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QUEENSLAND

**URBAN PUBLIC
PASSENGER TRANSPORT
REGULATIONS 1986**

WITH
AN INDEX

(Compiled to 1 August, 1990)

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URBAN PUBLIC PASSENGER TRANSPORT REGULATIONS 1986

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QUEENSLAND

**URBAN PUBLIC PASSENGER TRANSPORT
REGULATIONS 1986**

[Reprinted as at 1 August, 1990]

[Regulations published Gazette 5 July 1986, pp. 1935-1947.]

Department of Transport
Brisbane, 3rd July, 1986

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Urban Public Passenger Transport Act 1984*, has been pleased to make the following regulations.

D. F. LANE
Minister for Transport

PART I—PRELIMINARY

1. Short Title. These regulations may be cited as the Urban Public Passenger Transport Regulations 1986.

2. Arrangement of Regulations. These regulations are arranged as follows:—

PART I—PRELIMINARY (Regulations 1-4);

PART II—ANNUAL RETURNS AND NOTIFICATIONS
(Regulations 5-6);

PART III—URBAN PUBLIC PASSENGER TRANSPORT
FACILITIES (Regulations 7-11);

PART IV—URBAN PASSENGER TRANSPORT SCHEME
(Regulation 12);

PART V—ADVISORY COMMITTEES (Regulations 13-23);

PART VI—MISCELLANEOUS (Regulations 24-25).

3. Forms. (1) The Forms set forth in the Schedule hereto shall be used for the purpose for which they are respectively applicable: Provided that no form shall be deemed invalid if it is to the effect of the respectively proper Form in the Schedule with such modification as the circumstances may require.

(2) Where a Form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the Form,

those particulars or other matters are prescribed as the particulars or other matters required under the provisions of the Act for the purpose for which the Form is prescribed.

(3) A Form prescribed by these regulations shall be completed in accordance with such directions as are specified in the Form as so prescribed.

(4) In these regulations a reference to a Form by number is a reference to the Form in the Schedule hereto which bears that number.

4. Definitions. In these regulations, unless the contrary intention appears:—

“advisory committee” means a committee established and maintained pursuant to section 31 of the Act;

“authorised person” means a person appointed to be an authorised person pursuant to regulation 8;

“committee member” means a member of an advisory committee;

“motor vehicle” means a motor vehicle as defined by the *Traffic Act 1949-1985*;

“passenger service licence” means a passenger service licence granted under the *State Transport Act 1960-1985*;

“the Act” means the *Urban Public Passenger Transport Act 1984*;

“transport operator” means a person operating an urban passenger service;

“urban public passenger transport facility” means an area of land, including any building or structure erected thereon, owned, leased or under the control of the Commissioner which land is used in connection with an urban passenger service.

PART II—ANNUAL RETURNS AND NOTIFICATIONS

5. Annual Returns. (1) A transport operator shall furnish to the Commissioner an annual return in Form 1 not later than 31st October, in each year.

(2) A transport authority which does not operate an urban passenger service but which:—

(a) controls, either wholly or in part, an urban passenger service;
or

(b) assists an urban passenger service by way of direct financial assistance or the provision of facilities,

shall furnish an annual return in Form 2 to the Commissioner not later than 31st October in each year.

6. Notifications under subsection 21 (2). Where a transport authority is required to notify the Commissioner and furnish information to the Commissioner pursuant to subsection 21 (2) of the Act, the transport

authority shall complete and furnish to the Commissioner a notification in Form 3.

PART III—URBAN PUBLIC PASSENGER TRANSPORT FACILITIES

7. Conditions of use of urban public passenger transport facilities.

(1) Where the Commissioner imposes conditions on which an urban public passenger transport facility may be used, such conditions shall be prominently displayed on a notice erected at the entrance to the facility.

(2) Any person who fails to comply with or contravenes any condition displayed in accordance with subregulation (1) shall be guilty of an offence against these regulations.

8. Appointment of authorised person. (1) The Commissioner may from time to time by instrument in writing signed by him appoint an officer of the Department of Transport or a transport authority to exercise the powers of an authorised person under these regulations.

(2) Any such appointment shall remain in force for the period specified therein or, if no period is specified, until revoked by the Commissioner.

9. Powers of authorised person. An authorised person may give to any person entering or upon an urban public passenger transport facility such directions as the authorised person considers necessary for the general good conduct of the facility and for the benefit and safety of persons and motor vehicles therein.

10. Protection of facilities. A person shall not mark, deface, remove or in any way damage or destroy any land, premises, works, urban passenger service facility, vehicle or other thing owned by or on lease to or hire by the Commissioner or otherwise under the control of the Commissioner.

11. Compliance with conditions of use of facilities. A person who fails to comply with or contravenes any condition imposed by the Commissioner on the use of his premises, urban passenger service facility or property shall be guilty of an offence against these regulations.

PART IV—URBAN PASSENGER TRANSPORT SCHEME

12. Requirements of urban passenger transport scheme. For the purposes of [paragraph]* 28 (2) (g) of the Act, prescribed requirements and determinations which may apply to an urban passenger transport scheme shall be as follows:—

- (a) to require a transport operator to apply for a passenger service licence;
- (b) to require a transport operator to lodge such returns and to supply such information as are contained or specified in the scheme;

* *Sic.*

- (c) to direct a transport operator to carry out such surveys, searches and other work as is required to provide the information required under paragraph (b) hereof;
- (d) to require a transport operator to discontinue or alter any route, service or timetable;
- (e) to declare that any road or part thereof may be reserved exclusively for omnibuses either generally or at a particular time;
- (f) to declare that any area of a street or part of a street may be used for parking or that parking shall be prohibited thereon;
- (g) to require a transport operator to employ or engage such servants or agents as are necessary or desirable to carry out the scheme.

PART V—ADVISORY COMMITTEES

13. Term of appointment of committee members. (1) The term of appointment of a committee member shall be for such period as the Commissioner thinks fit but shall not exceed 3 years.

(2) A committee member who has not attained the age of 70 years shall be eligible for re-appointment.

14. Chairman. The Commissioner shall appoint a committee member to be Chairman, or, where the Chairman is absent, to be an Acting Chairman.

15. Termination of membership. (1) A committee member may, by writing addressed to the Commissioner, resign his office at any time.

(2) The Commissioner may remove from office a committee member if:—

- (a) he is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (b) he becomes incapable, in the opinion of the Commissioner, of discharging the duties of his office; or
- (c) in the opinion of the Commissioner he is incompetent or unfit to hold his office or for any other reason he should not hold his office.

(3) A committee member shall be deemed to have vacated his office—

- (a) in the event of his resignation, upon receipt by the Commissioner of his notice of resignation;
- (b) in the event of his removal, upon issue by the Commissioner of notice of his removal;
- (c) in the event of his absence from three consecutive ordinary meetings of the advisory committee of which notice has been duly given to him, without the Chairman's leave first

obtained or without the Chairman's approval obtained before or after the event;

(d) in the event of his attaining the age of 70 years.

(4) For the purposes of paragraph [3]* (c)—

- (a) the non-attendance of a committee member at the time and place appointed for an ordinary meeting shall not constitute absence from such meeting unless a meeting of the advisory committee at which a quorum is present is actually held on that day;
- (b) the attendance of a committee member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held on that day.

16. Casual vacancy on advisory committee. (1) A casual vacancy shall be taken to arise in the office of a committee member:—

- (a) if he dies in office; or
- (b) if his office becomes vacant as prescribed by subregulation 15 (3).

(2) If a casual vacancy occurs in the office of a committee member the Commissioner may appoint a person to fill that vacancy and he shall hold office, subject to these regulations, for the remainder of his predecessor's term of appointment.

17. Meetings of advisory committees. Meetings of an advisory committee shall be called by the Commissioner or the Chairman.

18. Presiding at meetings. The Chairman shall preside at each meeting of an advisory committee at which he is present and the Acting Chairman shall preside at the meeting or meetings for which the Commissioner appointed him Acting Chairman.

19. Quorum at meetings. The quorum of an advisory committee shall consist of a majority of the number of committee members for the time being holding office.

20. Notice of meetings. (1) Notice of every meeting or adjourned meeting of an advisory committee other than a meeting adjourned to a time less than seven days from the date of the adjournment, shall be in writing and shall be given to each committee member as soon as possible prior to the date appointed for such meeting.

(2) A notice of a meeting or an adjourned meeting may be given to a committee member by pre-paid post letter addressed to his place of business or place of residence last known to the Chairman.

21. Adjournment of meetings. (1) The committee members present at a meeting of an advisory committee or the majority of them if more than two are present, or the Chairman if the committee members present

* *Sic.*

are equally divided on the issue, may adjourn the meeting from time to time.

(2) If a quorum is not present at a meeting within fifteen minutes after the time appointed for the meeting to commence, the committee member or members present or the majority of them if more than two are present, or the Chairman if the committee members present are equally divided on the issue, shall adjourn such meeting to any time not later than fourteen days from the date of such adjournment.

(3) No provision of subregulation (2) shall be construed to prevent the adjournment of a meeting to a later hour of the same day on which such meeting was appointed to be held.

22. Minutes of meetings. (1) Minutes of the proceedings and decisions of each meeting of an advisory committee shall be recorded in a book to be retained by the Chairman.

(2) The Chairman or in his absence the Acting Chairman shall appoint an officer of the Department of Transport to act as minute secretary to each meeting.

23. Annual Report. As soon as is practicable after the last meeting held each calendar year, the Chairman of an advisory committee shall furnish to the Commissioner a report on the operation of the advisory committee throughout the year.

PART VI—MISCELLANEOUS

24. Service of documents. (1) Any notice, order, direction or other writing whatsoever under the provisions of the Act or these regulations required or authorised to be given, furnished or served upon any person, may be given, furnished or served by—

- (a) delivering the same to such person personally; or
- (b) leaving the same at the usual place of business or address of such person or at his place of business or address last known to the Commissioner; or
- (c) forwarding the same by registered post or certified mail in a pre-paid letter addressed to such person at his usual place of business or address or at his place of business or address last known to the Commissioner.

(2) Where any such notice, order, direction or other writing as aforesaid is required or authorised to be given or furnished to or served upon any person whose place of business or address is unknown to the Commissioner, the same may be and shall be deemed to be given, furnished, or served by the publication of the said, or a true abstract thereof, in the *Gazette* or in a newspaper circulating in the locality where the person last resided or carried on business.

(3) A document may be served on the Commissioner by being sent by pre-paid post to the Commissioner at his office.

25. General offence provision. (1) A person who contravenes or fails to comply with any provision of these regulations commits an offence against these regulations.

(2) A person who—

(a) fails to do that which he is directed to do;

(b) does that which he is forbidden to do,

by a person acting under the authority of these regulations commits an offence against these regulations.

(3) Save where a specific penalty is otherwise prescribed, a person who commits an offence against these regulations is liable to a penalty of 10 penalty units.

(4) All offences against these regulations may be prosecuted in a summary way under the *Justices Act 1886-1982* upon the complaint of the Commissioner or person authorized in writing in that behalf by the Commissioner.

Schedule

Form 1

Urban Public Passenger Transport Act 1984

(Regulation 5 (1))

Queensland

TRANSPORT OPERATORS ANNUAL RETURN

TO: The Commissioner for Transport,
Brisbane, Q., 4000

This annual return is submitted by the undermentioned transport operator in respect of the urban passenger service operated by the transport operator during the year 1st July, 19 to 30th June, 19 , particulars of which urban passenger service are as set out hereunder.

NAME OF TRANSPORT OPERATOR:

ADDRESS: ; Postcode:

STATEMENT OF OPERATING PARTICULARS

- (a) Mode of transport: *Rail/Bus/Water Transport
- (b) Number and type of vehicles in fleet as of 30th June
 Bus: ; Electric Multiple Unit Train: ;
 Diesel Hauled Train: ; Railmotor: ;
 Ferry or Other Water Transport Vehicle: ;
 Other (Specify): .

DETAILS OF VEHICLES (If Insufficient Space, Attach Schedule)

Number and Type of Vehicle	Age (In Years)	Seated Passenger Capacity

- (c) Number of passengers carried during year ended 30th June 19 :
 Bus: ; Rail: ;
 Ferry or Other Water Transport Vehicle: ;
 Other (Specify): .

- (d) Vehicle kilometres travelled during year:—
 Bus: ; Rail: ;
 Ferry or Other Water Transport Vehicle: ;
 Other (Specify): .

- (e) Passenger service route kilometres as at 30th June (total length of all routes):

Enclosed herewith are the following:—

- (a) schedule(s) of routes; and
 (b) a copy of timetable(s) operated as at 30th June, 19 .

I declare that the information and particulars furnished in and accompanying this return are true and correct.

Signature:

Designation of Signatory:

Date:

*Delete whichever does not apply.

NOTES: This return is to be completed and furnished to the Commissioner not later than 31st October in each year.

Where the transport operator is a company or a firm, this return should be signed by, in the case of a company, a director or the secretary thereof, and, in the case of a firm, an authorised member thereof, who should be so designated.

Form 2

Urban Public Passenger Transport Act 1984

(Regulation 5 (2))

NON-OPERATING TRANSPORT AUTHORITY'S ANNUAL RETURN

TO: The Commissioner for Transport,
Brisbane, Q., 4000

This annual return is submitted by the undermentioned transport authority in respect of the transport authority's control of, or assistance provided by the transport authority to, an urban passenger service, particulars of which are as set out hereunder, during the year 1st July, 19 to 30th June, 19 .

NAME OF TRANSPORT AUTHORITY:

ADDRESS: ; Postcode:

1. Description of control of or assistance to urban passenger services:—

(A) Control:

(B) Assistance:

(i) Financial:

(ii) Facilities:

(iii) Other:

2. Details of assistance (other than by the provision of facilities) provided to urban passenger services:—

Name of Transport Operator	Details of Assistance Provided

3. Details of facilities provided by way of assistance to urban passenger services:—

Name of Transport Operator	Details of Facilities Provided

I declare that the information and particulars furnished in this return are true and correct.

Signature:

Designation of Signatory:

Date:

NOTE: This return is to be completed and furnished to the Commissioner not later than 31st October, in each year.

Form 3

Urban Public Passenger Transport Act 1984

(Regulation 6)

NOTIFICATION OF INTENTION UNDER SUBSECTION 21 (2)

TO: The Commissioner for Transport,
Brisbane, Q., 4000

(Insert name of transport authority)

of

(Insert address of transport authority)

does hereby notify you of its undermentioned intention.

PART I⁽¹⁾

Intention to take a policy decision with respect to the siting, inauguration or operation of an urban passenger service/facility, particulars of which are as follows:—

1. Location of existing or proposed urban passenger service/services or facility:
2. Details of proposed discontinuance or alteration of urban passenger service/services:
3. (a) Commencement date of proposed new or altered service or date service to be discontinued:
- (b) Proposed date of implementation or alteration of public passenger facilities:
4. Nature, location and details (as applicable) of public passenger facilities—
 - (a) Railways or tramways—
 - (i) Boarding and/or disembarkation places:
 - (ii) Public car parking provisions:
 - (b) Ferries—
 - (i) Terminals:
 - (ii) Public car parking provisions:
 - (c) Urban buses—
 - (i) Boarding and/or disembarkation places:
 - (A) Within a Central Business District:
 - (B) Within a Regulated Parking Area:
 - (C) At Ferry Terminals:
 - (D) At Railway Stations:
 - (E) At major regional retail and/or commercial centres:
 - (ii) Service route termini:

- (iii) Places for the public parking of motor vehicles in connection with the bus service:
- (iv) Vehicle depots:
- (v) Interchange facilities:

NOTE: Compliance with this Part shall not excuse a transport authority from the supplying of information to the Commissioner in accordance with the provisions of the *State Transport Act 1960-1985* or any agreement entered into between the transport authority and the Commissioner.

PART II⁽¹⁾

Intention to take a policy decision with respect to the siting of areas for the public parking of motor vehicles/the periods for which motor vehicles may be publicly parked. Particulars of the proposal relating to the public parking of motor vehicles are as follows:—

1. Location of relevant area for public parking of motor vehicles showing city, town or shire, suburb and street or streets:

2. The proposed parking area is:

- on-street
- off-street
- both

3. Proposed parking capacity, including any proposed change in existing capacity:

4. Proposed regulated parking controls:

5. Proposed date of implementation:

6. Description of any public transport service, either existing or proposed, in respect of which such decision is likely to affect or is in conjunction therewith:

7. Name of any other Government Department, Authority, Corporation or person involved in the decision by way of negotiation, agreement, or permission:

8. Anticipated date of decision by the transport authority:

PART III⁽¹⁾

Intention to require/permit/carry out the construction/demolition of a railway/tramway/roadway. Particulars of such construction or demolition works are as follows:—

1. Name of owner, operator, and/or constructing authority:

2. Location, route, and length of railway, tramway or roadway. (Enclose copy of layout plan):

3. Proposed timescale for construction or demolition:
 4. Names of any other Government Departments, Authorities, Corporations, or persons involved by way of negotiation, agreement, or permission:
 5. Description of existing or proposed public transport services operating or to be operated on the railway, tramway or roadway:
 6. Anticipated date of commencement of works:
-

PART IV⁽¹⁾

Intention to take a policy decision with respect to a major development/subdivision of land. Particulars of the major development/subdivision of land are as follows:—

1. Nature of development or subdivision:
 2. Name of constructing authority or developer:
 3. Names of other Government Departments, Authorities, Corporations or persons involved in the decision by negotiation, agreement, or permission:
 4. Expected population of residential subdivision:
 5. Gross lettable area of rental and/or commercial office space in the development:
 6. Number of car parking spaces to be provided in the development:
 7. Details of public transport facilities proposed in conjunction with development or subdivision:
 8. Description of any existing public transport facilities or services affected by the development or subdivision:
 9. Nature of intended decision, (e.g.) consideration in principle, development approval, building approval:
 10. Anticipated date of intended decision by Transport Authority:
 11. Proposed timescale for implementation of development or subdivision:
 12. Copy of preliminary layout or conceptual plans attached.
-

I declare that the information and particulars furnished by me in and accompanying this return are true and correct.

Signature:

Designation of Signatory:

Date:

⁽¹⁾ Complete only the part which is applicable.

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