim system for appeals, while the Government considers adopting a Government-wide system of merits review.

4.4.2 Integrated Regional Transport Plan and its intended flow-on effects

The IRTP

Section 8AG(1) requires the chief executive to develop for the Minister's approval an integrated regional transport plan (IRTP) for the SEQTA area. This requirement for the development of an IRTP in Part 2A of the principle Act follows the requirement in Part 2 for the Director-General to develop the portfolio-wide Transport Coordination Plan (TCP) already referred to. **Section 8AG(2)** effectively makes the provisions in Part 2 (which govern the content of the TCP and place requirements on the Director-General) applicable to the IRTP and the SEQTA chief executive.

Effects of the IRTP

The development of an IRTP by SEQTA would, pursuant to proposed amendments in **Clauses 5, 10, 13 and 15** of the Bill, subsequently effect:

- (a) Transport Coordination Plans developed under the principal Act - as they apply to SEQ - to the effect that such plans would “*not be inconsistent*” with any IRTP;
- (b) Transport infrastructure strategies developed under the *Transport Infrastructure Act 1994* - as they apply to SEQ - to the effect that such strategies “*must not be inconsistent with, and must give effect to*” any IRTP;
- (c) Passenger transport strategies under the *Passenger Operations (Passenger Transport) Act 1994* - as they apply to SEQ - to the effect that such strategies “*must not be inconsistent with, and must give effect to*” any IRTP; and
- (d) Road use management strategies developed under the *Transport Operations (Road Use Management) Act 1995* - as they apply to SEQ - to the effect that such strategies “*must not be inconsistent with, and must give effect to*” any IRTP.

Further, it is intended that land use planning policies of local governments would need to take into account the implications of an IRTP. It is envisaged that SEQTA would be directly involved in the review of planning schemes submitted by local governments to the Department of Housing, Local Government and Planning for approval and:

*if proposed planning schemes were inconsistent with the IRTP, SEQTA will negotiate changes to the schemes with the relevant local governments, before they can proceed to finalisation.*⁴⁰

4.4.3 The Allocation of funds

Section 8AD(1) empowers SEQTA to manage the allocation of the State Government's road and public transport funding, in order to achieve the goal of integrated transport in south-east Queensland. The Minister's Second Reading Speech states that, under the administrative arrangements being developed, SEQTA will recommend to the Minister how funds are to be allocated for:

- the provision of transport services; or
- the provision, operation or maintenance of transport infrastructure.⁴¹

The Discussion Paper outlines the proposed process which SEQTA would follow in dealing with the State's budget for road and public transport in the south-east:

Broad strategies will be derived from the IRTP. Priorities will be determined using integrated transport models for South East Queensland. SEQTA will then refine the priorities into projects - through detailed benefit-cost analysis - that warrant funding from State Government resources. In the case of privately funded and local government funded proposals, the benefit-cost analysis would remain focused on community net benefits ...

*[For example] ... the State Government's roads implementation program for South East Queensland will be developed collaboratively by SEQTA and Queensland Transport. Once SEQTA has determined that a proposed forward roads program is consistent with and supportive of the IRTP and with public transport funding priorities, it will recommend the roads program to the Minister. Upon the Minister's agreement, SEQTA will release the budget for the roads program to Queensland Transport for implementation.*⁴²

⁴⁰ Queensland Government, 1995, p.7.

⁴¹ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.905.

⁴² Queensland Government, 1995, p.8.

4.5 THE SEQTA BOARD

Section 8AH establishes a SEQTA board. The board is to be an independent body, to advise the Minister on transport issues and give feedback on the effectiveness of integrated transport planning attempts for the south-east of the State.⁴³ There is provision for regulations to prescribe the board's functions and proceedings: **Section 8AK**.

The board is to be comprised of a “*balanced representation of government and community interests*”: **Section 8AI(4)**. It will consist of the SEQTA chief executive and not more than six other members to be appointed by the Minister (**Section 8AI**), who may also dismiss a board member subject to the requirements of **Section 8AJ(4)**. The chairperson of the board will not necessarily be the SEQTA chief executive.

The board is to be of an advisory nature only (refer **Section 8AL**), and is not a management or controlling board of SEQTA as such. The board will have little or no involvement in the administrative operations of SEQTA, nor will it hold the SEQTA chief executive accountable for operational or financial matters.⁴⁴ If the views of the board and SEQTA were to conflict, it is envisaged that the SEQTA chief executive would be able to act independently in advising the Minister on the matter.⁴⁵

⁴³ Hon. J. P. Elder MLA, Transport Planning and Coordination Amendment Bill 1995 (Qld), *Queensland Parliamentary Debates*, Second Reading Speech, 2 November 1995, p.905.

⁴⁴ Queensland Government, 1995, p.9.

⁴⁵ Queensland Government, 1995, p.9.

5. CONCLUSION

Following the conclusion of the SEQ 2001 project, Robert Stimson commented that:

*Much debate has been engendered, but there is widespread agreement on the need for a coherent approach to be taken to managing growth for the future development and planning of the SEQ Region.*⁴⁶

With regards to transportation needs, the proposed establishment of a South East Queensland Transit Authority is an example of such an approach. Its purpose will essentially be to increase the use of public transport and provide a strategic planning focus to the provision of transport services and infrastructure to the south-east of the State. At this stage, however, there is still a lot which remains unclear as to:- SEQTA's administrative arrangements; the specific transport legislation it will administer; and whether it will prove to be successful in integrating transport planning for the region's future.

⁴⁶ Robert J Stimson, 'An evaluation of the South East Queensland 2001 Study', *Queensland Economic Forecasts and Business Review*, Queensland University of Technology, vol.3, no.1, March 1994, p.58.

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APPENDIX A

“Deliverables & Outcomes” proposed for SEQTA in the 1995 Discussion Paper on SEQTA Implementation.

Short term deliverables (by 2000)

- Uniform investment evaluation process to prioritise funds effectively across modes
- guidelines established on integrated transport planning
- busway stations at the best strategic locations
- the introduction of new buses accessible to the disabled
- a major upgrade of public transport rail services and facilities
- bus and transit lanes along the busway corridors
- start of construction of airport rail
- planning for an extension of the railway from Robina to cooloongatta
- improved Sunshine Coast services
- planning completed for a busway between Petrie and Kippa Ring

Long Term deliverables (by 2020)

- inner city transit system
- Exhibition rail loop service in operation
- Greenbank and Springfield rail
- Sunshine Coast spur line
- regional busway network

Outcomes (by 2020)

- minimum 15% of all trips by public transport
- minimum 24% of all journeys to work by public transport
- emissions stabilised at 1992 levels