

TRANSPORT (AMENDMENT) ACT.

Act No. 49, 1960.

An Act to enable transport districts to be established under the Transport Act, 1930, as amended by subsequent Acts, without transport trusts being constituted and incorporated for those districts; for this and other purposes to amend that Act, as so amended; and for purposes connected therewith. [Assented to, 17th November, 1960.] Elizabeth II,
No. 49, 1960.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Transport (Amendment) Act, 1960". Short title
and
citation.

(2) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Act, 1930-1960.

2. The Transport Act, 1930, as amended by subsequent Acts, is amended— Amendment
of Act No.
18, 1930.

- (a) (i) by inserting in subsection three of section three after the word "area" wherever occurring the words "or part of an area"; Sec. 3.
(Applica-
tion of
Act.)
- (ii) by inserting at the end of the same section the following new subsection :—

(4) An area, or part of an area, of a local authority shall not be included in, added to or excluded from a transport district without the consent of that local authority.

(b)

Transport (Amendment) Act.

No. 49, 1960.

Sec. 10.

(Establishment of country transport districts.)

- (b) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection :—

(1) Where the Governor by proclamation made under subsection two of section three of this Act establishes a transport district, he may, if he thinks fit, by the same proclamation constitute and incorporate a transport trust for such district and assign to such Trust its corporate name.

New
sec. 10A.

- (c) by inserting next after section ten the following new section :—

Provisions
applicable
where no
transport
trust is
constituted
for a
transport
district.

10A. Where a transport trust is not constituted and incorporated under subsection one of section ten of this Act for a transport district established under subsection two of section three of this Act the following provisions shall have effect :—

- (a) Each of them, the Commissioner for Government Transport and the Commissioner for Motor Transport, shall have and may exercise in respect of any such transport district the same powers, authorities, duties and functions as are from time to time conferred or imposed upon him in respect of the Metropolitan Transport District and the Newcastle and District Transport District.
- (b) In the construction, and for the purposes, of the provisions of any Act, by-law, regulation, ordinance or other instrument whatsoever, of the same or a different kind or nature, a reference to or to be read, deemed or taken to refer to, a Trust, a Transport Trust, the Commissioner of Road Transport or the Commissioner for Road Transport and Tramways shall, in the application of any such provision to a

transport

transport district for which a transport trust ^{No. 49, 1960.}
is not constituted as aforesaid, be read,
deemed and taken to refer to—

- (i) the Commissioner for Government Transport—where and insofar as such provision relates to or in any way affects or concerns any power, authority, duty or function conferred or imposed upon him by virtue of paragraph (a) of this section;
- (ii) the Commissioner for Motor Transport—where and insofar as such provision relates to or in any way affects or concerns any power, authority, duty or function conferred or imposed upon him by virtue of paragraph (a) of this section.

Without prejudice to the generality of the foregoing provisions of this paragraph, any reference of the nature therein referred to may, pursuant thereto, be read, deemed and taken to refer to the Commissioner for Government Transport or the Commissioner for Motor Transport or to both of them at the same or different times, as the case may require.

- (c) In the construction, and for the purposes, of the provisions of any Act, by-law, regulation, ordinance or other instrument whatsoever, of the same or a different kind or nature, a reference to or to be read, deemed or taken to refer to a district, a transport district or a country transport district shall, in the application of any such provision to a transport district for which a transport trust is not constituted as aforesaid, be read, deemed and taken to refer to such lastmentioned transport district.
- (d)

No. 49, 1960.

Sec. 15.

(Public
vehicles.)

- (d) (i) by omitting subsection one of section fifteen and by inserting in lieu thereof the following subsection : —

(1) Where a transport district is established by or under this Act, or where pursuant to subsection three of section three of this Act a transport district is varied by adding an area or part of an area thereto, the Governor may by proclamation published in the Gazette appoint a date on and after which the provisions of the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, and the Local Government Act, 1919, as amended by subsequent Acts, so far as such provisions relate to—

- (a) the licensing and regulation of public vehicles for the conveyance of passengers and goods; and
- (b) the licensing and regulation of the drivers or conductors of such public vehicles,

shall not have effect in such district, area or part, as the case may be, and any such proclamation shall subject to subsection (2A) of this section have effect according to its tenor.

- (ii) by omitting from subsection two of the same section the words “by the Trust”;
- (iii) by inserting next after the same subsection the following new subsection : —

(2A) Where—

- (a) any area or part of an area ceases to be within a transport district; and
- (b) there was in force immediately before the date on which such area or part ceased to be within a transport district a proclamation under subsection one of this section relating to such area or part,

the provisions, referred to in the said subsection one, of the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, and the Local Government

Government Act, 1919, as amended by subse-
quent Acts, shall on and after such date have
effect in such area or part until the date
appointed in any subsequent proclamation
relating to such area or part and made under
the said subsection one.

- (e) (i) by omitting subsection one of section one hundred and thirty-five and by inserting in lieu thereof the following subsection : —

Sec. 135.
(Motor
omnibus
services to
be licensed.)

(1) (a) This subsection applies to any district, area or part of an area in which the provisions, referred to in subsection one of section fifteen of this Act, of the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, and the Local Government Act, 1919, as amended by subsequent Acts, do not for the time being apply by reason of the provisions of that subsection.

(b) Where a person carries on, within a district, area, or part of an area to which this subsection applies, a motor omnibus service otherwise than in accordance with the provisions of this Act or the regulations and pursuant to the authority and in conformity with the terms and conditions of a motor omnibus service license issued to that person under this Act, such person shall be guilty of an offence against this Act.

- (ii) by omitting from subsection two of the same section the words “is in force at the commencement of this Act” and by inserting in lieu thereof the words “was in force immediately before the appointed date in relation to any area or part of an area within which the motor omnibus was operated pursuant to that license”;
- (iii) by omitting from the same subsection the words “at such commencement” and by inserting in lieu thereof the words “immediately before that date”;

(iv)

No. 49, 1960.

- (iv) by inserting at the end of the same subsection the following new paragraph :—

In this subsection “appointed date” in relation to any area or part of an area means the date on which the provisions, referred to in subsection one of section fifteen of this Act, of the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, and the Local Government Act, 1919, as amended by subsequent Acts, ceased to have effect in that area or part by reason of any proclamation made under that subsection.

Sec. 204.
(Public
Vehicles
Fund.)

- (f) by inserting at the end of paragraph (b) of subsection three of section two hundred and four the following new proviso :—

Provided that where such service license fees are paid in respect of motor omnibus services carried on within any district in which a transport service is not operated, the whole shall be applied in the manner provided by paragraph (a) of this subsection.

Sec. 257.
(Proof.)

- (g) by inserting in section two hundred and fifty-seven after the word “Act” where firstly occurring the words “or the regulations”;

Sec. 263.
(Regulations to be
made on
recommendation of
Board.)

- (h) by omitting from section two hundred and sixty-three the words “on the recommendation of the Board and with the concurrence of the Trusts” and by inserting in lieu thereof the words “subject to the provisions of section 264A of this Act”;

Sec. 264.
(Regulations to be
made on
recommendation of a
Trust.)

- (i) (i) by omitting from subsection one of section two hundred and sixty-four the words “With respect to the matters specified in this section the Governor may make regulations to take effect within the district of a Trust only upon the recommendation of the Trust of that district” and by inserting in lieu thereof the words “In pursuance of the power conferred by section two hundred and sixty-two of this Act and without limiting the generality of that power the Governor

Governor may, subject to the provisions of ^{No. 49, 1960.} section 264A of this Act, make regulations for or with respect to”;

(ii) by inserting next after paragraph (ab) of the same subsection the following paragraph :—

(abi) the dress to be worn by the drivers of taxi-cabs and the drivers and conductors of other public vehicles.

(j) by inserting next after section two hundred and sixty-four the following new section :— ^{New sec. 264A.}

264A. A regulation under section two hundred and sixty-three or two hundred and sixty-four of this Act shall not be made to apply to a district for which a transport trust has been constituted and incorporated under subsection one of section ten of this Act except with the concurrence of that transport trust. ^{Certain regulations only to be made with concurrence of Trust.}

3. (1) Any proclamation made or purporting to have ^{Savings.} been made under subsection three of section three of the Transport Act, 1930, as amended by subsequent Acts passed before the commencement of this Act, and in force or purporting to be in force immediately before that commencement shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by subparagraph (i) of paragraph (a) of section two of this Act been in force at the time when such proclamation was made, and shall be deemed to be a proclamation made under subsection three of section three of the Transport Act, 1930, as amended by subsequent Acts and by this Act.

(2) Any proclamation made under subsection one of section fifteen or of section one hundred and thirty-five of the Transport Act, 1930, as amended by subsequent Acts passed before the commencement of this Act, and in force immediately before that commencement shall be deemed to be a proclamation made under subsection one of section fifteen, or subsection one of section one hundred and thirty-five, of the Transport Act, 1930, as amended by subsequent Acts and by this Act, as the case may be.