

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 112 of 1984

An Act to provide for the co-ordination, integration and improvement of urban passenger services within Queensland and over waters by means connected with Queensland and of related facilities and for the co-ordination of the exercise of statutory powers in relation to such services and facilities and for related purposes

[ASSENTED TO 18TH DECEMBER, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Urban Public Passenger Transport Act 1984*.

2. Commencement of Act. (1) This Act shall not come into operation until Her Majesty's pleasure hereon has been publicly signified in the State.

(2) Subject to subsection (1), this Act shall come into operation on a date to be appointed by Proclamation.

3. This Act to be construed subject to legislative powers of State. Without limiting the effect of section 4 of the *Acts Interpretation Act 1954-1977*, this Act shall be read and construed so as not to exceed the legislative power of the State, to the intent that, where this Act or any provision thereof, but for this provision, would be construed as being in excess of that power, the Act or provision, as the case may be, shall nevertheless be valid to the extent to which it is not in excess of that power.

4. Application of Act. This Act applies in respect of transportation within Queensland and in respect of transportation over waters, from one place in Queensland to another place in Queensland or returning to the first mentioned place in Queensland whether or not over waters which are within Queensland.

5. Arrangement of Act. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1-9);

PART II—INCORPORATION OF COMMISSIONER,
FUNCTIONS AND POWERS (ss. 10-27);

PART III—MISCELLANEOUS (28-37).

SCHEDULE

6. Interpretation. In this Act, unless the contrary intention appears—

“air cushion vehicle” means a vehicle that is designed to be supported when in motion wholly or partially by air expelled from the vehicle to form a cushion the boundaries of which include the ground, water, or other surface beneath the vehicle;

“Commissioner” means the corporation sole constituted under section 10;

“Commissioner of Main Roads” means the Commissioner of Main Roads within the meaning of the term “Commissioner” in section 2 of the *Main Roads Act 1920-1983*;

“Commissioner for Railways” means the Commissioner for Railways appointed under the *Railways Act 1914-1982*;

“Deputy Commissioner for Transport” means the Deputy Commissioner for Transport within the meaning of the term

- “Deputy Commissioner” in section 5 of the *State Transport Act 1960-1981*;
- “fare” includes a fee for the parking of a vehicle in connexion with the use of an urban passenger service;
- “facility” when used in connexion with the expression “urban passenger service” means a facility intended to be used in connexion with the use of urban passenger services;
- “local authority” means a Local Authority or Joint Local Authority constituted under the *Local Government Act 1936-1984* and includes—
- (a) any person who at the material time is deemed to be a Local Authority pursuant to that Act; and
 - (b) Brisbane City Council constituted under the *City of Brisbane Act 1924-1984*;
- “metropolitan district” means the area comprising the Brisbane Statistical Division as defined at the material time by the Australian Bureau of Statistics by whatever name called;
- “Minister” means the Minister for Transport or other Minister of the Crown who, at the material time, is charged with the administration of this Act and includes any Minister of the Crown who is temporarily performing the duties of the Minister;
- “provincial city” means an Area of the State constituted a City under the *Local Government Act 1936-1984*;
- “public authority” means any department of the Government of Queensland, and any body or person constituted by or under an Act;
- “transport authority” means—
- (a) the Commissioner for Railways;
 - (b) the Commissioner, as defined for the purposes of the *State Transport Act 1960-1981*, or this Act;
 - (c) a local authority; and
 - (d) a public authority that—
 - (i) is concerned in the operation of a public passenger transport service or facility; or
 - (ii) has a statutory function or power in respect of any class of public passenger transport service or facility;
- “Treasurer” means the Treasurer of the State and includes a Minister of the Crown who is temporarily performing the duties of the Treasurer;
- “urban centre” means an area of the State comprising an urban centre as defined at the material time by the Australian Bureau of Statistics by whatever name called having a population of more than 10 000 persons or such other area

of the State as the Governor in Council by Order in Council declares to be an urban centre;

“urban passenger service” means a public transport service for the conveyance of passengers operated within the metropolitan district, a provincial city or an urban centre or within more than one of those areas;

“urban passenger transport scheme” means an urban passenger transport scheme declared under section 28;

“vehicle” means any vehicle whatsoever and includes a vessel, aeroplane, air-cushion vehicle, train or any other means of transport conveyance.

7. Repeals, savings and transitional. (1) The *Metropolitan Transit Authority Act 1976-1979*, herein referred to as “the repealed Act”, is repealed.

(2) Without limiting the operation of the *Acts Interpretation Act 1954-1977* in relation to the repeal effected by subsection (1), unless the contrary intention appears in this Act—

- (a) all rights, property, assets that immediately before the commencement of this provision were vested in the Metropolitan Transit Authority constituted under the repealed Act, herein referred to as “the Authority”, shall on and from the commencement of this provision vest in the Commissioner;
- (b) every liability existing at the commencement of this provision which falls to be discharged by the Authority shall, upon the commencement of this provision, become and be the liability of the Commissioner and may be enforced against the Commissioner;
- (c) all actions and proceedings commenced by or against the Authority before the commencement of this provision may be continued by or against, as the case may be, the Commissioner;
- (d) any agreement or instrument made before the commencement of this Act to which the Authority was a party has effect on and after that date as if—
 - (i) the Commissioner were substituted for the Authority; and
 - (ii) any reference in the agreement or instrument to the Authority were (except in respect of matters that occurred before that date) a reference to the Commissioner;
- (e) all debentures, bonds, inscribed stock and securities issued, and all money borrowed or loans raised under the authority of the repealed Act shall be deemed to be lawfully issued,

borrowed or raised, as the case may be, by the Commissioner under this Act;

- (f) the Metropolitan Transit Authority Inscribed Stock Regulations 1980 shall continue in force and be deemed to be regulations lawfully made under section 44 of the *Statutory Bodies Financial Arrangements Act 1982* and—
 - (i) a reference therein to the *Metropolitan Transit Authority Act 1976-1979* shall be read as a reference to this Act and the *Statutory Bodies Financial Arrangements Act 1982*;
 - (ii) a reference therein to the Authority shall be read as a reference to the Commissioner;
- (g) all works and matters commenced but uncompleted under the repealed Act may be continued and completed under this Act;
- (h) all works, matters authorized, directed or approved under the repealed Act shall be deemed to have been authorized, directed or approved under this Act.

(3) As soon as practicable after the commencement of this provision the Commissioner shall arrange for a final audit to be carried out by the Auditor-General of the accounts of the Metropolitan Transit Authority established under the repealed Act.

The Auditor-General shall prepare a report of the final audit and make it available to the Minister who shall lay it before the Legislative Assembly.

8. Crown bound. This Act is binding on the Crown.

9. Appointment of officers. The Governor in Council may appoint such officers as he considers necessary for the effectual administration of this Act.

Every appointment shall be made under and in accordance with the *Public Service Act 1922-1978* and every person appointed shall hold his appointment subject to that Act.

PART II—INCORPORATION OF COMMISSIONER, FUNCTIONS AND POWERS

10. Incorporation of Commissioner for Transport. (1) For the purposes of this Act, the Commissioner for Transport is constituted a corporation sole under the name and style “The Commissioner for Transport” and shall have perpetual succession and an official seal.

The corporation sole is constituted by the person who at the material time holds the office of Commissioner for Transport pursuant to section 7 of the *State Transport Act 1960-1981* or the Deputy Commissioner for Transport while acting as Commissioner for Transport and any

person who may be appointed by the Governor in Council to act as Commissioner for Transport.

(2) All courts and persons acting judicially shall take judicial notice of the appointment of the Commissioner for Transport, the Deputy Commissioner for Transport and any person appointed by the Governor in Council to act as Commissioner for Transport and of their respective signatures and of the official seal of the Commissioner affixed to any document, and, in the absence of proof to the contrary, shall presume that such signature or seal was duly affixed.

(3) The corporation sole constituted by this section is part of the Department of Transport constituted under paragraph (4) (b) of section 4B of the *Public Service Act 1922-1978*.

11. Legal capacities of Commissioner. The Commissioner shall be capable in law of—

- (a) suing and being sued;
- (b) compounding or proving in a court of competent jurisdiction all debts and sums of money due to him;
- (c) taking, acquiring, holding, letting, leasing, dealing with and disposing of real and personal property; and
- (d) doing and suffering all such acts and things as bodies corporate may in law do and suffer.

12. The Commissioner is the Crown. For the purposes of this Act the Commissioner shall be taken to represent the Crown and shall have and may exercise all the powers, privileges, rights and remedies of the Crown.

13. Power of delegation. (1) The Commissioner may, either generally or otherwise as provided by the instrument of delegation by writing signed by him, delegate—

- (a) to any person;
- (b) to the holder of an office, specifying its title but not the name of the holder for the time being,

all or any of his powers, authorities, functions and duties under this Act, except this power of delegation.

(2) A power, authority, function or duty so delegated, if exercised, performed or discharged, as the case may be, by the delegate, shall be exercised, performed or discharged in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms or limitations as the Commissioner thinks fit including a requirement that the delegate shall report to him upon the exercise, performance or discharge, as the case may be, of the delegated power, authority, function or duty.

(4) The Commissioner may make such and so many delegations of the same power, authority, function or duty and to such number of persons or holders of office as he considers necessary or desirable.

(5) A delegation is revocable at the will of the Commissioner and does not prevent the exercise of a power or authority, the performance of a duty or the discharge of a function by him.

14. Commissioner a constructing authority. For the purposes of this Act the Commissioner is a constructing authority within the meaning of the *Acquisition of Land Act 1967-1977*,

15. Functions of Commissioner. For the purposes of this Act the functions of the Commissioner are as follows:—

- (a) to provide, develop, encourage and promote a properly integrated and co-ordinated system of urban passenger services generally or in respect of a particular area, or place, or in respect of the transportation of passengers on a particular journey or class of journey;
- (b) to assist a local authority, public authority or any other person concerned in operating an urban passenger service;
- (c) to provide or develop, or encourage or assist in the provision or development of, facilities, methods or techniques connected with the use of urban passenger services;
- (d) to encourage and promote the use by the public of urban passenger services and facilities;
- (e) to undertake research, investigation and planning with respect to present or future requirements for urban passenger services and facilities and priorities with respect thereto;
- (f) to ensure that urban passenger services and facilities are provided in the most efficient manner and to promote and encourage efficiency in the provision of such services and facilities;
- (g) to advise the Minister on any matter relevant to this Act.

16. Powers. (1) The Commissioner may exercise such powers as are necessary or desirable to allow the proper discharge by him of his functions or any of them.

(2) Without limiting the powers of the Commissioner conferred by this Act or had by the Commissioner in his corporate capacity the Commissioner may—

- (a) operate by himself or in conjunction with another person an urban passenger service by land, water or air, including a service by air-cushion vehicle;
- (b) on a route serviced by an urban passenger service operated by him or operated by him in conjunction with another person, carry luggage and other property of the passengers carried in a vehicle operated on that route and carry in that vehicle any other thing for delivery on the route;
- (c) assist any person in the operation of an urban passenger service by the provision of monetary assistance, passenger transport vehicles, business or storage premises and facilities,

- or otherwise on such terms and conditions as the Commissioner thinks fit;
- (d) acquire, use, sell, lease or let on hire land, premises, rolling stock and facilities connected with the efficient operation of an urban passenger service, as the Commissioner thinks fit;
 - (e) undertake such capital works as in the Commissioner's opinion are required to enable him to properly discharge his functions or properly exercise his powers, or any of them;
 - (f) conduct such demonstration, experimental and testing projects as in the Commissioner's opinion are necessary or desirable;
 - (g) employ such experts and other agents as the Commissioner thinks fit in connexion with the discharge of his functions or the exercise of his powers;
 - (h) enter into such agreements with such persons and acquire such assets and undertakings as in the Commissioner's opinion will assist the proper discharge of his functions or the effective exercise of his powers;
 - (i) construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of any of his undertakings;
 - (j) impose conditions on which an urban passenger service operated by him may be used or on which his premises, facilities or property may be used;
 - (k) publish or disseminate by any means whatsoever information or literature in relation to urban passenger services, facilities, associated methods and techniques and for the purpose of discharging any function or the exercise of any power under this Act;
 - (l) in accordance with subsection (3), enter upon and temporarily occupy a road and—
 - (i) open and break up the soil and pavement thereof;
 - (ii) construct or place therein plant, machinery, equipment or goods and erect therein temporary workshops, sheds and other buildings;
 - (iii) make therein cuttings and excavations and construct therein or thereover subways, tunnels, drains and bridges;
 - (iv) lay therein or erect thereover tracks, cables or power-lines necessary for its operation of an undertaking;
 - (v) reinstate the surface of the road and for that purpose, remove and dispose of earth, vegetation and other material thereon;
 - (vi) repair, alter, demolish, destroy on or remove from the road plant, machinery, equipment, goods, workshops, sheds and other buildings, subways, tunnels, drains, bridges,

tracks, cables or power-lines constructed, erected or placed by him in or over the road.

(3) The Commissioner shall not exercise a power referred to in subsection (2) (1) unless he has given notice in writing of the intention so to do to the authority having the care and management of the road in question.

The Commissioner shall not, in the exercise of a power referred to in subsection (2) (1)—

- (a) alter the position of a main, sewer or drain; or
- (b) alter the position of a pipe for the supply of water or gas or a cable for the supply of electricity,

unless he has given notice in writing of the intention so to do to the authority having the care and management of the main, sewer, drain, pipe or cable and the authority so notified has consented to the proposed alteration.

The Commissioner shall, in the exercise of a power under this section, ensure that a power-line erected over any road, bridge, vehicular path or water is erected in such manner as to allow for the passage of persons and vehicles reasonably expected to be on the road, bridge or path or of vessels reasonably expected to be on the water.

(4) When the Commissioner has opened and broken up a road he shall—

- (a) with all convenient speed and as little interference to traffic as is practical, complete the work for which it is opened and broken up and shall fill in the ground and reinstate and make good the parts so opened and broken up to as good a condition as before it was opened and broken up and shall carry away all rubbish occasioned by the work;
- (b) at all times while the road is opened and broken up, cause the parts so opened and broken up to be fenced and guarded and a light sufficient for the warning of traffic to be set up and maintained against or near such parts every night during which the road is opened and broken up; and
- (c) keep the parts so opened and broken up in good repair for three months after reinstating and making good the same and for any further time not exceeding 12 months during which the soil opened and broken up continues to subside.

17. Commissioner subject to Minister's directions. The Commissioner, in the discharge of his functions and the exercise of his powers, shall be subject to the directions of the Minister given in relation to such matters as the Minister may in his discretion determine.

18. Approval of capital works. The Commissioner shall not exercise a power referred to in section 16 (2) (e) without the approval of the Governor in Council first had and obtained.

The Governor in Council may approve the exercise of a power under section 16 (2) (e) subject to such terms and conditions as he thinks fit.

19. Financial arrangements. (1) For the purpose of discharging his functions and exercising his powers the Commissioner is empowered to enter into financial arrangements within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* with the Treasurer or any other person and in respect of the Commissioner as a statutory body within the meaning of that Act the provisions of Part IV of that Act other than the provisions of sections 33, 34, 35 (1), 35 (2), 35 (4), 35 (5), 36, 37, 38, 39, 46, 47 (1), 47 (2) apply.

(2) The Commissioner is empowered to invest moneys which are not immediately required for the discharge of his functions or the exercise of his powers in any investment prescribed by section 48 of the *Statutory Bodies Financial Arrangements Act 1982* as a permissible investment for a statutory body within the meaning of that Act and in respect of the Commissioner as such a statutory body the provisions of Part V of that Act other than the provisions of sections 49, 50 (1) and 52 apply.

20. Power to require information. (1) The Commissioner may require a transport authority to furnish to him, or to a person designated in the requisition, information with respect to a particular matter or class of matter relevant to the discharge by the Commissioner of his functions, the performance of his duties or the exercise of his powers.

(2) The requisition provided for in subsection (1) may specify a reasonable time within which the requisition shall be satisfied and the manner in which it is to be satisfied.

(3) A transport authority shall satisfy in all respects a requisition made by the Commissioner pursuant to this section unless it satisfies the Minister that there is good cause why it should not comply.

21. Duty of transport authorities to consult on plans. (1) In this section the expression "transport authority" means—

- (a) a transport authority other than the Commissioner as defined for the purposes of the *State Transport Act 1960-1981*, or this Act;
- (b) a public authority concerned in any matter specified in subsection (2).

(2) Notwithstanding the provisions of any other Act, a transport authority that intends to take a policy decision with respect to the siting, inauguration or operation of an urban passenger service or facility or, in a case where its decision, if acted upon, may have an effect on present or future requirements for urban passenger services or facilities, that intends—

- (a) to take a policy decision with respect to the siting of areas for the public parking of motor vehicles or with respect to

the periods for which motor vehicles may be publicly parked at any place;

- (b) to require, permit or carry out the construction or demolition of any railway, tramway or roadway;
- (c) to take a policy decision with respect to a major development or subdivision of land,

shall notify the Commissioner concerning its intention and shall furnish to the Commissioner sufficient information within sufficient time as to enable the Commissioner to make such submissions as he thinks appropriate to the transport authority for its consideration before a determination is made with respect to the step intended.

(3) Where submissions are made by the Commissioner to a transport authority in respect of a matter notified under subsection (2) before the transport authority takes the step intended, the transport authority shall before taking the step intended consider the submissions and either accept or reject them.

Where the transport authority rejects the submissions, wholly or partly, it shall forthwith and before taking the step intended, give to the Commissioner full details of the reasons for the rejection.

The power of the Commissioner to require information from a transport authority under section 20 includes the power to require information with respect to any matter connected with the rejection by a transport authority of submissions made to it by the Commissioner for the purposes of this section.

22. Fares on urban passenger services. (1) The Commissioner with the prior approval of the Minister may from time to time by notification published in the Gazette determine the fares payable by persons using prescribed urban passenger services for a specified journey whether or not the journey specified concerns more than one mode of travel or transport operator.

The power of the Commissioner to determine a fare pursuant to this subsection does not include the power to determine a fare in respect of a journey travelled wholly on a railway vested in the Commissioner of Railways.

For the purposes of determining a fare for a specified journey pursuant to this subsection where that journey is partly travelled on a railway vested in the Commissioner for Railways, the Commissioner shall include, in respect of the railway journey, the fare fixed by the Commissioner for Railways pursuant to the *Railways Act 1914-1982*.

(2) Where the Commissioner determines a fare payable for a specified journey on a prescribed urban passenger service pursuant to subsection (1), the fare payable in respect of that journey is the fare determined by the Commissioner notwithstanding any provision to the contrary contained in a by-law under the *Local Government Act 1936-1984*, or an ordinance under the *City of Brisbane Act 1924-1984* and

the provisions of any such by-law or ordinance shall have application subject hereto accordingly.

23. Power of Commissioner to take land. (1) As a constructing authority within the meaning of the *Acquisition of Land Act 1967-1977*, the Commissioner may take, in accordance with the *Acquisition of Land Act 1967-1977*, land for a purpose specified in the Second Schedule of the *Acquisition of Land Act 1967-1977* and approved by the Governor in Council as a purpose for which the Commissioner may take land.

(2) As well as land granted in fee simple, the Commissioner may, in accordance with the *Acquisition of Land Act 1967-1977*, and as a constructing authority under that Act, take land that is held from the Crown for an estate or interest less than fee simple.

Land referred to in this subsection shall, if vested in the Commissioner by the Proclamation whereby it is taken, be vested in him for an estate in fee simple.

The Governor in Council is hereby authorized to grant in fee simple and so vest the land subject to such reservations and conditions as are authorized or required by the *Land Act 1962-1984*.

(3) The *Acquisition of Land Act 1967-1977* shall be read with and subject to all such modifications and adaptations as are necessary to give operation and effect to the preceding subsection including by reading a reference therein to the Registrar of Titles as a reference to the person or authority charged with registering instruments evidencing the title to the estate or interest in the land in question held from the Crown.

24. Vesting of land taken. (1) Land taken by the Commissioner shall, according as the Proclamation whereby it is taken or a later Proclamation provides, vest in the Crown or the Commissioner.

(2) The Governor in Council may, by Order in Council, divest any land from the Commissioner and vest the same in the Crown.

(3) Land taken by the Commissioner and vested in the Crown by the Proclamation whereby it is taken shall be and remain Crown land until it is, according to the works or purposes for which it is taken, dealt with as prescribed.

25. Power of Governor in Council to alienate land to Commissioner. The power conferred by the *Land Act 1962-1984* on the Governor in Council to grant in fee simple, or demise for a term of years or in perpetuity any Crown land within Queensland includes power to make such a grant or demise to the Commissioner for the purposes of this Act in priority to and to the exclusion of all other persons notwithstanding the provisions of the *Land Act 1962-1984*.

26. Disposal of land not required for purpose of acquisition. Subject to the provisions of section 41 of the *Acquisition of Land Act 1967-1977* in respect of land within the meaning of that Act taken by the Commissioner, if land taken by the Commissioner and held by him,

or any part of it, is not required for or in connexion with the purpose for which it was taken, the land not required shall be dealt with in a manner directed by the Governor in Council by Order in Council.

27. Proof of requirement of land. A writing purporting to be a certificate of the Commissioner that land therein specified and taken or acquired by him was, at the time of its taking or acquisition, required by him for a purpose therein specified shall be admissible in any proceeding as conclusive evidence of the matters contained therein.

PART III—MISCELLANEOUS

28. Urban passenger transport scheme. (1) For the purposes of providing a properly integrated and co-ordinated system of urban passenger services and facilities, the Governor in Council may, by notification published in the Gazette declare an urban passenger transport scheme and in like manner from time to time rescind, revoke, alter, vary, amend or otherwise modify an urban passenger transport scheme.

Upon being published in the Gazette, the urban passenger transport scheme shall be binding upon the persons and bodies to whom it applies.

The provisions of an urban passenger transport scheme are deemed to be part of this Act for the purposes of section 3.

There may be in force at the one time as many urban passenger transport schemes as the Governor in Council thinks fit.

(2) An urban passenger transport scheme may—

- (a) apply generally or in respect of a particular area or place or in respect of a particular journey or class of journey or in respect of a particular public passenger transport problem or matter;
- (b) require a transport authority in general terms or specific terms to exercise such powers or rights statutory, contractual or otherwise vested in it for the purpose of making acquisitions, carrying out works, providing services and facilities, and doing such acts as are necessary or desirable to give effect to the scheme;
- (c) require a person operating an urban passenger service to adopt a specified route and timetable in travelling for the purpose of the service;
- (d) determine the manner in which a fare for an urban passenger service may be charged or collected, including determining that one fare shall be charged or collected in respect of a journey consisting of more than one mode of travel and in which more than one transport operator is concerned;
- (e) determine the manner in which a collected fare shall be distributed between transport operators where one fare has

been charged and collected in respect of a journey in which more than one transport operator is concerned;

- (f) determine the standards and class of vehicle to be used on an urban passenger service;
- (g) make other requirements and determinations as prescribed.

(3) The provisions of an urban passenger transport scheme shall apply notwithstanding any provision to the contrary contained in a by-law under the *Local Government Act 1936-1984*, the *Harbours Act 1955-1982*, the *Port of Brisbane Authority Act 1976-1982*, the *Gold Coast Waterways Authority Act 1979-1982*, the *Railways Act 1914-1982* or contained in an ordinance under the *City of Brisbane Act 1924-1984* or the *City of Brisbane Town Planning Act 1964-1984*, and the provisions of any such by-law or ordinance shall have application subject to those provisions accordingly.

Where the application of a by-law or ordinance is affected by the provisions of a proposed urban passenger transport scheme, the Governor in Council in exercising his power under this section shall have regard to the representations of the authority which made the by-law or ordinance affected, but a failure to comply with the provisions of this paragraph shall not affect the validity of an urban passenger transport scheme or a provision thereof, and the Governor in Council shall not be bound to wait for any representation before exercising his power under this section or to comply with any such representation.

(4) The Minister from time to time may give directions to a transport authority for the purpose of implementing the provisions of an urban passenger transport scheme applicable to it and a transport authority that receives a direction under this subsection shall comply with it in all respects.

29. Annual report. The Commissioner shall, as soon as practicable after the termination of each financial year make to the Minister a report concerning the administration of this Act during such year. A copy of each such report shall be laid before the Legislative Assembly if Parliament is sitting when the report is presented or if Parliament is not then sitting within one month after Parliament again commences to sit.

The report required by this section, and the report required pursuant to section 79 of the *State Transport Act 1960-1981* may comprise one and the same report.

30. Urban Public Passenger Transport Planning and Advisory Committee. (1) For the purposes of this Act there shall be an Urban

Public Passenger Transport Planning and Advisory Committee which shall have as its function to advise the Minister on—

- (a) the operation of this Act;
 - (b) the co-ordination and integration of urban passenger services and facilities;
 - (c) methods and techniques associated with urban passenger services and facilities;
 - (d) the establishment of priorities in providing or improving urban passenger services or facilities;
 - (e) programmes with respect to the construction or acquisition of works of a capital nature for the purposes of providing a properly integrated and efficient system of urban passenger services and facilities;
 - (f) requirements for research and planning in connexion with any matter connected with urban passenger transportation.
- (2) The Committee shall consist of—
- (a) the Commissioner for Transport as defined for the purposes of the *State Transport Act 1960-1981*;
 - (b) the Commissioner for Railways;
 - (c) the Commissioner of Main Roads,

and such other persons as from time to time, the Minister thinks fit and appoints to the Committee.

The Commissioner for Transport shall be the Chairman of the Committee.

31. Other advisory committees. The Commissioner may, with the approval of the Governor in Council, establish and maintain such number of committees, consisting of such persons as the Commissioner thinks fit, to advise him in relation to any matter under this Act.

32. Validity of acts. An act, proceeding, decision or determination of the Urban Public Passenger Transport Planning and Advisory Committee, or of a committee established under section 31, is not invalid or unlawful by reason only of any defect in the qualification, membership or appointment of any member.

33. Fees and expenses. A member of the Urban Public Passenger Transport Planning and Advisory Committee or of a committee established under section 31 shall be paid such fees or expenses for attendance at meetings as are approved from time to time by the Governor in Council.

34. Application of other legislation to Commissioner. (1) The *State Transport Act 1960-1981* does not apply in respect of the doing of any act or the making of any omission by or on behalf of the Commissioner in the exercise of his powers conferred by this Act.

(2) It is competent to the Commissioner and lawful for him to operate pursuant to this Act an urban passenger service by water (including by air-cushion vehicle) notwithstanding the *City of Brisbane Act 1924-1984* or section 43 of the *Local Government Act 1936-1984* or anything done thereunder.

An exercise of power or authority by a local authority in relation to public passenger transportation by any means shall have no effect in relation to the doing of any act by the Commissioner under the authority of this Act or in relation to any matter arising out of the performance or exercise by the Commissioner of his functions or powers under this Act.

(3) By-laws made pursuant to subparagraph (e) of paragraph (iii) of section 98 (2) of the *Harbours Act 1955-1982* shall not apply in respect of the control and management by or on behalf of the Commissioner of ferry boats, other vessels and air-cushion vehicles for the purpose of providing an urban public passenger service.

35. Application of this Act to a passenger service licence. It shall be deemed to be a condition of a passenger service licence granted under the *State Transport Act 1960* or that Act as amended, whether granted before or after the commencement of this Act, that the licence holder shall comply in all respects with the provisions of this Act including the provisions of an urban passenger transport scheme that are applicable to him and with a determination of a fare pursuant to section 22.

36. Proof of Commissioner's documents. (1) A document or writing purporting to be made or issued by or on behalf of the Commissioner, and a copy thereof or an extract therefrom purporting to be certified under the official seal of the Commissioner or under the hand of another person authorized by the Commissioner in that behalf shall, upon its production in any proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

(2) A map purporting to be issued or published by the Department of Transport showing the area of the metropolitan district, a provincial city or urban centre shall upon its production in any proceeding, be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

37. Regulations. (1) The Governor in Council may make regulations not inconsistent with this Act providing for all matters or things (whether general or to meet particular cases) that are necessary or convenient for the administration of this Act or for carrying this Act into effect and, without limiting the generality of the foregoing provisions, regulations may be made for all or any of the purposes enumerated in the Schedule to this Act.

The power to regulate includes the power to prohibit.

(2) Regulations may be made—

- (a) to apply generally throughout the State or within any part of the State or otherwise to be of such limited application as is indicated therein;
- (b) so as to require any matter to which a regulation relates to be in accordance with a specific requirement of, or direction of, or as approved by, or to the satisfaction of, a specified person or body or class of person or body.

SCHEDULE

Subject Matter for Regulations

[s. 37]

1. The protection of any works undertaken by the Commissioner, and the enforcement of conditions imposed under this Act by the Commissioner on the use of services, or premises, facilities or property.

2. The supply of information from a transport authority to the Commissioner, including returns to be provided, and the furnishing to the Commissioner of any records under the control of a transport authority.

3. The enforcement of an urban passenger transport scheme, the returns to be provided by, and the furnishing to the Commissioner of records by, a transport operator and other means of ensuring compliance with an urban passenger transport scheme.

4. The prescription of urban passenger services for the purpose of section 22 and the enforcement of the payment of fares where fares are determined by the Commissioner under section 22.

5. The regulation of a committee constituted under this Act including the regulation of membership, and provision for deputies, terms of office, casual vacancies, procedure at meetings, the conduct of business and the powers, functions and duties of members of a committee.

6. The service of any document provided for or required under this Act.

7. The enforcement of the regulations including offences for breaches and penalties not exceeding \$500, the collection of penalties by way of court proceedings and the collection of payments by way of penalty out of court.