



# State Transport (People Movers) Act 1989

Current as at 22 October 2003

© State of Queensland 2019



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

# State Transport (People Movers) Act 1989

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Operation of Act after commencement of this section . . . . .	3
3	Interpretation . . . . .	4
<b>Part 3</b>	<b>Proposals for people mover systems and agreements</b>	
13	Submission of proposals . . . . .	5
14	Chief executive's examination of proposals . . . . .	5
15	Governor in Council may approve proposal . . . . .	6
16	Making of agreement . . . . .	6
<b>Part 4</b>	<b>Provisions governing construction and operation of people mover systems</b>	
17	Construction and operation of people mover system . . . . .	6
18	Licence . . . . .	7
19	Period of licence . . . . .	9
20	Fees for licences . . . . .	9
21	Lease or encumbrance of licence . . . . .	10
22	Transfer of licence . . . . .	10
23	Cancellation and suspension of licence . . . . .	11
24	Appeal against chief executive's decision . . . . .	12
25	Approval of people moving vehicles . . . . .	13
26	Dismantling of contravening structures . . . . .	13
27	Demolition of unused people mover system . . . . .	14
28	Entry on site of people mover system . . . . .	15
29	Notice to operator . . . . .	16
30	Authorised systems not affected by planning schemes . . . . .	17
31	Exclusion of other Acts . . . . .	17
32	Easements—ownership of structures . . . . .	18

# State Transport (People Movers) Act 1989

## Contents

---

33	Special leases over roads .....	18
<b>Part 5</b>	<b>Miscellaneous provisions</b>	
34	Delegation .....	19
35	Chief executive subject to Minister's directions .....	19
36	Penalty provision .....	20
37	Liability for offence by body corporate .....	20
38	Recovery of expenses .....	21
39	Evidentiary provisions .....	22
40	Regulations .....	22
<b>Part 6</b>	<b>Transitional provision</b>	
41	State Transport (People-movers) Act 1989 references .....	23
<b>Schedule</b>	.....	24

---

# State Transport (People Movers) Act 1989

**An Act to provide for the construction and operation of certain types of transport systems for the carriage of people**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *State Transport (People Movers) Act 1989*.

### **2 Operation of Act after commencement of this section**

- (1) After the commencement—
  - (a) this Act has effect only for the purposes of existing systems; and
  - (b) a person can not commit an offence under section 17(1)(a) or (b) in relation to a people mover system, other than an existing system for which there is a licence in force under this Act.
- (2) To remove any doubt, it is declared that, after the commencement—
  - (a) the chief executive must not enter into an agreement under part 3 in relation to a people mover system; and
  - (b) this Act does not apply to the construction or operation of a people mover system, other than the operation of an existing system for which there is a licence in force under this Act.

*Note—*

After the commencement, a people mover system could be constructed and operated under the authority of the *Integrated Planning Act 1997* and other relevant law. This Act will not be relevant.

- (3) Despite subsection (1)(a), the chief executive must not act under section 19(1A) to issue a further licence to any person.
- (4) Subsection (3) does not prevent the renewal of a licence in accordance with the provisions of the licence.
- (5) In this section—

***commencement*** means the commencement of this section.

***existing system*** means a people mover system that, immediately before the commencement, was in operation under a licence under part 4.

### 3 Interpretation

In this Act—

***operator***, in relation to a people mover system in respect of which a licence is issued under part 4, means—

- (a) where the licence is not leased to another by the holder thereof—the holder of the licence;
- (b) where the licence is leased to another by the holder thereof—the lessee of the licence.

***people mover system*** means a transport system designed and intended for use for the carriage of people by means of a fixed structure on a route that entails carriage over and above public land or water within Queensland other than carriage by—

- (a) a railway within the meaning of the *Transport Infrastructure (Railways) Act 1991*;
- (b) any moving walkway, belt or escalator.

***people moving vehicle*** means a vehicle designed for use in operating a people mover system.

***public land*** means land that is—

- 
- (a) Crown land within the meaning of the *Land Act 1962*; or
  - (b) land dedicated as a road for public use; or
  - (c) land reserved and set apart under the *Land Act 1962* for any public purpose; or
  - (d) land held by or under the control of—
    - (i) a local government; or
    - (ii) a person or body that, for a purpose in connection with the Government of the State, is constituted by or under an Act.

*the proposer* means the person who put forward the proposal for a people mover system approved by the Governor in Council under section 15.

## Part 3                      Proposals for people mover systems and agreements

### 13      Submission of proposals

Any person who proposes to construct a people mover system between 2 or more places shall, before commencing construction, submit his or her proposal to the chief executive.

### 14      Chief executive's examination of proposals

- (1) When a proposal for a people mover system has been submitted to it the chief executive shall enter upon an examination of the proposal with a view to the suitability of the proposed system for the purpose to which the proposal relates.
- (2) For the purpose of its examination the chief executive—
  - (a) may enter upon negotiations with the person putting forward the proposal concerning his or her proposal; and

- (b) may require the person to furnish information or further information in respect of any matter (including the means by which the proposal is to be funded) that the chief executive considers to be relevant to a proper evaluation of the proposal.
- (3) When the chief executive has determined that a people mover system should be constructed and operated between 2 or more places and that the proposal or 1 of the proposals submitted to it in relation thereto is acceptable it shall recommend to the Minister that that proposal be approved by the Governor in Council.

#### **15 Governor in Council may approve proposal**

The Governor in Council may, on the recommendation of the Minister, approve a proposal for the construction and operation of a people mover system.

#### **16 Making of agreement**

- (1) The chief executive may, for the State, enter into an agreement with the proposer about the building and operation of the people mover system.
- (2) This section does not limit the chief executive's powers under the *Transport Planning and Coordination Act 1994* or another Act.

## **Part 4 Provisions governing construction and operation of people mover systems**

#### **17 Construction and operation of people mover system**

- (1) After the expiration of 3 months from the commencement of this Act, a people mover system or any part thereof—



- 
- (a) shall not be constructed otherwise than pursuant to an agreement entered into with the chief executive;
  - (b) shall not be operated for the carriage of passengers except under the authority of and in accordance with a licence issued by the chief executive and in this part referred to as a *licence*.
- (2) A person who commits an offence referred to in subsection (1)(a) or (b) is liable—
- (a) in the case of an individual—
    - (i) for a first offence—to a penalty of 100 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 10 penalty units;
    - (ii) for a second or subsequent offence—to a penalty of 200 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 20 penalty units;
  - (b) in the case of a body corporate—
    - (i) for a first offence—to a penalty of 200 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 20 penalty units;
    - (ii) for a second or subsequent offence—to a penalty of 400 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 40 penalty units.

## 18 Licence

- (1) The chief executive may from time to time issue a licence that authorises the operation of a people mover system.
- (2) A licence may be issued to authorise the operation of a discrete part of a people mover system as well as the operation of the whole of the system.
- (3) A licence shall specify all the conditions on which the people mover system (or part to which the licence relates) is to be

operated or on breach of which the licence may be cancelled or suspended.

- (3A) Without in any way limiting the conditions which may be specified in a licence, conditions may relate to—
- (a) amenities and facilities for passengers;
  - (b) facilities for housing people moving vehicles and other equipment used in connection with the operation of the people mover system;
  - (c) routes and timetables;
  - (d) the number and type of people moving vehicles to be used in operating the system and the equipment on those vehicles;
  - (e) the fares to be charged and their manner of collection;
  - (f) the issue of tickets to passengers and the information to be contained thereon;
  - (g) the use of any part of the system for a purpose ancillary to the carriage of passengers;
  - (h) the keeping of records and the making of returns to the chief executive;
  - (i) the fees payable in respect of the licence and the time and manner of their payment;
  - (j) the safety of persons using the system;
  - (k) the maintenance of the system.
- (4) A licence shall not be issued to authorise the operation of a people mover system or a part thereof—
- (a) where the proposal for the system has been approved by the Governor in Council under section 15—until after the date of practical completion of the system or, as the case may be, the part thereof as provided for in the agreement relating to its construction between the chief executive and the proposer; and
  - (b) until the chief executive is satisfied that the system or, as the case may be, the part thereof has been shown by

---

practical testing to be safe and complies with the requirements of law relating to its mechanical and structural safety.

- (5) The chief executive may, upon the written request of the holder of the licence or, where it is leased, the lessee, vary, alter or otherwise amend the conditions specified in a licence.

## **19 Period of licence**

- (1) A licence shall take effect on the date of its issue by the chief executive and shall continue to have effect for the period specified therein, not exceeding—
- (a) in a case where the Governor in Council has approved that the licence may be granted for a period that is in excess of 25 years—that period;
  - (b) in any other case—25 years;
- unless it is duly cancelled or surrendered.
- (1A) On expiry of a licence the chief executive may issue to the person who, immediately before the expiry, was the holder thereof a further licence.
- (2) The holder of a licence may surrender the licence to the chief executive at any time.

## **20 Fees for licences**

- (1) A licensing fee is payable to the chief executive by the operator of a people mover system in respect of which a licence is issued.
- (2) The licensing fee shall, in the discretion of the chief executive, be—
- (a) an amount fixed by the chief executive; or
  - (b) the sum of the amounts fixed by the chief executive for each people moving vehicle used in operating the people mover system; or

- (c) an amount per cent as fixed by the chief executive of the gross revenue derived from the operation of the people mover system; or
  - (d) a combination of the amounts referred to in paragraphs (a) and (c).
- (3) The licensing fee, and any instalment thereof, shall become due and payable to the chief executive at the time and in the manner the chief executive prescribes and any unpaid amount may be recovered by it as a debt due and owing to it by the operator of the people mover system.
- (4) Subsections (1) to (3) apply so as to authorise the chief executive to determine differently the amount or rates of the licensing fee payable in respect of different licences and in respect of different parts of the same people mover system and, for that purpose, different parts of the same system as fixed by the chief executive shall each be deemed to be a separate system the operation of which is authorised by a licence.

## **21 Lease or encumbrance of licence**

A licence is not capable of being leased or encumbered except with the prior written approval of the chief executive and any purported lease or encumbrance otherwise than with that prior approval is void.

## **22 Transfer of licence**

- (1) A licence is not capable of being transferred except in accordance with this section and any purported transfer otherwise is void.
- (2) The chief executive may, upon application by the holder of the licence and the proposed transferee, transfer a licence.
- (3) The transfer shall be subject to such conditions as the chief executive determines.
- (4) The chief executive may, in its discretion, refuse to transfer a licence and shall refuse if, in the opinion of the chief

---

executive, the transfer would be contrary to, or not desirable in, the public interest.

- (5) An application under this section may be made in respect of a discrete part of the people mover system to which the licence relates and the chief executive, if it consents to the transfer as applied for—
- (a) shall issue another licence in respect of that part of the system to which the transfer does not relate or vary, alter or amend the existing licence so that it continues in force in respect only of that part of the system to which the transfer does not relate; and
  - (b) shall issue a licence in respect of that part of the system to which the transfer relates.

## **23 Cancellation and suspension of licence**

- (1) If it appears to the chief executive—
- (a) that a condition of a licence has been breached; or
  - (b) that the operator of a people mover system has committed an offence against this Act; and
  - (c) that it is in the public interest that action be taken under this section;

the chief executive may call upon the holder of the licence and, where the licence is leased to another person, the lessee to show cause to the chief executive, at a time and place specified in the writing, why the licence should not be cancelled.

- (2) If at the time and place so specified or to which the hearing may be adjourned cause is not shown to the chief executive's satisfaction, the chief executive may, by order—
- (a) cancel the licence; or
  - (b) suspend the licence for a period specified in the order.
- (3) An order of cancellation or suspension shall not take effect until the expiration of the time limited by section 24 for the

institution of an appeal against the chief executive's decision or, where an appeal is duly instituted, until the final determination of the appeal.

- (4) During the period of suspension the suspension of a licence has the same effect as a cancellation of the licence.

## **24 Appeal against chief executive's decision**

- (1) The holder or lessee of a licence aggrieved by the chief executive's decision to cancel or suspend the licence may appeal to the Minister against the decision within 30 days after the day on which the chief executive's order is made.
- (1A) Where an appeal is instituted under subsection (1) the Minister may refer the matter of the appeal to another person or other persons for hearing and determination and if the Minister does so a reference in subsections (2) and (3) to the Minister shall, for the purposes of the appeal, be construed as a reference to that other person or, as the case may be, those other persons.
- (2) The hearing by the Minister of an appeal shall be a rehearing on the evidence before the chief executive and on his or her determination of an appeal the Minister may—
- (a) confirm the chief executive's decision; or
  - (b) overrule the chief executive's decision and revoke the chief executive's order of cancellation or suspension of the licence; or
  - (c) order the suspension of the licence for a period specified by the Minister in lieu of cancellation of the licence.
- (3) The decision or order of the Minister on an appeal shall be deemed to be the chief executive's decision or order in the proceedings to show cause except that the decision or order of the Minister shall not be appealable.

---

## **25 Approval of people moving vehicles**

- (1) The chief executive may, in respect of any people mover system, approve of the people moving vehicles to be used in operating the system.
- (1A) An approval under this section may specify the maximum number of passengers that may be carried in the vehicle and may specify the maximum load that may be so carried.
- (2) The chief executive, if it considers that such action is necessary or desirable in the public interest, may by its order cancel, or suspend for a period, its approval of a people moving vehicle.
- (3) During the period of suspension the suspension of an approval has the same effect as a cancellation of the approval.
- (4) The operator of a people mover system shall not use or permit or allow to be used in the operation of the system a people moving vehicle—
  - (a) that is not approved by the chief executive for use in operating the system; or
  - (b) otherwise than in accordance with the approval.

## **26 Dismantling of contravening structures**

- (1) If any part of a proposed people mover system is found to have been constructed otherwise than in accordance with any agreement made between the chief executive and the proposer the chief executive may, by writing under its official seal, require the proposer to dismantle the part within a time specified in the writing.
- (2) If within the time so specified the part has not been dismantled, the chief executive may, with the approval of the Governor in Council first obtained, cause the part to be dismantled and for that purpose may, by its agents and servants—
  - (a) enter on and occupy for as long as is necessary such lands as it is necessary to enter and occupy; and

- (b) do all things necessary to effect the dismantling of the part.
- (3) The amount of all expenditure incurred by the chief executive in or in connection with dismantling a part of a people mover system under subsection (2) may be recovered by it from the proposer as a debt due and owing to it by the proposer by action in a court of competent jurisdiction.

## **27 Demolition of unused people mover system**

- (1) If at any time a people mover system is no longer in use for the carriage of passengers and, in the chief executive's opinion, it is not likely to be so used within a reasonable time, the chief executive may, by writing under its official seal, require the person who is then the owner of the system to demolish and remove the system and restore the ground surface to a condition acceptable to the chief executive within a time specified in the writing.
- (2) If within the time so specified the chief executive's requisition has not been complied with, the chief executive may, with the approval of the Governor in Council first obtained, cause the structures of the people mover system to be demolished and the materials resulting from the demolition to be sold or otherwise disposed of as the chief executive considers to be practicable and for those purposes the chief executive may, by its agents and servants—
  - (a) enter on and occupy for as long as is necessary such lands as it is necessary to enter and occupy; and
  - (b) do all things necessary to effect the demolition, sale and disposal.
- (2A) The chief executive is competent to pass good title in the sale or disposal of materials resulting from the demolition.
- (3) The proceeds of a sale of materials resulting from demolition shall be applied as follows—
  - (a) firstly in payment of the expenses of the sale;



- 
- (b) secondly in payment of creditors of the owner of the structures demolished whose debts are secured on or arose in relation to those structures;
  - (c) thirdly in payment of the costs of demolition;
  - (d) fourthly in payment of any balance to the owner of the structures demolished.
- (4) The chief executive may recover by action in a court of competent jurisdiction from the owner of structures demolished under subsection (2) any amount of costs of demolition for which the chief executive has not been recouped from the proceeds of sale of the demolition material, as a debt due and owing to the chief executive by the owner.

## **28 Entry on site of people mover system**

- (1) The chief executive is authorised to—
- (a) enter the site occupied or to be occupied by a people mover system and all premises and places used or to be used in conjunction with the site;
  - (b) inspect the site, premises and places;
  - (c) inspect and test any part of the system;
- for the purpose of—
- (d) ensuring compliance with this Act or any agreement made by the chief executive in relation to the system; or
  - (e) ensuring compliance with any conditions of a licence granted in relation to the system.
- (2) Any person concerned in the administration of an Act, other than this Act, applicable to any part of a people mover system or to the site occupied or to be occupied by a people mover system or to any premises or place used or to be used in conjunction with the site is authorised to enter on and inspect the site or such premises or place and to inspect and test such part of the system, for the purpose of ensuring compliance with the Act in the administration of which the person is concerned.

- (3) Any person—
- (a) in charge of the site occupied or to be occupied by a people mover system or any premises or place used or to be used in conjunction with the site to which site, premises or place entry is sought by a person authorised by subsection (1) or (2); or
  - (b) in charge of a part of a people mover system to which part access is sought by a person authorised by subsection (1) or (2);

shall facilitate the entry or access sought by such authorised person and the person's inspection of the site, premises, place or part and the person's testing of the part.

## 29 Notice to operator

- (1) The operator of a people mover system shall ensure that the system—
- (a) is structurally and mechanically sound; and
  - (b) is maintained in a safe and serviceable condition; and
  - (c) is fit for the carriage of passengers.
- (2) If a person authorised for the purposes of this section by the chief executive, either generally or in a particular case, (an *authorised officer*) is of the opinion that a people mover system or any part thereof—
- (a) is not structurally or mechanically sound; or
  - (b) is not being maintained in a safe and serviceable condition; or
  - (c) is not fit for the carriage of passengers;

the authorised officer may, by notice in writing given to the operator of the system or the person apparently in charge of the system or part—

- (d) require the operator to do such things as are specified in the notice for the purpose of making the system or part structurally or mechanically sound, placing it in a safe

---

and serviceable condition or, as the case may be, making it fit for the carriage of passengers within a time specified in the notice; and

- (e) if the authorised officer is of the opinion that it is necessary or desirable in the public interest so to do—direct the operator to cease operating the system or any part thereof until the things required by the notice to be done are done and the direction is rescinded by an authorised officer.
- (3) Where the things required by a notice under subsection (2) to be done are done to the satisfaction of an authorised officer, the officer may rescind the direction (if any) that the operator cease operating the system or, as the case may be, a part thereof.
- (4) The operator of a people mover system shall comply with a notice under subsection (2).

### **30 Authorised systems not affected by planning schemes**

For the purposes of—

- (a) the construction of a people mover system in accordance with an agreement made by the chief executive with the proposer; or
- (b) the operation of a people mover system under the authority of a licence;

the proposer or the operator of the system is entitled to use land and premises along or adjacent to the route of the system as agreed or authorised and the owners or occupiers of any of such land or premises are entitled to allow the land or premises to be so used notwithstanding the provisions of any planning scheme for the time being in force and applicable to such land or premises.

### **31 Exclusion of other Acts**

On the recommendation of the Minister, the Governor in Council may, by order in council, declare that the provisions

or specified provisions of an Act (other than this Act) specified in the order shall not apply in respect of the construction or operation of a particular people mover system identified in the order, whereupon for as long as the order remains in force the Act shall be construed as not applying to the system to the extent specified in the order.

### **32 Easements—ownership of structures**

- (1) The proposer and a successor to the proposer in title to a people mover system may acquire and hold an easement over the land of another person for the purposes of the system notwithstanding that the easement is not annexed to or used and enjoyed together with any other land.
- (1A) A person charged with keeping a register relating to the land shall record in the register particulars of the instrument creating the easement when the instrument is produced to the person for registration.
- (2) Structures that support or are used in conjunction with the track of a people mover system and erected by the proposer or a successor to the proposer in title to the system are the property of the proposer or, as the case may be, the proposer's successor in title, subject to any agreement by him or her to the contrary, notwithstanding that they are affixed to the land of another person.

### **33 Special leases over roads**

The power conferred on the Governor in Council by the *Land Act 1962* to grant special leases of land reserved and set apart for public purposes includes power to grant such leases in accordance with that Act of land dedicated as a road for public use and with respect to layers and strata below and air space above the surface of such land for the purposes of a people mover system.

---

## Part 5 Miscellaneous provisions

### 34 Delegation

- (1) The chief executive (the *delegant*) may, either generally or otherwise as provided by the instrument of delegation, by writing, 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 the delegant's powers, authorities, functions and duties under this Act, except this power of delegation.
- (2) A power, authority, function or duty so delegated, if exercised or discharged by the delegate, shall be exercised or discharged in accordance with the instrument of delegation.
- (3) A delegation may be made subject to such terms and conditions as the delegant thinks fit including a requirement that the delegate shall report to the delegant upon the exercise or discharge of the delegated power, authority, function or duty.
- (4) The delegant 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 the delegant thinks fit.
- (5) A delegation is revocable at the will of the delegant and does not prevent the exercise of any power or authority or the discharge of any function or duty by the delegant.

### 35 Chief executive subject to Minister's directions

The chief executive in the discharge of the functions and the exercise of the powers under this Act are subject to the directions of the Minister given in relation to such matters as the Minister in the Minister's discretion determines.

### **36 Penalty provision**

- (1) A person who—
  - (a) being required by or under this Act (other than the regulations) to do anything, fails to comply with the requirement; or
  - (b) does anything in contravention of this Act (other than the regulations);commits an offence against this Act and, if no specific penalty is provided for that offence, is liable—
  - (c) in the case of an individual—to a penalty of 100 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 10 penalty units; or
  - (d) in the case of a body corporate—to a penalty of 200 penalty units and, in addition, where the offence is a continuing one, a daily penalty of 20 penalty units.
- (2) Prosecution proceedings for an offence against this Act shall be taken in a summary way on the complaint of the chief executive or of a person authorised by the chief executive for the purpose, generally or in a particular case.
- (3) A statement in a complaint that the complainant is duly authorised to lay the complaint is sufficient evidence of the complainant's authority in the absence of evidence to the contrary.
- (4) In respect of a continuing offence a complaint may be laid, from time to time until the offence is discontinued, alleging the commission of an offence over a period.
- (5) However, an offender shall not be punished more than once in respect of any period.

### **37 Liability for offence by body corporate**

- (1) Where a body corporate commits an offence against this Act then, without derogating from the Criminal Code, section 7, each of the following persons shall be deemed to have committed the offence and, notwithstanding the Criminal

---

Code, section 23, to be criminally responsible for the act or omission concerned therein and may be charged with the offence and punished accordingly—

- (a) every person who at the time the offence is committed was a director or other member of the governing body thereof by whatever name called; and
  - (b) every person who at the time the offence is committed manages or takes part in the management of the business in Queensland thereof.
- (2) This section applies so as not to limit or affect in any way the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.
- (3) It is a defence to a charge for an offence against this Act brought against a person specified in subsection (1)(a) or (b) to prove that the offence was committed without the person's consent or connivance and that the person exercised due diligence to prevent the commission of the offence.

### **38 Recovery of expenses**

The expenses, or such part thereof as is determined by the chief executive, incurred by the chief executive in respect of any inspection of or test carried out on any part of a people mover system pursuant to section 28(1) shall be a debt due and owing to the State by—

- (a) where a licence is not issued under part 4 in respect of the system or the licence is cancelled—the owner of the system;
- (b) where a licence is issued under part 4 in respect of the system, including where the licence is suspended—the operator of the system;

and may be recovered in any court of competent jurisdiction.

### **39 Evidentiary provisions**

- (1) A document purporting to be a copy of an agreement made with the chief executive for the purposes of this Act or to be a copy of a licence issued under part 4, an approval under section 25 or a notice under section 29 and certified under the official seal of the chief executive to be a true copy shall upon its production in any proceedings be evidence and, in the absence of evidence to the contrary, conclusive evidence of that agreement, licence, approval or notice.
- (2) A certificate under the official seal of the chief executive stating that at any specified time or during a specified period a particular person was or was not the holder or the lessee of a licence issued under part 4 or that a licence under part 4 was or was not in force in relation to a particular people mover system or part thereof or that such licence was cancelled or suspended shall upon its production in any proceedings be evidence and, in the absence of evidence to the contrary, conclusive evidence of its contents.
- (3) A certificate under the official seal of the chief executive stating that the holder or lessee of a licence issued under part 4 was at any specified time or during any specified period required to do any particular act or thing pursuant to section 29 shall upon its production in any proceedings be evidence and, in the absence of evidence to the contrary, conclusive evidence of its contents.

### **40 Regulations**

- (1) The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters and things that are necessary or convenient for the administration of this Act or to achieve the objects and purposes of this Act.
- (2) The power to regulate includes the power to prohibit.
- (3) Regulations may be made—
  - (a) to apply generally in respect of all people mover systems or to a particular people mover system or





## Schedule

### section 40(5)

- 1 The submission to the chief executive of proposals for the construction and operation of people mover systems and the documentation required in connection with such proposals.
- 2 The application to the chief executive for licences under part 4 and for the transfer thereof.
- 3 The application to the chief executive for its approval of the leasing or encumbering of a licence under part 4.
- 4 The delivery to prescribed persons of licences under part 4 that have expired or been cancelled or suspended or for the purpose of altering, varying or amending the conditions thereof.
- 5 The conduct of proceedings to show cause to the chief executive and of proceedings on appeal therefrom.
- 6 The payment and manner thereof of fares by passengers using a people mover system and the prevention of the avoidance of such payment.
- 7 The removal from any part of a people mover system of persons not authorised to be on or in that part and of persons found or reasonably suspected of damaging or defacing any part of the system or whose behaviour is causing a nuisance to or is annoying other persons who are using the system or persons employed in connection with the system's operation.
- 8 The conduct of persons using a people mover system or employed in connection with its operation.
- 9 The forms to be used and the fees to be paid for the purposes of this Act and the purposes for which they are to be used or paid.
- 10 The furnishing of information to the chief executive in respect of the operation of a people mover system and the persons by whom and the times at which the information is to be so furnished.

- 
- 11 The carriage of luggage of passengers using a people mover system and of other goods.
  - 12 The identification of people moving vehicles.
  - 13 The safety and comfort of persons using a people mover system or any part thereof and the duties owed by the operator of the system to those persons.
  - 14 The removal of vehicles parked on land used in connection with the operation of a people mover system.
  - 15 The smoking of tobacco and other substances and the eating of food and the drinking of beverages on any part of a people mover system.
  - 16 The standard of facilities and equipment provided in connection with the use by persons of a people mover system.
  - 17 The use of any part of a people mover system for advertising purposes or other purposes ancillary to the carriage of passengers.
  - 18 The standards and specifications to be met by people moving vehicles before they may be approved for use by the chief executive.
  - 19 The service of notices and other writings for the purposes of this Act.
  - 20 The issuing of licences to replace ones that are lost, stolen or defaced or that become illegible.
  - 21 The protection, preservation and safety of any works undertaken by the chief executive in connection with the construction, operation or maintenance of a people mover system.
  - 22 Providing for programs to ensure that people mover systems are properly maintained.
  - 23 The making and keeping of records in respect of the operation of people mover systems, the production and inspection of records and the taking of extracts from and the making of copies of records.
  - 24 The compiling of reports and the furnishing of reports to the chief executive by the commissioner of the police service

Schedule

---

relating to the qualifications, antecedents (including the criminal history), character and conduct of—

- (a) any person putting forward to the chief executive a proposal for the construction and operation of a people mover system or applying for a licence under part 4; or
- (b) any proposed transferee or lessee of a licence under part 4;

and, where the person or the proposed transferee or lessee is a body corporate, of any director or other person concerned in the management of the body.

- 25 All matters required or permitted by this Act to be prescribed where the manner of prescription is not specified.