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Transport Infrastructure Act 1994

DECLARATION AND NOTIFICATION OF TOLLS UNDER SECTION 93

Department of Transport and Main Roads
Brisbane,
27 November 2019

I declare under Section 93 of the *Transport Infrastructure Act 1994* (**Act**) that a toll is payable for the use of the State-controlled road formerly known as the Toowoomba Second Range Crossing and currently known as the Toowoomba Bypass.

Notice is also given under section 93 of the Act for the matters prescribed in Schedule 5 of the Act for use of the Toowoomba Bypass.

The definitions at the end of this declaration are common to all of the conditions to this declaration.

Mark Bailey MP

Minister for Transport and Main Roads

Schedule 5 Conditions

1. Vehicle Classes

1.1 The following types of vehicles are liable for tolls:

- (a) Class 1: Motor Cycles
- (b) Class 2: Cars
- (c) Class 3: Light Commercial Vehicles
- (d) Class 4: Heavy Commercial Vehicles.

2. The maximum toll payable for use of the Toowoomba Bypass toll road for each type of vehicle liable to pay a toll

2.1 The maximum toll payable for each type of vehicle is the amount specified in clause 2.2 as modified from time to time by operation of the formulae contained in clause 3, provided that no toll is payable for or in connection with the use of the Toowoomba Bypass by any Exempt Vehicle.

2.2 The maximum toll for each category of Motor Vehicle at the Date of Commencement is the amount specified in the table below.

Type of Vehicle	Vehicle Class	Maximum Toll (including GST)
Motor Cycles	Class 1	\$1.15
Cars	Class 2	\$2.30
Light Commercial Vehicles	Class 3	\$5.70
Heavy Commercial Vehicles	Class 4	\$22.85

3. The methodology to be used to decide indexed, and other periodic increases in the maximum toll payable for the use of the Toowoomba Bypass toll road

3.1 On each Toll Review Date, the maximum toll for the Toll Year for the Toowoomba Bypass shall be the amount calculated in accordance with the following formula:

$$A = B \times C$$

Where:

A = the maximum toll applicable to the Toll Year commencing from the relevant Toll Review Date, rounded to the nearest whole cent (rounding upwards amounts ending in 0.5 cents);

B = the maximum toll for the Toll Year immediately prior to the relevant Toll Review Date, but disregarding any rounding that was applied in the calculation of the maximum toll for that prior Toll Year;

On any Toll Review Date when CPI_n is less than CPI_{n-1} , $C = 1.00$; and

On every other Toll Review Date, $C = CPI_n / CPI_{n-1}$.

- 3.2 The Toll Road Operator must make a public notice at least five Business Days prior to any change to a toll taking effect with respect to the Toowoomba Bypass by placing a notice in a newspaper circulating in Toowoomba.

4. **The day the toll becomes payable by each type of vehicle liable to pay a toll for use of the Toowoomba Bypass toll road**

The tolls, Administration Charges and User Administration Charges with respect to the Toowoomba Bypass in clauses 2, 5 and 7 are payable from the Date of Commencement.

5. **The Administration Charge payable for issuing a notice for, and collecting, an unpaid toll for use of the Toowoomba Bypass toll road**

- 5.1 The Administration Charge for use of the Toowoomba Bypass toll road is equal to the amount calculated to be, at the date of this declaration, the maximum Administration Charge for use of the Gateway/Logan Motorways in accordance with clauses 5.1 and 5.2 of the Gateway/Logan Declaration as modified from time to time in accordance with clause 5.2.

- 5.2 On each Toll Review Date, the Administration Charge for use of the Toowoomba Bypass toll road shall be equal to the amount calculated to be, at that Toll Review Date, the maximum Administration Charge for use of the Gateway/Logan Motorways in accordance with the formula contained in clause 5.2 of the Gateway/Logan Declaration.

6. **The ways of making payment of the toll liability for use of the Toowoomba Bypass toll road**

- 6.1 The way of making payment of the toll liability for use of the Toowoomba Bypass is by use of the E toll system, or by purchase of a Video Product.

7. **The User Administration Charge payable for persons making payment of the toll other than by use of the E toll system**

- 7.1 The User Administration Charge for use of the Toowoomba Bypass toll road consists of one or more of the following:

- (a) An "Image Processing Fee", per Toll Point;
- (b) A "Retail Purchase Fee", per Video Product purchased at a retail outlet; and
- (c) A "Casual User Invoice Fee", per invoice issued in relation to travel on the Toowoomba Bypass for which payment is not made by use of the E toll system or a Video Product,

provided that no User Administration Charge is payable for or in connection with the use of the Toowoomba Bypass by any Exempt Vehicle.

- 7.2 The amount of each fee that is a component of the User Administration Charge for use of the Toowoomba Bypass toll road is equal to the amount calculated to be, at the date of this declaration, the maximum amount of the equivalent fee for use of the Gateway/Logan Motorways in accordance with clauses 7.1 and 7.2 of the Gateway/Logan Declaration as modified from time to time in accordance with clause 7.3.

- 7.3 On each Toll Review Date, the amount of each fee that is a component of the User Administration Charge for use of the Toowoomba Bypass toll road shall be equal to the amount calculated to be, at that Toll Review Date, the maximum amount of the equivalent fee for use of the Gateway/Logan Motorways in accordance with the formula contained in clause 7.2 of the Gateway/Logan Declaration.

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8. **A description of the arrangements that will be used to allow users of the Toowoomba Bypass toll road to satisfy the liability to pay tolls on the Toowoomba Bypass toll road and tolls on other toll roads or tollways in the State or another State**
- 8.1 The Toll Road Operator must use all reasonable endeavours to ensure that the E toll system in use on the Toowoomba Bypass is interoperable with the equivalent transponder-based systems in operation on other Australian toll roads.
- 8.2 Nothing in this declaration permits a toll, Administration Charge or User Administration Charge to be levied on a user of the Toowoomba Bypass in excess of the parameters established in the Act and this declaration.
9. **The day the toll stops being payable, or a method to work out the day that the toll stops being payable, by each type of vehicle liable to pay a toll for use of the Toowoomba Bypass toll road**
- 9.1 The day the toll stops being payable is the Termination Date.

Definitions for Schedule 5 Conditions

1. Definitions

In this declaration:

"Act" means the *Transport Infrastructure Act 1994* and includes any amendment or replacement of this Act.

"Administration Charge" has the same meaning as is provided in the Act.

"Bus" means a Motor Vehicle having more than 12 seating positions (including that of the driver).

"Business Day" means a day in Toowoomba that is not a Saturday, Sunday or a public holiday and on which banks are generally open for business.

"Car" means a four-wheeled Motor Vehicle, including taxis, which is not a Commercial Vehicle (and includes such Motor Vehicle even if it is towing a trailer or caravan).

"Commercial Vehicle" means a Motor Vehicle that is either a Light Commercial Vehicle or a Heavy Commercial Vehicle.

"CPI" means the Consumer Price Index (All Groups, Brisbane) index number as published by the Australian Bureau of Statistics.

"CPI_n" at any date is the CPI for the March quarter immediately prior to the relevant Toll Review Date.

"CPI_{n-1}" at any date is the CPI for the March quarter one year prior to the March quarter immediately prior to the relevant Toll Review Date.

"Date of Commencement" means the beginning of the day that is 9 December 2019.

"Exempt Vehicle" means a vehicle utilised for any of the following purposes:

- (a) police;
- (b) ambulance;
- (c) fire services;
- (d) State emergency services as defined in the *Disaster Management Act 2003* (Qld);
- (e) the performance of other emergency services under authority of a State law or the State;
- (f) corrective services as defined in the *Corrective Services Act 2006*; and
- (g) TransLink bus services (provided that the vehicle, if required by the Toll Road Operator, is carrying an E toll transponder accepted by the Toll Road Operator for payment of tolls),

and any other vehicle that is prescribed under the law to be exempt from liability for payment of tolls.

"Gateway/Logan Declaration" means the declaration published in the Queensland Government Gazette No. 87 on 16 December 2016.

"Gateway/Logan Motorways" means the QML Network as defined in the Act.

"Heavy Commercial Vehicle" means a Motor Vehicle that:

- (a) is a rigid Truck with 3 or more axles;
- (b) is an articulated Truck;
- (c) is a Bus;
- (d) is a two axle rigid Truck having a gross vehicle mass greater than 4.5 tonnes;
- (e) is a Motor Vehicle having a gross vehicle mass greater than 30 tonnes; or
- (f) has spatial dimensions which are substantially consistent with the criteria in any of paragraphs (a) to (e) above.

"Light Commercial Vehicle" means a Motor Vehicle that is registered for commercial use and:

- (a) is a two axle rigid Truck or load carrying van or utility, having a gross vehicle mass greater than 1.5 tonnes but not exceeding 4.5 tonnes, or
- (b) has spatial dimensions which are substantially consistent with the criteria in paragraph (a).

"Motor Cycle" means a two-wheeled or three-wheeled Motor Vehicle (and includes such Motor Vehicle even if it has a trailer, fore car or side car attached).

"Motor Vehicle" has the meaning given to it in the *Transport Operations (Road Use Management) Act 1995* (Qld).

"Taxi" means a Motor Vehicle registered with the Queensland Department of Transport and Main Roads for use as a taxi.

"Termination Date" for a toll road means 3 December 2043.

"Toll Review Date" means 1 July 2020 (being the first toll review date) and thereafter 1 July in each calendar year.

"Toll Road Operator" has the same meaning as is provided in the Act.

"Toll Year" means the period from the Date of Commencement until the first Toll Review Date and thereafter each calendar year commencing on the relevant Toll Review Date.

"Toll Point" has the meaning given to the term toll plaza in the Act.

"Truck" means a Motor Vehicle other than a Bus which has a cab-chassis construction and a gross vehicle mass greater than 1.5 tonnes.

"User Administration Charge" has the same meaning as is provided in the Act.

"Video Product" means a pass or other product provided by or on behalf of the Toll Road Operator allowing a driver to satisfy the driver's liability for the toll payable for travel on the Toowoomba Bypass and which is available for purchase through various distribution channels including customer service centres, call centres and retail outlets up to 30 days prior to and up to 72 hours after (or such longer periods as may be permitted by the Toll Road Operator) travel on the Toowoomba Bypass.