

## TRANSPORT ACT.

Act No. 18, 1930.

George V.  
No. 18, 1930.

An Act to provide transport trusts for the regulation and control of tramway and omnibus transport and public vehicles in certain areas; to provide for a Commissioner of Road Transport and the transfer to him of certain functions in connection with motor vehicles; to amend the Government Railways Act, 1912-1928, and certain other Acts; and for purposes connected therewith. [Assented to, 4th June, 1930.]

BE it enacted by the King'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 :—

### PART I.

#### PRELIMINARY.

Short title. **1.** (1) This Act may be cited as the "Transport Act, 1930."

Commence-  
ment. (2) Except where otherwise expressly provided this Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Division into  
Parts. **2.** This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—ss. 1-5.

PART II.—ADMINISTRATION—ss. 9-18.

DIVISION 1.—*Transport Trusts*—ss. 9-17.

DIVISION 2.—*Commissioner of Road Transport*  
—s. 18.

PART

PART III.—CONSTITUTION OF TRUSTS AND  
GENERAL MANAGEMENT—*ss.* 19-35.

DIVISION 1.—*Metropolitan Transport Trust—*  
*ss.* 19-28.

DIVISION 2.—*Country Transport Trusts—s.* 29.

DIVISION 3.—*Management of Transport Ser-*  
*vices—ss.* 30-32.

DIVISION 4.—*Commissioner and Members of*  
*the Board—ss.* 33, 34.

DIVISION 5.—*Preliminary administration—s.* 35.

PART IV.—TRAMWAYS—*ss.* 36-44.

DIVISION 1.—*Transfer—ss.* 36-39.

DIVISION 2.—*Capital indebtedness to be assumed*  
*by Trusts—ss.* 40-43.

DIVISION 3.—*Railway and Tramway Institute*  
*—s.* 44.

PART V.—CONDUCT OF TRANSPORT SERVICES BY  
A TRUST—*ss.* 45-62.

PART VI.—INVESTIGATION OF ACCIDENTS ON  
TRANSPORT SERVICES—*s.* 63.

PART VII.—MISCELLANEOUS—*ss.* 64-67.

PART VIII.—FUNDS—*ss.* 68-72.

PART IX.—CONSTRUCTION OF TRAMWAYS—*ss.*  
73-85.

PART X.—ESTABLISHMENT OF TRANSPORT SER-  
VICES UNDER MUNICIPAL GUARANTEE—*ss.* 86-  
99.

DIVISION 1.—*Tramways—ss.* 86-93.

DIVISION 2.—*Motor omnibus services—ss.* 94,  
95.

DIVISION 3.—*Rates—ss.* 96-98.

DIVISION 4.—*Application of Division 1—s.* 99.

PART XI.—APPOINTMENT, PROMOTION, DISCIPLINE IN AND REGULATION OF OFFICERS EMPLOYED IN TRANSPORT SERVICES—*ss.* 100-128.

DIVISION 1.—*Appointment and promotion—*  
*ss.* 100-104.

DIVISION

DIVISION 2.—*Suspension and dismissal*—ss. 105–111.

DIVISION 3.—*Appeals*—ss. 112–115.

DIVISION 4.—*Officers in positions of trust*—ss. 116–121.

DIVISION 5.—*Miscellaneous provisions*—ss. 122–128.

PART XII.—SUPERANNUATION ALLOWANCES AND GRATUITIES—ss. 129–132.

PART XIII.—PRIVATELY-OWNED MOTOR OMNIBUS SERVICES—ss. 133–169.

DIVISION 1.—*Control*—ss. 133–149.

DIVISION 2.—*Drivers and conductors*—ss. 150, 151.

DIVISION 3.—*Applications, service license fees, &c.*—ss. 152, 153.

DIVISION 4.—*Insurance*—ss. 154–156.

DIVISION 5.—*Regulation of routes, &c.*—ss. 157–163.

DIVISION 6.—*Investigations*—ss. 164–166.

DIVISION 7.—*Appeals*—ss. 167–169.

PART XIV.—PUBLIC VEHICLES—ss. 170, 171.

PART XV.—REGISTRATION AND TAXATION OF MOTOR VEHICLES OTHER THAN PUBLIC VEHICLES—ss. 172–182.

PART XVI.—FINANCIAL—ss. 183–208.

DIVISION 1.—*Loans raised by Trusts*—ss. 183–201.

DIVISION 2.—*Road Transport and Traffic Fund*—ss. 202, 203.

DIVISION 3.—*Public Vehicles Fund*—s. 204.

DIVISION 4.—*Accounts and audit*—ss. 205–208.

PART XVII.—GENERAL—ss. 209–215.

PART XVIII.—PENALTIES, PROCEDURE, &c.—ss. 216–261.

DIVISION

DIVISION 1.—*Offences generally*—ss. 216–218.

DIVISION 2.—*Offences relating to transport services*—ss. 219–235.

DIVISION 3.—*Offences relating to public vehicles*—ss. 236–249.

DIVISION 4.—*Procedure, &c.*—ss. 250–261.

PART XIX.—REGULATIONS—ss. 262–265.

PART XX.—TRAFFIC ADVISORY COMMITTEE—ss. 266–269.

PART XXI.—TRANSPORT ADVISORY COMMITTEES—s. 270.

PART XXII.—AMENDMENTS OF VARIOUS ACTS—ss. 271–277.

SCHEDULE ONE.

SCHEDULE TWO.

**3.** (1) This Act shall, except where otherwise expressly provided, apply as from its commencement within the County of Cumberland, which, for the purposes of this Act, shall be known as the Metropolitan Transport District. Application of Act.

(2) The Governor may from time to time by proclamation published in the Gazette establish other transport districts and declare that this Act or any part or section of the Act shall apply as from a date specified in the proclamation within any such district or any portion of any such district so defined in the proclamation, and may in like manner from time to time amend, vary or cancel any such proclamation.

(3) The Governor may from time to time by proclamation vary the Metropolitan Transport District or any other district by adding any area thereto or excluding any area therefrom, and may in like manner amend, vary or cancel any such proclamation.

**4.** In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“Area” shall have the meaning ascribed thereto in the Local Government Act, 1919, and shall include the City of Sydney.

“Board” means the Management Board appointed under this Act to conduct the transport services.

“Commissioner”

- “Commissioner” means the Commissioner of Road Transport appointed under this Act.
- “Commissioner of Police” means the Inspector-General of Police appointed under the Police Regulation Act, 1899, or the person for the time being in charge of the police force.
- “District” means a district for which a Transport Trust is established under this Act.
- “Driver” means any person engaged or employed to drive or who drives any public vehicle.
- “License” means a license granted pursuant to this Act to a driver or conductor.
- “Licensed” means licensed under this Act or the regulations made thereunder.
- “Local Authority” means the council of any municipality or shire, and includes the Municipal Council of Sydney, and in Parts V and IX in relation to a proclaimed main road or a declared secondary road includes the Main Roads Board of New South Wales.
- “Magistrate” means any justice who is a police or stipendiary magistrate, or any justice lawfully acting as his deputy or in his place.
- “Motor omnibus” means any motor vehicle fitted or equipped or constructed so as to seat more than eight adult persons, and in respect of which payment is received for the conveyance of any passengers along a public street, and shall include any vehicle or class of vehicles proclaimed by the Governor as motor omnibuses.
- “Motor omnibus service” means the carriage of passengers by motor omnibus.
- “Municipality” means any area constituted or continued as a municipality under the Local Government Act, 1919, and includes the City of Sydney and any other city.
- “Officer” means any officer, clerk, servant or other person employed or appointed by the Commissioner of Road Transport or by the Board, and includes a member of the police force when acting in pursuance of powers conferred upon him by or under this Act.
- “Owner”

"Owner" in relation to a public vehicle includes every person who is the owner, joint owner or part owner of the vehicle, and any person who has the use of the vehicle under a hire-purchase agreement, but shall not include the lessor under any such agreement.

"Part" means Part of this Act.

"Passenger" does not include driver or conductor.

"Postmaster-General" means the Postmaster-General of the Commonwealth.

"Prescribed" means prescribed by this Act or the regulations made under this Act, and "Prescribe" has a corresponding meaning.

"Public vehicle" means vehicle plying or standing in a public street for hire or used or let for the conveyance for hire or for any consideration of passengers or of goods or merchandise.

"Public motor vehicle" means any public vehicle propelled by mechanical means, and includes a tractor or trailer, but does not include a vehicle used on a railway or tramway.

"Public Service" means the service under the Crown regulated by or under the provisions of the Public Service Act, 1902, as amended by subsequent Acts.

"Public street" means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place at the time open to or used by the public on the payment of money or otherwise.

"Railway Commissioners" means the Railway Commissioners for New South Wales.

"Reconstruction" means entire renewal.

"Registered" means registered under this Act or the regulations made thereunder.

"Registration certificate" means a certificate issued on the registration by a Trust of a motor omnibus or other public vehicle.

"Regulations" means regulations made under this Act, and includes regulations or by-laws continued in force by this Act.

"Service

“Service license” means a license issued by the Trust to a person to run a motor omnibus upon a specified route.

“Shire” means shire constituted or continued under the Local Government Act, 1919.

“Taxi-cab” means any public motor vehicle plying or standing in a public street for hire for the conveyance of passengers, not being a motor omnibus.

“Tractor” means any motor vehicle constructed principally for the purpose of hauling any vehicle and which is used or let for hire or any consideration for hauling any van.

“Trailer” means any vehicle without motive power and adapted for being drawn by a motor vehicle, and designed either for carrying goods wholly on its own structure, or so designed and so used in conjunction with a motor vehicle that some part of its weight and the weight of its load rests upon or is carried by that motor vehicle, and let or used for hire or any consideration for the conveyance of goods or merchandise.

“Tramway” includes a trackless trolley.

“Transport service” means tramway, motor omnibus service, or other service owned by the Trust, but shall not include a railway.

“Trust” means in relation to the Metropolitan District the Metropolitan Transport Trust, and in relation to any other district constituted under this Act the Transport Trust constituted for that district.

“Van” means any vehicle plying or standing in a public street for hire for the conveyance of goods or merchandise and any vehicle used or let for the conveyance for hire or for any consideration of furniture or luggage.

Construction  
of Acts, &c.

**5.** In relation to any tramway within a district to which this Act applies, a reference in any Act, regulation, by-law or instrument to the Commissioners as defined

defined by the repealed Act, No. 6, 1901, or to the Chief Commissioner for Railways and Tramways, or to the Railway Commissioners for New South Wales, shall, subject to this Act, be read as a reference to the Trust. No. 18, 1930.

**6.** Any action or proceeding, and any cause of action or proceeding, pending or existing, at the time of the commencement of this Act, in relation to a tramway matter by or against the Commissioners for Railways, may be continued by or against the Trust. Savings.

**7.** (1) Where the provisions of this Act are inconsistent with the provisions of the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909-1930, the Government Railways Act, 1912-1928, the Motor Tax Management Act, 1914, the Local Government Act, 1919, the Motor Vehicles (Taxation) Act, 1924, the Main Roads Act, 1924-1929, or any Act amending any of such Acts, with regard to any matter to which this Act applies, the provisions of this Act shall prevail. Act to prevail where inconsistent with other Acts.

(2) Where the provisions of any regulation law-fully made under this Act are inconsistent with the provisions of any regulation, by-law, or ordinance made under any Act referred to in subsection one of this section, the provisions of the regulations made under this Act with regard to any matter to which this Act applies shall prevail. Regulations.

**8.** (1) All by-laws and regulations made under the Government Railways Act, 1912-1928, as amended by subsequent Acts, relating to the tramway services by this Act transferred to the Trusts or to any matter or thing connected therewith in force at the commencement of this Act shall continue in force and be deemed to be regulations under this Act until repealed by regulations made under this Act. Regulations, &c., continued.

In the construction of such by-laws any reference to the Railway Commissioners shall be construed as a reference to the Trusts established under this Act save in the case of proceedings for any breach of such by-laws occurring prior to the said commencement.

(2) Any regulation made under any Act relating to motor omnibuses or public vehicles subject to the provisions of this Act, or to the regulation and control thereof, or of the owners thereof, or to the licensing



No. 18, 1930.

licensing of drivers and conductors thereof, or to the conduct of passengers therein or thereupon, or to the fixing of stands and stopping-places therefor, shall be deemed to be regulations made under this Act and continue in force until repealed by the regulations.

(3) Any repeal of the regulations continued by this section shall not affect any proceeding pending for the breach of any such regulation, and such regulations shall, for the purpose of any prosecution in respect of any breach occurring before the date of such repeal, be deemed to continue and to have full force and effect.

## PART II.

### ADMINISTRATION.

#### DIVISION 1.—*Transport Trusts.*

Metropolitan  
Transport  
Trust.

**9.** There shall be a transport trust for the County of Cumberland constituted in pursuance of this Act, and known as the Metropolitan Transport Trust.

Establish-  
ment of  
country  
transport  
trusts.

**10.** (1) The Governor may by proclamation define any area or group of areas to be a country transport district and by the same proclamation may constitute and incorporate a transport trust for such district and assign to such Trust its corporate name.

(2) Upon the date specified in that behalf in the proclamation as the date from which in that district the provisions of this Act shall commence the Trust so constituted shall, subject to this Act, be the authority to carry the provisions of this Act into effect in such district.

Newcastle  
and District  
Trust.

**11.** As soon as practicable after the commencement of this Act the Governor shall define a district, including the City of Newcastle, constitute a country transport trust for such district, and cause a proclamation to be made applying this Act to such district.

The corporate name of such Trust shall be the Newcastle and District Transport Trust.

**12.**

**12.** (1) A Trust constituted by or under this Act shall, within its district, be charged with the powers, duties, and obligations imposed by this Act. It shall adopt all measures tending to ensure adequate supervision and regulation in the public interest of all public road transport and omnibus services operating in its district for the conveyance of passengers.

No. 18, 1930.

Supervision  
and  
regulation of  
road  
transport  
and omnibus  
services.

(2) A Trust shall take all necessary steps to co-ordinate all such operations within its district, mitigate wasteful competition and overlapping in service, and shall take such steps as in its judgment are essential to secure to the public safety, regularity, efficiency, and convenience of service, at just and reasonable rates.

Co-ordination  
of public  
road services.

**13.** (1) Subject to this Act and to the powers vested in the Board, a Trust shall have the exclusive right to construct, maintain, manage, and operate tramways for the carriage of passengers within its district.

Tramway and  
omnibus  
authority.

(2) Any powers conferred upon the Railway Commissioners by any Act to construct, maintain, manage or operate tramways within a district shall, as from a date fixed by the Governor and notified by proclamation published in the Gazette, be and become exclusively vested in the Trust constituted for that district.

(3) A Trust may establish and conduct a motor omnibus or any other road transport service for the carriage of passengers, except a railway, upon any route within its district, and may take joint action with any other Trust in establishing and conducting any such road transport service jointly.

Establish-  
ment of  
omnibus or  
other road  
transport  
service by a  
Trust and  
joint services.

(4) Nothing in this section shall preclude a Trust from establishing and conducting any such road transport service upon a route any portion of which is outside the district of a Trust, but so far as such route is outside such district the Trust shall be subject to the provisions of any law regulating such a transport service.

(5) Nothing in this Act shall affect the provisions of any private Act authorising the construction or operation of any tramway.

(6) The powers conferred by this section shall be exercised by the Trust consistently with the provisions of section twelve of this Act.

No. 18, 1930.

Joint action.

**14.** Where joint action is to be taken by the Trusts under this Act, affecting more than one district, Trusts acting jointly may exercise in relation to such joint action any power which each might have exercised within its own district.

The Governor may make regulations determining the manner in which joint meetings of the Trusts are to be conducted.

Public  
vehicles.

**15.** (1) Upon a date to be fixed by the Governor and notified in the Gazette, the provisions of the Metropolitan Traffic Act, 1900, and the Local Government Act, 1919, shall cease to have effect in the district of the Trust specified in the proclamation 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.

(2) From such date so appointed such vehicles, drivers or conductors shall be registered or licensed and regulated by the Trust in accordance with the provisions of this Act and the regulations made thereunder.

Incorporation  
of Trusts.

**16.** (1) A Trust established by or under this Act shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of, or otherwise dealing with real and personal property, and of doing and suffering all such other acts and things as a body corporate may by law do and suffer.

The corporate name of the Metropolitan Transport Trust shall be "The Metropolitan Transport Trust."

(2) Nothing in this section shall authorise the Trust to sell the tramway service without the authority of Parliament.

Safety of  
pedestrians.

**17.** A Trust constituted by or within this Act shall be specially charged to take all measures calculated to render the streets safe for pedestrians and to co-operate with all councils, the Main Roads Board of New South Wales, and with the Commissioner of Police in any steps towards such end.

DIVISION

DIVISION 2.—*Commissioner of Road Transport.*

No. 18, 1930.

Commissioner  
of Road  
Transport.

**18.** (1) The Governor may appoint a Commissioner of Road Transport who shall, subject to this Act, have the execution and administration of this Act.

The Commissioner shall be the chairman of any Trust established by or under this Act.

(2) The provisions of the Public Service Act, 1902, shall not apply to such appointment.

(3) The salary of the Commissioner shall be fixed by the Governor, shall be charged upon the Road Transport and Traffic Fund, and may be paid thereout upon the warrant of the Governor without further appropriation than this Act.

(4) The Commissioner shall be appointed for a term of seven years, and shall be eligible for re-appointment for any like or shorter term.

(5) The Commissioner shall be a permanent head within the meaning of the Public Service Act, 1902, and any Act amending the same.

(6) The Commissioner shall be the medium of correspondence between the Minister, the Trusts, and the Board.

He shall keep the Minister informed of the operations of the Trusts and of the Board and report to the Minister any matter requiring Ministerial action.

(7) The Commissioner may with the approval of the Public Service Board or the Board as the case may be employ such officers of the Public Service or of the Board to assist in the execution of this Act as he thinks necessary, and may with the like approval retransfer any such officer.

(8) All officers of the Trust other than those appointed by the Board shall be appointed under and be subject to the provisions of the Public Service Act, 1902, and subject thereto shall be under the control of the Commissioner.

(9) For the purpose of carrying out the powers, duties, authorities, and obligations conferred or imposed upon a Trust by this or any other Act, the Commissioner, with the approval of the Minister of the department concerned, may make temporary use of the services of

II

any

No. 18, 1930.

any of the officers and employees of the Public Service and/or of the service of any other body of Government employees or with the consent of a corporate body make temporary use of the service of the employees of that corporate body and of any class of such employees.

In the event of the Minister giving a general consent referring to any class of employees, that consent shall continue until revoked by the Minister and shall refer to all members of the said class.

(10) The Governor may, from time to time appoint a Deputy or Deputy Commissioners to whom the Commissioner may delegate any of the powers and authorities conferred upon him by this Act, but such delegation shall be subject to such conditions and limitations as the Commissioner may from time to time impose.

### PART III.

#### CONSTITUTION OF TRUSTS AND GENERAL MANAGEMENT.

##### DIVISION 1.—*Metropolitan Transport Trust.*

Constitution  
of Trust.

**19.** (1) The Metropolitan Transport Trust shall be composed of seven members.

(2) One member shall be the Commissioner appointed under this Act who shall be chairman of the Trust.

(3) One member shall be appointed by the Governor to represent business interests in the Metropolitan District. Such member shall be vice-chairman of the Trust, and shall be appointed for a period of three years, but shall be eligible for re-appointment for a like term.

(4) No act or proceedings of the Trust shall be invalid or illegal in consequence only of the fact that there was at the time a vacancy in the Trust, if there was at the time of the act or proceeding a quorum of the Trust.

(5)

(5) Each of the members of the Trust, other than the Commissioner, shall be entitled to receive as remuneration for his services a sum not exceeding one hundred and fifty pounds per annum, to be paid in the form of a fee of such amount as may be prescribed for each meeting of the Trust attended.

**20.** (1) The Metropolitan Transport Trust first constituted under this Act shall consist of the Commissioner and vice-chairman and five other members appointed by the Governor. First Metropolitan Trust.

(2) The members so appointed other than the Commissioner and the vice-chairman shall hold office for a period of not more than three years, but if otherwise qualified shall be eligible for election.

(3) The members so appointed shall reside in the Metropolitan District and shall not be otherwise ineligible for election to the Trust under the provisions of this Part.

(4) The appointment of such member so appointed may be terminated by the Governor at any time by one month's notice in writing addressed to such member under the hand of the Minister.

(5) Any member so appointed shall be entitled to the same rights and privileges and be subject to the same obligations as if he were a member duly elected to the Trust under the subsequent provisions of this Part.

**21.** (1) As and from a day to be appointed by the Governor and notified by proclamation published in the Gazette the five members of the Trust other than the chairman and vice-chairman shall cease to hold office and the vacancies shall be filled by the election of five members. Elected members.

(2) Subject to this Act an elected member shall hold office for three years, and upon retirement shall be eligible for re-election if otherwise qualified.

(3) The elected members shall be elected for constituencies which shall each return one member.

(4) One of such constituencies shall be the City of Sydney.

(5) Each of the other constituencies shall comprise the areas grouped therein respectively as set out in Schedule One to this Act.

(6)

No. 18, 1930.

(6) The Governor may, by proclamation published in the Gazette, add the names of other areas to the names of the areas mentioned in the said Schedule, and may include such areas in any of the constituencies therein named, and may re-group the areas included in the said constituencies by including or excluding areas from such constituencies.

(7) The office of an elected member of the Trust shall not, for the purposes of the Constitution Act, 1902, or the Sydney Corporation Act, 1902, be deemed to be an office or place of profit under the Crown.

Elections.

**22.** (1) Members for constituencies shall be elected by the aldermen and councillors of the areas comprised therein.

(2) Any person shall be eligible for election as a member of the Trust if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in any constituency under this Act, and is not otherwise ineligible under this Act.

(3) No person holding any office or place of profit under or in the gift of the Trust or concerned or participating in any manner whether directly or indirectly in any contract with the Trust or in any work to be done under the authority of the Trust or in the profit of such contract or work shall be capable of being or continuing a member :

Provided that no person shall be disqualified from being or continuing a member by reason only of—

- (a) receiving or being entitled to receive any salary pursuant to this Act as Commissioner or any fee as a member ;
- (b) being beneficially interested in any newspaper in which the Trust inserts advertisements ;
- (c) being a shareholder or member of any incorporated company consisting of more than twenty persons which has entered into any contract with or done any work under the authority of the Trust ; or
- (d) being or continuing a member of the council of any municipality or shire or, save in the case of the Commissioner or vice-chairman, being  
or

or continuing a member of either House of the Parliament of the Commonwealth of Australia or of the Legislative Council or the Legislative Assembly.

(4) No person shall be eligible for election as a member of the Trust nor having been elected as a member shall he be entitled to take part or vote in the proceedings of the Trust if—

- (a) he is the holder of a motor omnibus service license in force in the district of the Trust or is an applicant for such a license; or
- (b) he is the partner of any such holder or applicant as aforesaid; or
- (c) he is financially interested in any road transport undertaking carrying passengers or goods within the district of the Trust, otherwise than as a shareholder or member of any incorporated company consisting of more than twenty persons,

and if any person acts in contravention of this subsection he shall be guilty of an offence against this Act.

(5) The provisions of subsection four of this section shall be in addition to and not in derogation of any other enactment relating to the disqualification of members.

(6) Nothing in this Act shall prevent any person from being immediately or at any time re-appointed or re-elected a member if such person is for the time being capable under the provisions of this Act of being and continuing a member.

**23.** (1) For the purposes of the election of members of the Trust the Governor may appoint a returning officer and such deputy returning officers as he may deem necessary. Ordinary elections.

(2) The elections shall be carried out and conducted and the result thereof certified to the Governor as prescribed by the regulations.

(3) Elections to fill other than extraordinary vacancies shall be held on a date to be proclaimed by the Governor, and thereafter they shall be held in the month of February in every third year.



No. 18, 1930.

(4) No election under this Act shall be questioned by reason of any defect in the appointment of any person before whom such election shall have taken place if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be), nor by reason of any publication being out of time, nor by reason of any election not having been duly held.

(5) If at the time appointed for an election to be held in a constituency there is no candidate, the Governor may appoint a person qualified under the provisions of this Act to be a member of the Trust for the constituency.

The person so appointed shall hold office for the term for which the member to be elected would have held office, and shall for the purposes of this Act be deemed to be an elected member.

(6) Any person declining to accept office shall not be eligible for re-election to fill the extraordinary vacancy created.

(7) The expenses incurred in the conduct of any election shall, when certified under the hand of the returning officer, be paid out of the Road Transport and Traffic Fund established under this Act.

Extra-  
ordinary  
vacancies.

**24.** (1) A member of the Trust may resign his office by writing under his hand addressed to the Governor, and in that event, or in the event of the death of any member, or if any member of the Trust declines office or is deemed to so decline office, or if he, without the permission of the Trust, fails to give his attendance at four consecutive meetings of the Trust, or becomes bankrupt, or is convicted of a felony or misdemeanour, or becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898, his seat shall become vacant.

(2) An election to fill an extraordinary vacancy as an elected member of the Trust shall be carried out and conducted as prescribed.

(3) A person elected to fill a vacancy shall hold office until the time when his predecessor's term of office would have expired and no longer, but shall be eligible for re-election if otherwise qualified.

**25.**

**25.** (1) The Commissioner or in his absence the vice-chairman shall convene a meeting of the Trust at least once a month. No. 18, 1930.  
Meetings.

(2) The Commissioner shall preside as chairman at any meeting of the Trust, and in his absence the vice-chairman shall so preside.

If the Commissioner and the vice-chairman are both absent, the member chosen by those present shall so preside.

(3) Any four members of the Trust shall be a quorum thereof, and shall have and may exercise all the powers and authorities which by this Act are conferred on the Trust.

(4) All questions arising at any meeting of the Trust shall be decided by the majority of the votes of the members present.

(5) If there be an equality of votes in the election of a temporary chairman, it shall be decided by lot which of the members of the Trust having an equal number of votes shall be temporary chairman.

(6) The Commissioner or vice-chairman when presiding at any such meeting shall, in the event of an equal division of votes at such meeting, have a second or casting vote.

(7) The Trust shall keep full and accurate minutes of all its proceedings in such manner and form as may be prescribed.

(8) Any matter connected with transport may be submitted by a member of the Trust at a meeting of the Trust for its consideration.

**26.** (1) All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Trust affixed to any document or notice, and shall presume that such seal was duly affixed. Seal.

(2) The common seal shall be kept in the custody of the Commissioner or of such member of the Trust as the Trust may determine, and shall not be affixed to any instrument or writing except in the presence of a quorum of the Trust, and two of the members in whose presence the seal is affixed shall attest by their signatures the fact and date of the seal being so affixed.

Nov. 18, 1980.

Evidence.

**27.** Every document required to be authenticated by the Trust or by any of the constituent councils for the purpose of this Act shall, except where otherwise provided, be sufficiently authenticated without the common seal of the Trust or of the constituent council, if signed by the Commissioner or the deputy-chairman of the Trust, or by the mayor of the council or the president of the shire and the secretary of the Trust, town clerk or shire clerk, as the case may require.

Disqualifica-  
tion for  
employment.

**28.** A member of any Trust constituted under this Act shall not, except with the approval of the Governor, be appointed to any position in the pay of the Commissioner or of the Trust of which he is a member until six months have elapsed from his ceasing to be a member.

#### DIVISION 2.—*Country Transport Trusts.*

Constitution  
of Trusts.

**29.** (1) The Commissioner shall be a member and the chairman of each country transport trust.

(2) The Governor shall appoint another member to represent the business interests in the district for which the Trust is constituted who shall be vice-chairman; the tenure of office of the vice-chairman shall be three years, and he shall be eligible for reappointment for a like term.

(3) The Governor shall appoint to a Trust on its constitution not more than five other members who shall, subject to this Act, hold office for not more than three years.

The appointment of any such member may be terminated by the Governor at any time by one month's notice in writing addressed to such member under the hand of the Minister.

(4) The members so appointed other than the chairman shall reside in the district of the Trust and shall not be otherwise ineligible for election to the Trust under the provisions of this Part.

(5) Each of the members of a Trust, other than the Commissioner, shall be entitled to receive as remuneration for his services a sum not exceeding one hundred and fifty pounds per annum, to be paid in the form of a fee of such amount as may be prescribed for each meeting of the Trust attended.

(6)

(6) As and from a date to be appointed by the Governor and notified by proclamation, the appointed members of a Trust other than the chairman and vice-chairman, shall cease to hold office, and their places shall be filled by election for constituencies specified in the proclamation.

(7) Subject to this Division the provisions of Division 1 of this Part shall, subject to such modifications, if any, as are prescribed in any particular case, apply to in respect of and in relation to any Trust constituted in pursuance of this Division.

**DIVISION 3.—*Management of Transport Services.***

**30.** (1) There shall be a Board appointed by the Governor for the purpose of conducting on behalf of the Metropolitan Transport Trust and the Newcastle and District Transport Trust the transport services of such Trusts and performing such other duties as are prescribed by this Act or the regulations. Establishment.

(2) The Board shall consist of a General Manager who shall be Chairman, a Chief Engineer, and a Chief Traffic Manager. Constitution.

(3) The Governor may allot the duties of the members of the Board, and may vary any such allotment of duties. Duties of members of Board.

(4) The Board shall, subject to this Act and to the general control of the Trust concerned, be the authority to carry out and execute the duties, powers, and obligations by this Act imposed upon the Metropolitan Transport Trust and the Newcastle and District Transport Trust in respect of the construction, maintenance, management, conduct, and control of any tramway or other road transport service operated by the Trusts, and shall act in the name of and on behalf of the Trusts concerned. Board to be executive authority.

(5) Except as otherwise expressly provided in this Act it shall be the responsibility of the Board to apply the policy of the Trust in all such matters as communicated to it by the Trust through the Commissioner. Policy.

(6) The Trust may delegate to the Board either wholly or in part and either permanently or for a limited period, and subject to such conditions or limitations as may Delegation.

No. 18, 1930.

may be prescribed, any of its powers under this Act with regard to the conduct of such transport services; and may by subsequent resolution withdraw any such delegation of powers either wholly or in part.

Any action taken by the Board during the period of such delegation shall not be invalidated by reason of such withdrawal.

(7) The Board shall confer with the Commissioner from time to time in connection with any matter touching the policy of the Trusts and shall afford every facility to the Commissioner in the carrying out of his duties under this Act.

(8) The members of the Board shall be appointed for a period not exceeding seven years, and shall be eligible for reappointment, but they shall retire upon attaining the age of sixty-five years.

The amount of their salaries as fixed at the date of appointment shall not be reduced during the period of such appointment and shall be a charge upon and paid out of the General Fund.

(9) The Board shall, without reference to the Trust, deal with all questions of appointment, transfer, promotion, and discipline of officers employed upon the transport services of the Trusts.

(10) In case of the illness, suspension, or absence of any of the members of the Board, the Governor may appoint some person to act as the deputy of such member during such illness, suspension, or absence, and every person so appointed shall, while so acting, have all the powers and perform all the duties of such member.

Proceedings  
of Board.  
No. 30, 1912,  
s. 10.

**31.** (1) The quorum at any meeting of the Board shall be as fixed from time to time by the Governor.

No act or proceeding of the Board shall be invalid or illegal in consequence only of the fact that there was, at the time of such act or proceeding, a vacancy in the number of members of the Board.

Holding of  
meetings.  
*Ibid.* s. 10A.

(2) The chairman, or in his absence his deputy, shall convene a meeting of the Board at least once a month.

Any matter connected with the transport services may be submitted by a member at a meeting of the Board for its consideration.

(3)

(3) The chairman shall preside at any meeting of the Board, and in his absence his deputy shall so preside.

No. 18, 1930.

Who shall  
preside at  
meetings.

If the chairman and his deputy are both absent, the member who is senior in appointment, or in case of equality of seniority, the member chosen by those present shall so preside.

No. 3), 1912,  
s. 10n.

The member presiding at any such meeting shall, in the event of an equal division of votes at such meeting, have a second or casting vote.

**32.** (1) If the chairman disapproves of the decision of the other members with respect to any matter before the Board for its decision and determination (whether the chairman was or was not present when such decision was given), such matter shall be deferred for not less than twenty-four hours after the decision, or if the chairman was not present when the decision was given, for not less than twenty-four hours after it has been brought to his knowledge by communication in writing or by electric telegraph, when it shall again be brought forward before the Board, and if the chairman again disapproves of the decision of the other members the chairman shall refer any such matter to the Trust concerned for decision.

Decision of  
Board.

*Ibid.* s. 10c.

The decision of such Trust upon any matter so referred shall be final and conclusive upon communication of such decision to the Board.

(2) In the event of the chairman being absent from his office on leave of absence or absent from the Commonwealth of Australia, the above provisions of this section shall apply in respect of the deputy of the chairman appointed as in this Act provided; and in that case the words "deputy of the chairman" shall in subsection one of this section be read for the word "chairman."

#### DIVISION 4.—*Commissioner and Members of the Board.*

**33.** (1) The retiring age for the Commissioner and each member of the Board shall be sixty-five years.

Retiring age,  
pension, &c.

(2) Any employer's contribution necessary under the Superannuation Act, 1916, in respect of the pension of a Commissioner shall be payable out of the Road Transport and Traffic Fund, and of any member of the Board out of the General Fund.

(3)

No. 18, 1930.

(3) The Commissioner, General Manager, Chief Engineer, and Chief Traffic Manager shall be entitled to such leave of absence as may be prescribed.

(4) The Commissioner or a member of the Board may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except in manner following, that is to say :—

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven sitting days after such suspension if Parliament is in session, or if not, then within seven sitting days after the commencement of the next session.

A Commissioner or member suspended under this subsection shall be restored to office unless each House of Parliament within twenty-one sitting days from the time when such statement has been laid before such House declares by resolution that the Commissioner or member ought to be removed from office, and if each such House within the time aforesaid does so declare, the Commissioner or member shall be removed by the Governor accordingly.

(5) The Commissioner or a member of the Board shall be deemed to have vacated his office if he—

- (a) engages during his term of office in any paid employment outside the duties of his office ;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary or estate for their benefit ;
- (c) absents himself from duty for a period of fourteen consecutive days except on leave granted by the Governor (which leave he is authorised to grant), or becomes incapable of performing his duties ;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898 ;
- (e) resigns his office by writing under his hand addressed to the Governor ;

(f)

(f) if he becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Trust; or in anywise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom. No. 18, 1930.

(6) A Commissioner or a member of the Board who at the date of his appointment is an officer of the Public Service shall, in the event of his office as Commissioner or a member of the Board being discontinued or abolished, be eligible on the recommendation of the Public Service Board to be appointed to some office in the Public Service not lower in classification and salary than that which he held at the date of his appointment as Commissioner or a member of the Board.

(7) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, or any Act amending such Acts, to any officer of the Public Service appointed Commissioner or a member of the Board under this Act.

Any officer of the Public Service so appointed shall continue to contribute to any fund or account, and shall be entitled to receive any deferred and extended leave, payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be.

(8) In the case of the illness or absence from New South Wales of the Commissioner, or any member of the Board, the Governor may appoint any person to perform all or any of the duties imposed upon the Commissioner or member by or under this Act.

**34.** If any Commissioner or member of the Board becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Trust, or in anywise participates or claims to be entitled to participate in the profit thereof, or in any benefit or emolument arising therefrom, he shall be guilty of a misdemeanour, and be liable to a penalty not exceeding five hundred pounds or to imprisonment for any term not exceeding three years, or to both such punishments. Penalty for being concerned, &c., in contract with Trust.

DIVISION



No. 18, 1930.

Preliminary  
administra-  
tion.DIVISION 5.—*Preliminary administration.*

**35.** (1) The Governor may appoint the Commissioner and the members of the Board after the signification of His Majesty's assent to this Act has been given notwithstanding that the date of commencement has not been appointed, and may appoint or transfer to their respective staffs such officers as are required to carry out the preliminary work in connection with the bringing of this Act into effect.

(2) Upon the commencement of this Act any appointment or transfer made under this section shall have effect as if it had in fact been made after such commencement.

(3) All expenses authorised by the Minister incidental to the work of bringing this Act into effect may be provided by the Colonial Treasurer out of the Consolidated Revenue Fund, and any amount so provided shall be recouped from the Road Transport and Traffic Fund and the General Fund upon request by the Colonial Treasurer in such proportions as the Minister directs.

## PART IV.

## TRAMWAYS.

DIVISION 1.—*Transfer.*Vesting of  
tramways,  
&c.

**36.** (1) All lands held or possessed by the Railway Commissioners for New South Wales for the purposes of or in connection with the Government tramways within a district, and held for such purposes immediately prior to the constitution of the district by or under this Act, and all leases, licenses, rights, easements, user facilities and property of whatsoever description held for such purposes immediately prior to such constitution shall upon such constitution be transferred to and respectively vested in the Transport Trust of the district for all the estate and interest therein previously held by the said Commissioners.

(2)

No. 13, 1930.

(2) If any question should arise as to whether any land, lease, license, right, easement, user facility or property is by this Act transferred from the Railway Commissioners to a Trust, or as to the value of any land or property so transferred, such question shall be determined by the Governor. The Governor may refer any such question to the judge of the Land and Valuation Court for his investigation and report.

(3) In the determination of any such question due regard shall be had to the manner in which such property as aforesaid is actually being used at the commencement of this Act but the following considerations may also be taken into account :—

- (a) the purposes for which any such property when acquired was intended to be used by the said Commissioners ;
- (b) the manner in which the capital cost, if any, was charged ;
- (c) the purposes for which such property as aforesaid has in the past mainly been used.

(4) No attornment by a lessee of any land transferred to the Trust shall be necessary.

(5) This section shall not apply to land, buildings, machinery, and equipment actually required, and at the time of the commencement of this Act used for the purposes of the generation or supplying of electric power at power-houses or substations, or to high-tension cables used for the transmission of power from power-houses to substations.

**37.** (1) For the purpose of this Act, there shall be vested absolutely in the Transport Trust of a district, subject to such conditions and reservations as are contained in this Act, and in respect of land for an estate in fee-simple—

- (a) all tramways within the district heretofore constructed or acquired by or on behalf of His Majesty, pursuant to any Act in force for the time being authorising the construction of tramways, together with the rolling stock which at the commencement of this Act was in use on such tramways, and all tramways or other transport services within the district, hereafter to be so constructed or acquired ;

(b)

No. 18, 1930.

- (b) all piers, wharfs, jetties, depots, waiting rooms, yards, and buildings, connected or used in connection with such tramways, being on Crown land, or land acquired for or on behalf of His Majesty in connection with such tramways ;
- (c) the land, being Crown land or land acquired, or which may be acquired for or on behalf of His Majesty, over or upon which such piers, wharfs, jetties, depots, waiting rooms, yards, and buildings have been, or may hereafter be constructed or erected in connection with such tramways ;
- (d) all Crown and other lands taken under the authority of any Act authorising the taking of land for tramway purposes ;
- (e) all overhead and other wires, instruments, and other appliances used in connection with the tramways vested in a Trust by this Act.

(2) The Metropolitan Transport Trust shall, on the commencement of this Act, and any other Trust as from the date of its constitution, assume all the liabilities and obligations then accrued of the Railway Commissioners for New South Wales, or thereafter accruing, and arising out of or in connection with the control and operation of any tramway or other property vested by this Act in the Trust, and shall indemnify and hold harmless the said Commissioners from all claims and demands relating thereto.

(3) Any amount necessary to be expended in satisfaction of the obligation cast by this section on a Trust shall be defrayed out of the General Fund.

(4) The Commissioner and the Railway Commissioners shall arrange and adjust all matters connected with the transfer of property rights or obligations effected by this Act, or necessary or convenient to be arranged or adjusted to give effect to this Act, and any difference or dispute shall be determined by the Governor.

Temporary  
transfer of  
officers.

**38.** (1) For the purpose of bringing this Act into operation the following provisions shall have effect :—

- (a) The Minister may arrange with the Railway Commissioners for New South Wales or with the

the Minister in charge of any department, that any officer may be transferred temporarily to the department of the Minister. No. 18, 1930.

- (b) The Minister may authorise any officer to inspect and examine any accounts or records of the said Commissioners or of any department, and access thereto and all reasonable facilities and assistance shall be afforded to such officers.
- (c) So soon as possible after the passing of this Act, the Railway Commissioners shall prepare and submit to the Minister a return of all property held and/or used by the Railway Commissioners for tramway purposes.
- (d) The Railway Commissioners shall also furnish similar returns as to stores, plant, material, sheds, and other accommodation similarly used and not included under paragraph (c).
- (e) The Railway Commissioners shall also furnish similar returns as to other property of any kind not included in paragraphs (c) or (d) but charged to tramway capital.
- (f) Any dispute or difference arising in connection with any such transfer or with such inspection or examination or returns shall be determined by the Governor, to whose decision full effect shall be given.

(2) The Minister may in writing exempt the Railway Commissioners from furnishing particulars with regard to any particular item or items falling under paragraphs (c), (d), or (e) of this section.

(3) The salary of any officer transferred and the cost of furnishing the said returns shall be reimbursed to the said Commissioners or department, as the case may be, out of the General Fund.

**39.** (1) All officers and employees of the Railway Commissioners who are employed wholly or mainly upon duties in connection with tramway services within a district at the date of its constitution by or under this Act, and such other officers of the Railway Commissioners as the Governor shall determine, shall be transferred to the service of the Trust, and shall, as from the date of such transfer, become officers and employees of the said Trust.

Transfer of officers.  
No. 30, 1912,  
s. 20b (2).

No. 18, 1930.

(2) The Governor may in special cases and at his discretion retain any of such first-mentioned officers in the said service of the Railway Commissioners.

(3) This section shall not apply to officers who are exclusively employed upon work in connection with the power-houses or substations.

(4) Where any condition of employment of any officer or employee so transferred to the Trust is at the date of his transfer regulated by an award or industrial agreement such condition shall continue to be so regulated until an award by which the Trust is bound is made by a competent tribunal or such condition is regulated by an industrial agreement to which the Trust is a party.

No. 30, 1912,  
s. 20b (3).

(5) Any officer or employee so transferred shall have and enjoy the same rights and privileges, if any, with regard to annual, sick, deferred, and extended leave and superannuation contributions and payments as if he had continued an employee of the Railway Commissioners, and for this purpose service in the Public Service or in the service of the Railway Commissioners of any such officer or employee shall count as continuous service with the Trust, and service with the Trust shall, for the purposes of superannuation, count as service with the Railway Commissioners.

(6) Railway privileges held by any officer or employee prior to his transfer shall be continued by the Trust.

The Board may lay down any conditions to be observed relating to the granting of these privileges.

(7) Where an employee of the Railway Commissioners or an employee of such Commissioners transferred to the service of the Trust is at the commencement of this Act in receipt of concessions in respect of railway or tramway fares, such concessions shall be continued, and payment shall be made between the said Commissioners and the Trust of an amount agreed upon in respect of such concessions.

(8) No officer transferred under this section shall be entitled to claim benefits under this Act as well as under any other Act for the same period of service.

(9)

(9) In connection with the transfer of any officer the provisions of the Government Railways Amendment (Officers) Act, 1929, shall be regarded. No. 18, 1930.

(10) For the purposes of this section "Trust" shall mean the Metropolitan Transport Trust, and officers required from time to time by the Board to work the transport services of the Newcastle and District Transport Trust shall be made available by the Metropolitan Transport Trust upon such terms and conditions as may be agreed upon between such Trusts.

*DIVISION 2.—Capital indebtedness to be assumed by Trusts.*

**40.** (1) The capital indebtedness to the State to be assumed by the Metropolitan Transport Trust is hereby declared to be seven millions four hundred and eighty-seven thousand one hundred and fifty-four pounds. Metropolitan Transport Trust.  
cf. No. 59,  
1924, s. 67.

(2) The capital indebtedness to the State to be assumed by the Newcastle and District Transport Trust is hereby declared to be nine hundred and forty-four thousand six hundred and fifty-one pounds. Newcastle and District Transport Trust.

(3) On the constitution of such Trusts by or under this Act the capital indebtedness of a Trust hereby declared or as certified in pursuance of this Act, shall be deducted from the capital debt of the Railways and Tramways as determined by or under the provisions of the Government Railways Act, 1912–1928.

**41.** (1) As soon as may be after the commencement of this Act the Governor may appoint a Committee of Review constituted as follows:— Committee of Review.

- (a) The persons appointed under section 41J of the Government Railways Act, 1912–1923;
- (b) A representative nominated by the Metropolitan Transport Trust;
- (c) A representative nominated by the Newcastle and District Transport Trust; and

such other members, if any, not exceeding two, as the Governor may appoint.

(2) The chairman of the committee shall be appointed from the committee by the Governor.

(3)

No. 18, 1930.

(3) The committee shall as soon as practicable after their appointment consider and review the amount of the capital indebtedness of the respective Trusts as set out in section forty of this Act, and shall certify to the Governor the sums at which in the opinion of the majority of the committee the capital indebtedness of each Trust at the date of its constitution by or under this Act should, for the purposes of this Act, be fixed.

The amount to be certified in respect of each Trust by the committee shall be the expenditure from loan capital in relation to tramways within the area controlled by the Trust.

The amount so certified for each Trust shall for the purposes of this Act be the capital indebtedness of the respective Trusts as at the said date unless and until Parliament otherwise decides.

(4) For the purpose of furnishing their report, the committee may require any officer of the Public Service, of the Railway Commissioners, or of the Trust to give evidence, and may require the production of any books or statements of account or information of any kind necessary to facilitate the committee's inquiries.

(5) When any of the members of the Committee of Review is unable to act through sickness or absence from the State, the Minister may appoint some other person to act as a representative of such member. The signature of a member appointed by the Minister shall be equivalent to a signature by the original member of the committee, in whose place such substitute member has been appointed.

(6) Any three members of the committee shall constitute a quorum.

Interest.

**42.** (1) (a) On the balance of its capital indebtedness a Trust shall pay to the Colonial Treasurer in respect of each financial year interest at the rate per centum which shall be equivalent to the percentage which the total interest payable on the public debt outstanding on the last day of the financial year bears to the cash equivalent of such public debt ;

(b) payments on account of such interest shall be made to the Colonial Treasurer in quarterly instalments based on the rate of interest paid in the previous financial year.

Any

Any adjustments of under or over payments shall be made after the close of the financial year for which the interest is payable. No. 18, 1930.

(2) Each Trust shall also pay to the Colonial Treasurer at the close of each financial year or on such dates and by such instalments as he may direct— Sinking Fund.

- (a) an amount equal to five shillings for every one hundred pounds of the portion of the loan indebtedness of the State for the time being which the Governor directs is attributable to the capital indebtedness of the Trust to the State (such capital indebtedness for the purpose of this subsection not being taken to be reduced by reason of the payment of amounts under this subsection); and
- (b) such further sums in any year as the Governor from time to time directs as being properly to be borne by the Trust in relief of any obligation of the State in respect of sinking fund payments for the extinguishment of the public debt.

The amount so paid shall be applied by the said Treasurer in manner allowed by law.

**43.** A Trust may establish such sinking funds as the Trust deems fit, and may out of the moneys in any such sinking fund at any time repay to the Colonial Treasurer any part of the capital indebtedness of the Trust to the State. Sinking funds.  
No. 10, 1923,  
s. 2 (b).

Any amount so paid shall be applied by the said Treasurer in manner allowed by law.

### DIVISION 3.—*Railway and Tramway Institute.*

**44.** (1) As soon as practicable after the commencement of this Act the Minister shall appoint a committee consisting of a representative of the tramway employees, who shall be nominated by the executive of the Tramway Employees' Union, a representative of the railway employees, a representative of the Railway Commissioners, and a representative of the Trust, with an independent chairman appointed by the Minister, which shall recommend to the Minister a scheme for the Scheme for future control, &c.



No. 18, 1930.

the equitable separation, adjustment, or future conduct and control of the property of the Railway and Tramway Institute.

(2) The Minister, if he approves such scheme either as originally presented or as amended, may give all necessary directions to enable such scheme to be carried into effect.

## PART V.

### CONDUCT OF TRANSPORT SERVICES BY A TRUST.

Maintenance  
of services.  
No. 30, 1912,  
s. 33.

**45.** The Trust shall maintain the transport services, and all works in connection therewith, in a state of efficiency, and shall carry persons and whenever so prescribed, goods without negligence or delay; and in respect of the carriage of such persons and goods the Trust shall be a common carrier.

Inspection.

**46.** (1) The Trust shall at all times cause to be made a careful inspection of the condition of the transport services under its control.

*Ibid.* s. 34  
(2).

(2) Whenever it appears to the Trust that for the purpose of maintaining the traffic on any existing line—

- (a) a partial reconstruction, or a partial duplication, or any other addition to, or extension of, the roadway of any existing line, or part of any such line, or any bridge, viaduct, or other work; or
- (b) the laying of new rails; or
- (c) any other repair or alteration of any line or work controlled by the Trust

is necessary, the Trust concerned shall undertake, execute, and carry out any of the works aforesaid, so far as may be required for such purpose.

*Ibid.* s. 34(3).

(3) During any reconstruction, repair, or alteration, the passenger and goods traffic may be conducted along temporary roadways, or otherwise, as the Trust may deem best for the public interest and safety.

**47.** (1) The Trust shall not afford or give any undue or unreasonable preference or advantage to any particular person, or to any particular description of traffic, in any respect whatsoever; nor shall the Trust subject any particular person, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

No. 18, 1930.

Trust not to give undue preference, &c.

No. 33, 1912, s. 35.

(2) Subject to the provisions of this Act, the Trust shall afford all reasonable, proper, and equal facilities for the interchange of traffic between the respective systems of transport services controlled by the Trust, and for the receiving, forwarding, and delivery of passengers, and, wherever so prescribed, of goods to and from such systems of transport.

*Ibid.* s. 36.

**48.** (1) The Trust may use locomotive engines and any other motive or tractive power, and may draw or propel carriages and waggon upon the tramways or roadways, and may use any system of electric traction of which it may approve, and may construct, maintain, repair, and use all works necessary for such system of electric traction.

Motive power.

*Ibid.* s. 51.

*Ibid.* s. 52.

(2) The Trust may construct, purchase, or lease motor omnibuses, and may run such omnibuses on any road.

*Ibid.* s. 53.

**49.** (1) The Trust may purchase from the Railway Commissioners and use electricity for the purpose of any tramway or tramway undertaking which is controlled by or is intended to be constructed by or is maintained, used, or operated by it.

Power to purchase and use electricity.

*Ibid.* s. 52A.

If the Railway Commissioners are unable to supply electricity as required by the Trust, the Trust may, with the approval of the Governor, purchase and/or itself generate electricity for its own purposes.

(2) The Railway Commissioners shall generate and supply electricity to the Trust, and the Trust shall take such electricity at such times and places and in such manner as may be arranged.

(3) Electricity shall be taken from the Railway Commissioners at the low-tension busbars at substations.

(4)

No. 18, 1930.

(4) The Trust shall pay to the Railway Commissioners the cost of the generation and supply of all electricity required by it as nearly as may be ascertained, reasonable provision being made for such interest on capital cost, cost of generation and depreciation as are actually being paid or allowed by the Railway Commissioners.

Maintenance.

**50.** (1) The Trust shall maintain out of the General Fund in reasonable order and repair the said tramways and the pavements of the same between the rails of the said tramways, and for the space of one foot and six inches on either side of such rails. Such pavements shall be maintained to provide a running surface not inferior to that of the adjacent road pavements.

(2) Where the pavement is of a road vested in or under the control and management of a local authority, one-half of the cost of the maintenance of such portion of the pavement as is so maintained shall be paid by the Commissioner from the Road Transport and Traffic Fund:

Provided that no such payment shall be made where the work is due solely to tramway operations.

(3) In this section maintenance does not include any construction or making good of a road in connection with the construction of a new line of tramway.

cf. s. 422,  
Act No. 41,  
1919.

(4) Where any pavement maintained or partly maintained by the Trust for tramway purposes is broken by any person for the purpose of constructing or laying any pipes, wires, cables, tunnels, or structures of any kind whatsoever, the Trust is empowered to recondition such broken pavement and to make a charge for such work, and such charge shall be recoverable by the Trust from such person as a debt in any court of competent jurisdiction.

Duty of local  
authorities to  
keep in repair  
portions of  
roads on  
which there  
are tram-  
ways.

**51.** Every local authority within the area of which any road or portion of a road is situate on or along which there is a tramway under the control of the Trust shall, at its own expense, at all times keep in good condition and repair so much at least of such road or portion thereof as adjoins and extends for a width of ten feet beyond each side of so much of the road or portion thereof as the Trust is required to keep in good condition and repair:

Provided

Provided that if the local authority makes written request to a Trust for the tramway tracks to be centrally located, and the Trust does not, within twelve months of the receipt of such request, arrange for the necessary work to be completed, then, unless the Minister shall, within such twelve months, give a certificate that there are special circumstances which preclude such request being complied with, the obligation cast on the local authority by this subsection shall be suspended for such time as the Minister may determine.

Where the road or portion thereof forms a boundary of the areas of two or more local authorities each such local authority shall keep in good condition and repair so much of any such width as is situate within its area.

**52.** (1) Where any tramway track is reconstructed, it shall be re-built with the class of pavement not inferior to that desired by the local authority and not inferior to that of the adjacent road (except where the tracks are separated from the remainder of the road, when they may be laid in open ballast), provided that where the class of pavement so desired is superior to that of the adjacent road outside the limits for which the Trust is responsible, the local authority shall undertake to commence within twelve months of the completion of the reconstruction of the tramway, and to complete within a further twelve months, the construction of the pavement outside the limits of the tracks in a similar class of construction to that desired in respect to the tracks.

Reconstruction of track.

Adequate provision shall be made in the reconstruction for the drainage of the track and the removal of any water which may pass along the junction of the rails and the roadway to the subgrade beneath.

In any instance in which the Minister is satisfied that there are special circumstances which would not warrant the reconstruction being carried out with a class of pavement superior to that previously existing within the tracks, the requirement as to the provision of a superior class of pavement shall not apply.

(2) Where the track is reconstructed with a class of pavement superior to that previously existing, and such class of pavement is not inferior to that desired by the local authority, or to that of the adjacent roadway, the

No. 18, 1930.

Alteration  
of tracks.

the cost of such reconstruction, including drainage, shall be contributed to by the local authority on the basis of one-half of the cost of reconstructing a similar area of roadway of the superior class.

**53.** (1) Where at any point in a road a tramway track is not located centrally in that road, and the local authority requests that it should be centrally located, or where the local authority requests that the levels of the track be altered, the Trust shall carry out the necessary work, unless the Minister shall give a certificate as to the existence of special circumstances precluding compliance with such request.

The cost of the work shall be shared equally between the Trust and the local authority.

Provided that in the event of the necessary alterations requiring the laying of a new track the local authority shall contribute towards the work on the basis set out in subsection two of section fifty-two, and in addition shall make payment to the Trust of an amount equal to one-half of the value of the residual life of the corresponding length of discarded track :

Provided further that where the local authority requires the laying of a superior class of pavement, the local authority shall contribute towards the portion of the work so reconstructed on the basis set out in the said subsection :

Provided further that where the track in its altered position is laid in open ballast, the cost shall be borne wholly by the Trust unless the Minister otherwise determines.

(2) Where any road has been widened, or is in course of widening, by a local authority, and the local authority requests that the tracks shall be removed to a central position in the widened road, the Trust shall carry out the necessary work.

The cost of such work shall be borne wholly by the local authority :

Provided that where the alterations required involve the laying of new track, or are accompanied by the laying of a superior class of pavement, the local authority shall contribute towards the portion of the work so reconstructed on the basis set out in subsection two of  
section

section fifty-two, and in addition shall make payment to the Trust of an amount equal to the residual value of the corresponding length of discarded track :

No. 18, 1930.

Provided further that where the track in its altered position is laid in open ballast, the cost shall be borne wholly by the Trust unless the Minister otherwise determines.

(3) Where any such alterations are made at the time when any portion of the track is due for renewal, the residual value of any such portion of track shall be disregarded.

(4) The cost of the reconstruction or reconditioning of that portion of the road vacated by the tracks, and of any road works incidental thereto, shall be borne wholly by the local authority.

(5) Where any tramway, or part thereof, is abandoned, the Trust shall, if requested by the local authority, or may on its own motion, at its own expense remove the track and reinstate the pavement with suitable material.

Abandonment of tramway.

Should the local authority desire to make reinstatement in a superior class of pavement to that of the adjacent road, or to undertake the reinstatement in conjunction with other reconstruction works on the roads outside the area of the tracks, the Trust shall pay to the local authority such sum as may be agreed between the Trust and the local authority as representing half the estimated value of the work otherwise required to be done by the Trust under this subsection and thereupon all further liability in the matter shall rest with the local authority.

**54.** The Trust, before commencing any work of construction, reconstruction, alteration, or in connection with abandonment, shall give the local authority reasonable notice of the commencement of the proposed work, and furnish sufficient details and particulars of the work proposed, and consider any representations made by the local authority.

Local authority to be consulted.

**55.** (1) The Trust may, upon notification in the Gazette of intention so to do, use any tramways or other transport service vested in a Trust or under its control for the purpose of carrying goods or other material :

Use of transport service for goods.

No. 30, 1912, s. 15B.

(2)

No. 18, 1980.

(2) The regulations may prescribe the conditions upon which the Trust will undertake such carriage, and in particular the classes of goods which may be so carried.

Dangerous  
goods.

No. 30, 1912,  
s. 19.

**56.** (1) No person shall be entitled to carry, or to require the Trust to carry, upon any transport service any aqua fortis, oil of vitriol, gunpowder, lucifer matches, or any goods or animals whatsoever which, in the judgment of the Trust or its officers, may be of a dangerous or objectionable nature.

(2) The Trust may refuse to take any parcel which it may suspect to contain goods of a dangerous nature, or may require any parcel to be opened so that the nature of the contents may be ascertained.

Contracts  
with the  
Postmaster-  
General.

cf. *Ibid.* s. 21.

**57.** The Trust in its corporate name may enter into, alter and rescind contracts and agreements with the Postmaster-General with respect to—

- (a) the receipt, carriage and conveyance of letters, newspapers and parcels; and
- (b) any other matter or thing in relation to the postal service.

General  
contractual  
powers.

*Ibid.* s. 22.

**58.** (1) The Trust in its corporate name may contract—

- (a) for the execution of any work authorised by this or any other Act to be executed by it; or
- (b) for furnishing materials or labour; or
- (c) for providing locomotive engines or other motive or tractive power; or
- (d) for any other matters or things whatsoever necessary for enabling it to carry the purposes of such Act into full effect,

in such manner and upon such terms for such sum and under such stipulations conditions and restrictions as the Trust thinks proper.

Contracts to  
be in writing.

(2) Every such contract shall be in writing, and shall specify—

- (a) the work to be done;
- (b) the materials to be furnished;
- (c) the price to be paid for the same;
- (d) the time within which the work is to be completed, and the materials to be furnished; and
- (e) the penalties to be suffered in case of non-performance thereof.

Every

Every such contract may, if the Trust thinks fit, comprise several works, and may in every case specify the person to whose satisfaction the work or works is or are to be completed or the material furnished, and the mode of determining any dispute which may arise concerning or in consequence of such contract.

No. 18, 1930.

(3) The Trust shall not without the consent of the Governor enter into any contract in any case where—

Restriction as to certain contracts.

- (a) the contract is for the supply, either directly or indirectly, from places outside New South Wales of materials, locomotive engines, or other motive or tractive power; and
- (b) the contract exceeds the sum of twenty thousand pounds.

**59.** The Trust may compound and agree with any person who has entered into any contract in pursuance of or under the authority of this Act, or against whom any action or suit is brought for any penalty contained in any such contract, or in any bond, or other security for the performance thereof, or for or on account of any breach or non-performance of any such contract, bond, or security, for such sum of money or other consideration as the Trust thinks proper.

Trust may compound for breach of contract.

No. 30, 1912, s. 23.

**60.** (1) The Trust may carry and convey upon its transport services all such passengers and goods as are offered for that purpose, and may demand reasonable charges in respect thereof.

Trust may demand charges.

*Ibid.* s. 24 (1).

(2) Subject to the provisions of this Act and section two hundred and forty-eight of the Local Government Act, 1919, all such charges shall at all times be charged equally to all persons and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the same portion of the line of transport service and under the same circumstances; and no reduction or advance in any such charges shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the transport service.

*Ibid.* s. 24 (2).

(3)



No. 18, 1930.

No. 30, 1912,  
s. 25.

*Ibid.* s. 26.

(3) The charges shall be paid to such persons and at such places upon or near to the transport service and in such manner as the Trust shall appoint or as may be prescribed.

(4) If on demand any person fails to pay the charges due in respect of any goods, the Trust may—

(a) detain and sell all or any part of such goods;

(b) if the same have been removed from the transport service premises, detain and sell any other goods within such premises belonging to the person liable to pay such charges;

and in either case out of the moneys arising from the sale retain the charges payable as aforesaid and all charges and expenses of such detention and sale, rendering the surplus (if any) of the moneys arising by such sale, and such of the goods as shall remain unsold to the person entitled thereto; or

(c) recover any such charges by action at law.

Leases.

*Ibid.* s. 18.

**61.** (1) The Trust in its corporate name may lease any refreshment-room, shed, office, shop, stall, sites for storage or for erecting sheds, right of advertising, or other convenience or appurtenance to any of the transport services vested in a Trust for any term not exceeding five years on such conditions and at such rent as it may determine.

(2) The Trust may sell or lease land vested in a Trust, notwithstanding that the surface subsoil or under surface of the land is otherwise used or required for the purposes of this Act, and may reserve an easement or a right of using any part of the land.

Railway  
passes.

**62.** (1) Holders of passes issued in pursuance of paragraphs (a), (b), and (d) of section fifty-eight of the Government Railways Act, 1912-1928, shall be entitled to travel free on all tramways during the currency of such passes.

(2) Any such pass or any free pass issued under the regulations shall, in respect to the holder of such pass and his personal representatives, be accompanied by and entail the like rights, remedies, obligations, and liabilities (except in respect of the payment of money therefor) as if the said pass had been a ticket issued to such holder for a money consideration.

(3)

(3) If any person, not being a person entitled under the provisions of this Act or the regulations to use a free pass on the tramways—

- (a) travels, or attempts to travel, by virtue of any such free pass; or
- (b) at any time exhibits or shows, or carries any such free pass, pretending to be the rightful possessor thereof,

he shall be guilty of a misdemeanour.

(4) The Trust shall be entitled to receive in respect of such passes such sum as may be provided by Parliament. Passes used by departmental officers shall be charged to the department concerned.

## PART VI.

### INVESTIGATION OF ACCIDENTS ON TRANSPORT SERVICES.

**63.** (1) Whenever, upon or about any transport service, or any works, building, or place of any kind whatsoever, used or connected with any transport service, any accident attended with serious results takes place in the course of working such transport service, the Board shall—

- (a) cause the earliest information by telegraph, post, or otherwise to be forwarded to the Trust concerned; and
- (b) appoint such officer or officers as it may think fit to hold an inquiry into the matter; and
- (c) as soon as practicable after such inquiry send to the Trust full information of the accident and the report of such officers.

(2) Where it appears to the Trust, either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes thereof, and of the circumstances attending the same, is expedient, the Trust shall notify the same to the Governor, through the Minister, and the Governor may, by order, direct such investigation to be held.

(3)

No. 18, 1930.

No. 30, 1912, following provisions shall have effect :—  
s. 63.

- (3) With respect to such investigation, the
- (a) The Governor may, by the same or any subsequent order, direct a District Court Judge, magistrate, or other person or persons named in the same or any subsequent order, to hold such investigation, with the assistance of the assessors named in the order.
  - (b) The person or persons holding any such formal investigation (hereinafter referred to as the court) shall hold the same in open court, in such manner and under such conditions as he or they think most effectual for ascertaining the causes and circumstances of the accident, and enabling him or them to make the report in this section mentioned.
  - (c) The court shall, for the purposes of such investigation, have all the powers of a court of petty sessions acting in the exercise of its ordinary jurisdiction; and
    - (i) may enter and inspect any place or building, the entry and inspection whereof appears to such court requisite for the said purpose;
    - (ii) may, by summons under their hand, require the attendance of all such persons as the court thinks fit to call, and examine the same, and may require answers or returns to such inquiries as the court thinks fit to make;
    - (iii) may require and enforce the production of all books, papers and documents which the court considers important;
    - (iv) may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
  - (d) Every person so summoned, not being a person engaged in the transport service of the Trust or otherwise connected with such service, shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court; and, in case of dispute as to the

the amount to be allowed, the same shall be referred by the court to the Prothonotary of the Supreme Court, who, on request by the court, shall ascertain and certify the proper amount of such expenses. No. 18, 1930.

- (e) No answers or declarations of any person examined under this section shall be admissible in evidence in any proceeding against such person other than a prosecution for perjury, or for giving or making false answers or declarations.
- (f) The court, after holding an investigation concerning any accident, shall make a report to the Governor stating the causes of the accident and all the circumstances attending the same, and any observations thereon, or on the evidence, or on any matters arising out of the investigation, which the court thinks right to make.

## PART VII.

### MISCELLANEOUS.

**64.** (1) The Minister may appoint a Committee of Reference, consisting of— Committee of Reference.

The Chief Electrical Engineer for Railways;

The General Manager or the Chief Engineer of the Trust;

and such other representatives of the Railway Commissioners and the Trust equal in number as the Minister may determine, to advise the Railway Commissioners and the Trust upon the following questions:—

- (a) The effect of alterations of, or additions to, existing traffic conditions, including variations in number and location of trams through various times of the day on—
  - (i) the power required both at the power stations and at particular substations;
  - (ii)

No. 18, 1930.

- (ii) the carrying capacity of the feeder system for the supply of power; and
- (iii) the return currents through the rails, and also the effect of variations of pressure (or voltage).
- (b) The question of the rate, or rates, to be charged for electrical energy supplied to the Trust, including periodical revision of the rates on an equitable basis.
- (c) The best arrangements for interchange of materials, workshop and general engineering facilities, including testing and technical advice.
- (d) The best means of dissemination of technical data and information of common service to both systems.
- (e) Such other matters as the Minister may determine.

(2) The members of this Committee of Reference shall be paid out of the General Fund such fees as are prescribed.

Reciprocal services.

**65.** Where at the commencement of this Act it was usual for any branch of the Railway Commissioners' service to render services to a Tramway Branch or vice versa, such services shall continue to be rendered by the Railway Commissioners to the Trust and vice versa upon such terms as may be mutually arranged at cost plus an agreed percentage for overhead expenses.

Carrying on services by Railway Commissioners.

**66.** (1) Where at the commencement of this Act the Trust is unable to completely undertake the carrying out of any activity in connection with the conduct of the tramway services, the Railway Commissioners shall at the request of the Trust continue to render such services for tramway purposes.

(2) The Trust shall pay to the Railway Commissioners the actual cost of such services or such cost as nearly as may be ascertainable.

Freedom from rates.

**67.** (1) No rates, tax, or assessment shall be made, charged, or levied upon any tramway or other transport service, or upon any pier, wharf, jetty, depot, waiting room, yard, building, works, or other property vested in a Trust for transport services, unless the contrary is expressly provided in any Act.

(2)

(2) This section shall not extend to any rate levied under the Local Government Act, 1919, as amended by subsequent Acts, but section one hundred and seventy-one of that Act shall not apply to the Trust. No. 18, 1930.

(3) This section shall not affect the operation of section ninety-one of the Hunter District Water Supply and Sewerage Act of 1892-1928, or of section ninety of the Metropolitan Water, Sewerage, and Drainage Act, 1924-1928, and the reference in section eighty-eight of the last-mentioned Act to land vested in the Railway Commissioners for New South Wales in use for tramway purposes shall be deemed a reference to land vested in a Trust for tramway purposes.

## PART VIII.

### FUNDS.

**68.** (1) There shall be established by and for each Trust a fund to be called the General Fund. General Fund.

(2) There shall be paid into the General Fund all moneys whatsoever received by or on behalf of the Trust except as otherwise provided in this Act.

(3) The General Fund shall be applied by a Trust to the doing and performing of all acts, matters, and things which the Trust is by this or any other Act empowered to do or perform in respect of its transport services.

(4) There shall also be paid out of the General Fund all amounts which by this Act a Trust is required to pay in respect of its capital indebtedness or loans, together with interest thereon, and contributions to or in respect of any sinking fund.

**69.** For the purpose of equalising as far as possible annual expenditure of the nature mentioned hereunder, there shall be established for each Trust a Renewals Reserve, and a Renewals Fund shall be created therefor. Renewals Reserve.  
Such

No. 18, 1930.

Such reserve shall be available only to meet expenditure incurred in renewals, reconstructions, conversions, and special works of maintenance, and all such expenditure shall be chargeable against the reserve and payable from the fund.

General  
Reserve

**70.** (1) There shall be established for each Trust a General Reserve to which shall be transferred, in any financial year, any profits derived from the working of the transport services which may be available.

(2) The amount to the credit of such reserve shall be applied in the first place to meet any losses in the working of the transport services incurred in any financial year.

(3) The Trust may, at its discretion, leave the amount of the General Reserve in the General Fund or may withdraw the amount of the General Reserve at any time from the General Fund and invest it separately.

(4) The Trust may make transfers of such amounts as may be deemed expedient from the General Reserve to the credit of the Renewals Reserve, or to any Sinking Fund established under this Act.

In any such case the amount shall be paid over to the fund concerned.

Temporary  
advances  
from funds.

**71.** (1) Notwithstanding the provisions of section sixty-nine, the Trust may apply temporarily any moneys in the Renewals Fund and which are not immediately required for the purposes for which such fund was established in or towards defraying any capital expenditure.

(2) Where the amount of the General Reserve is withdrawn from the General Fund and invested separately the Trust may apply temporarily any portion of such separate fund as is not immediately required for the purposes for which it was established in or towards defraying any capital expenditure.

Power to the  
Trust—  
To establish  
Fire Insurance  
Fund.

**72.** The Trust may—

- (a) establish a Fire Insurance Fund to meet loss or damage to any property incurred whether directly or indirectly by fire;

(b)

- (b) establish a Public Risk Insurance Fund to meet claims for compensation for accidents to members of the public or damage to any property arising from the operation of its transport services; No. 18, 1930.  
To establish Public Risk Insurance Fund.
- (c) contribute to any mutual benefit or sick or accident fund formed for the benefit of the officers or employees engaged in its transport services. To contribute to benefit funds, &c., of employees.

## PART IX.

### CONSTRUCTION OF TRAMWAYS.

**73.** (1) Subject to the provisions of the Public Works Act, 1912, the Trust may construct tramways for conveying passengers and their luggage along any route within the district served by the Trust which may be approved by the Governor, notwithstanding anything to the contrary contained in or implied by the Sydney Corporation Act, 1902, or any Acts amending the same, the Local Government Act, 1919, or any other Act whatsoever. Power to construct tramways.  
No. 30, 1912, s. 42.

(2) Subject as aforesaid, the Trust may construct tramways for the purposes aforesaid from any place whatsoever in the district to any quarry or other workings, for the purpose of procuring materials for the construction or maintenance of any tramway authorised by this Part of this Act, or for any other purpose whatsoever, whenever the Governor determines to construct the same. Ibid. s. 43.

In every such case, copies of the plans and books of reference of the route which such tramway is intended to follow shall be from time to time prepared and laid before Parliament; and whenever such plans and books of reference have been approved by a resolution of both Houses, the Trust, and subject to the determination of the Governor, may commence and complete such tramway with all proper works and conveniences connected therewith in accordance with such resolutions.

**74.**



No. 13, 1930.

Entry.

No. 30, 912  
s. 44.

**74.** The Trust, for the purposes of this Part of this Act, shall have all necessary rights of ingress and egress in, to, and over the surface of any street, road, highway, or thoroughfare, proclaimed, reserved, or dedicated for the use of the public, or subject to any public easement, over which any such tramway passes as are required for the construction, repair, completion, and use thereof:

Provided that nothing herein contained shall impair or be held to impair the lawful authority of the Municipal Council of the City of Sydney, or of the council of any municipality, or of any other corporation, company, or person, to make all entries, and exercise all other powers necessary for the construction, maintenance, and preservation of gasworks, waterworks, sewerage works and other works lawfully constructed underground in such streets, roads, highways, or thoroughfares along which any such tramway passes.

Resumption  
of lands.*Ibid.* s. 45.

**75.** The Trust, for the purposes of this Part of this Act, shall have all necessary rights to enter upon and in its corporate name resume the lands and grounds of any person whomsoever, subject to the same conditions in respect of compensation, and to all other provisions and regulations as under the provisions of the Public Works Act, 1912, or any Acts amending the same, are applicable to the resumption of land for railway purposes.

Levels.

*Ibid.* s. 47.

**76.** (1) The tramways shall in every case, and throughout their course, be laid at or about the general level and along the centres of the streets and highways along which they are to be constructed; but the Trust may, with the consent of or by mutual agreement with the authority in which is vested the control and management of any street or highway, alter and improve the levels thereof:

Provided that all reasonable expenses incurred in the re-formation of the said streets or roads so altered and improved shall be borne by the Trust, unless otherwise agreed upon.

Provided also that where the authority before-mentioned is engaged in widening the roads in which the tramway is to be laid, the tramway shall then be laid

laid along the centre of the roadway as it will exist after the work of widening the street or highway has been completed. No. 18, 1930.

Where in the opinion of the Trust it would be impracticable to construct a tramway without drastic alterations to the existing street levels, and the Trust is of opinion that the tramway is essential in the public interest, the Minister may approve of the necessary alterations to existing street levels.

(2) Where it is necessary to acquire or resume land in order to provide, without the necessity of using a reverse curve, a width of roadway between the rails and the sides of the road at bends or intersections of roads of equal traffic carrying capacity to that which exists at the approaches to these points, the cost of such acquisition or resumption shall be borne by the Trust concerned, and form a charge against the Public Vehicles Fund or subject to the approval of the Minister the Road Transport and Traffic Fund or General Fund. Bends or intersections.

(3) Where the Trust is of opinion that it is in the public interest that a tramway be constructed in open ballast, the Minister may approve of such form of construction, but in every other case any new tracks shall be built in a class of pavement not inferior to that which it replaces, or that of the adjacent road, whichever shall be the higher standard pavement:

Provided that on the request of any local authority the Trust may build the track in a class of pavement superior to that which it replaces, or that of the adjacent road, and in any such instance the local authority shall undertake to complete within twelve months of the opening to traffic of any section of the tramway the construction or reconstruction of the adjacent pavement outside the limits of the tramway track in a similar class of pavement to that requested for the tramway track.

Adequate provision shall be made in the construction of a new track for its drainage, and the removal of any water which may pass along the junction of the rails and the roadway to the subgrade beneath.

No. 18, 1930.

(4) The requirements as to a superior class of pavement shall not be enforced in any instance in which the Minister is of opinion that special circumstances exist which do not warrant expenditure upon the superior class of pavement required.

(5) The provisions of section fifty-four shall extend to works carried out under this section.

Buildings.  
No. 30, 1912,  
s. 50.

**77.** The Trust may erect buildings or other structures for the purposes of the said tramways, and may construct lines of approach thereto.

Powers of  
Trust in  
respect of  
lines to be  
constructed.  
*Ibid.* s. 15.

**78.** (1) The Trust shall be the authority to decide on the position, character, and suitability of all depots, buildings, structures, platforms, sheds, piers, wharfs, jetties, yards, or other areas required for or in connection with any transport service at present in existence or hereafter to be constructed or established.

(2) In any instance involving the erection of a building or other structure upon a road the Trust shall confer with the local authority, and if the Trust and the local authority are not able to agree, the matter shall be referred to the Minister, whose decision shall be final.

Repairs.  
*Ibid.* s. 49.

**79.** The Trust shall immediately repair any damage which may, during or by reason of the construction of the said tramways, be occasioned to any sewer or drain, or gas or water main, and shall also repair all damages which may be occasioned by the working of the said tramways.

Exploratory  
surveys.  
*Ibid.* s. 20A.

**80.** In connection with any proposal for the construction of any line of tramway or for any extension thereof, the Trust shall cause to be carried out such exploratory or survey work and supply such plans, statements, reports and other information as the said Trust may require, and shall also furnish any information which the Trust may require in regard to any proposed deviation of an existing line of tramway, the cost of which is estimated to exceed twenty thousand pounds.

Report on  
proposed new  
tramways.  
*Ibid.* s. 38.

**81.** (1) Before the second reading in the Legislative Assembly of any Bill authorising the construction of a new line of tramway the Trust shall refer to the Minister a statement under the seal of the Trust showing the

the Trust's estimate of the traffic on each proposed new line and any other returns likely to be derived therefrom, and the Minister shall before such second reading lay the same upon the table of the Assembly.

No. 18, 1930.

(2) The Trust, in furnishing its report, shall specially report—

- (a) whether the earnings from the proposed new line, having regard to the value of interchanged traffic, will meet the working expenses, interest on capital cost, and its contribution to the reserves to be created under this Act, and to sinking fund;
- (b) whether the construction of the new line is recommended or concurred in by the Trust;
- (c) if the earnings from the new line will not meet the working expenses and other charges mentioned in paragraph (a) and the line is not recommended or concurred in by the Trust, the extent of development of the district expected to result from the construction of the line.

**82.** (1) Any person authorised by the Trust may enter any land with any assistants and any horses and vehicles, and do therein such things as may be necessary for the purpose of making surveys and taking levels in relation to land proposed to be acquired, or works proposed to be constructed, and staking and setting out such surveys.

Entry.  
No. 30, 1912,  
s. 41A.

(2) In the exercise of such powers such persons shall do as little damage as possible, and if required, compensation shall be paid to the owner and occupier of the land for any damage caused by such persons to the owner and occupier respectively.

**83.** The construction and completion of any line of tramway authorised by Parliament before the commencement of this Act, whether the construction of such line was begun before or after such commencement, shall be carried out by the Trust, and the Trust shall be, notwithstanding the provisions of any Act, for that purpose, the Constructing Authority within the meaning of the Public Works Act, 1912.

Constructing  
Authority.  
*Ibid.* s. 20b  
(1).

All

No. 18, 1930.

All moneys appropriated for the construction of such line by any Act passed before or after such commencement and available for that purpose shall be expended by the Trust:

Provided that in applying the Public Works Act, 1912, to the construction by the Trust of any tramway, the following amendments are made in the said Act:—

Section thirty-four is amended—

- (i) by inserting in subsection one after the words and figures “Government Railways Act, 1912,” the words and figures “-1928, or the Transport Trust, is by the Transport Act, 1930”;
- (ii) by inserting in paragraph (a) of the same subsection after the words “Chief Commissioner” the words “or the Transport Trust, as the case may be”;
- (iii) by inserting in subsection two of the same section after the words “Chief Commissioner” the words “Transport Trust.”

Construction  
on roads.  
No. 30, 1912,  
s. 53.

**84.** (1) The Trust, for the purpose of this Part—

- (a) shall have all such rights of ingress and egress to, from, and over the surface of any road on which any tramway is now or may hereafter be laid, as are required for the construction, maintenance, repair, and use of any such works; and
- (b) may from time to time open up the surface of any road for the purpose of constructing, maintaining, and repairing works beneath the level of such road, and may erect, support, and maintain above the level of and across any such road, such wires and other electric apparatus as are, in its opinion, necessary for the efficient use and maintenance of electric traction on such tramways, or for the supply of electricity.

(2) The powers given by this Part shall be used so as to interfere as little as may be reasonably possible with traffic and public convenience, all works commenced shall be expeditiously carried out, and adequate provision shall be made at all times for the public safety during the construction, maintenance, and repair of any works authorised by this Part.

**85.**

**85.** It shall be the duty of the Trust to take all reasonable measures to co-ordinate its activities which involve the opening of any road with those of other authorities who are desirous of carrying out any works which involve road opening, and generally to see that effect is given to the provisions of subsection two of section eighty-four.

No. 18, 1930.

Co-ordination  
of road  
opening.

In this section, and in the preceding sections of this Part—

“Road ” means any public or private road, highway, street, square, lane, court, or passage.

Interpreta-  
tion.

## PART X.

### ESTABLISHMENT OF TRANSPORT SERVICES UNDER MUNICIPAL GUARANTEE.

#### DIVISION 1.—*Tramways.*

**86.** (1) The council of any shire or municipality which desires that any tramway or any portion thereof should be constructed may and (on the presentation of a petition signed by at least one hundred ratepayers requiring it to do so) shall with the object of having such tramway or portion constructed under the provisions of this Part apply to a Trust for an estimate with regard thereto. Where the tramway will be laid in a boundary road notice of the application shall be given to the council of the adjoining area.

Application  
to Trust by  
local  
authority.

cf. Vict. Act,  
No. 3,398,  
1923, s. 16.

(2) The Trust may prepare and submit an estimate showing—

Trust may  
prepare an  
estimate.

- (a) the estimated total cost of construction of the tramway (including buildings, erections, rolling-stock, and equipment);
- (b) the estimated total annual expenditure on and incidental to the maintenance and operation thereof in each of the five years next after the construction thereof, including the proper annual proportion of interest and sinking fund in respect of the capital cost of construction aforesaid, and of the sums to be carried to reserves;
- (c)

No. 18, 1930.

- (c) the estimated annual revenue therefrom during each of the said five years;
- (d) the estimated annual loss on or incidental to the maintenance and operation thereof in each of the said five years, ascertained by deducting the estimated annual revenue from the estimated annual expenditure; and
- (e) the estimated amount or (as the case may require) the proportion of such loss chargeable to the whole or to the portion of the tramway situate in the area of each local authority concerned.

(3) Where any portion of any such tramway will be situate on or along any street or road forming the boundary of the areas of two or more local authorities the proportionate amount of such annual loss chargeable in respect of such portion shall be divided equally among the said local authorities.

(4) Upon completion of such estimate as aforesaid the Trust shall forward a copy to each local authority concerned.

Application  
to Trust  
for special  
construction  
scheme.

cf. Vict. Act,  
No. 3,308,  
s. 17.

**87.** (1) Within three months after the receipt of the estimate any such local authority may or (on the presentation of a petition signed by at least two hundred and fifty ratepayers requiring it to do so) shall with the object of having such tramway or portion thereof constructed under the provisions of this Part apply to the Trust for a special scheme for the construction of the tramway.

Trust to  
prepare  
special  
construction  
scheme.

cf. Vict. Act  
No. 2,995,  
s. 35 (2) (b).

(2) As soon as practicable after the receipt of such an application from the local authority concerned (if only one) or from all of the local authorities concerned (if more than one) the Trust shall prepare a special construction scheme, accompanied by a map or plan of the proposed route, an estimate of the probable cost and of the probable revenue, a statement of the proposed sections, fares, and charges, particulars as to the motive power and the supply thereof, and all such maps, plans, specifications, descriptions, information, and particulars as the Trust thinks fit, or as are prescribed by regulation under this Act, or required by the Trust.

**88.**

**88.** (1) If the Trust approves of the construction of the tramway under the provisions of this Part relating to the construction of tramways under municipal guarantee, every such local authority shall upon receipt of such notification by the Trust forthwith prepare a statement setting forth—

No. 18, 1930.

Statement to be prepared by local authority.  
cf. Vict. Act, No. 3,308, s. 18.

- (a) the route of the proposed tramway;
- (b) the approval of the said Trust;
- (c) the matters set out in the estimate of the Trust;
- (d) the estimated amount which the local authority will be required to pay in respect of each of the said five years under any agreement as hereinafter provided;
- (e) whether it is or is not proposed to make and levy a rate to meet such payment; and
- (f) if it is proposed to make and levy such rates, specifying the estimated amount or amounts in the pound of such rates to meet the payment in respect of each of the said years, and whether the same are to be made and levied in respect of the ratable land within the whole or any specified portion of the area of the local authority or of ratable land within different portions of such area, and if so, the portions to be affected by the scheme.

(2) Such statement shall be kept at the office of each local authority concerned, and be open for public inspection without charge during office hours, and the local authority shall publish in a newspaper generally circulating in its area a copy of such statement together with a notice that the same is open for inspection as aforesaid.

To be open for inspection.

**89.** (1) If any local authority has set forth in the statement aforesaid that it is proposed to make and levy a rate such local authority shall forthwith publish a copy of the statement in a newspaper generally circulating in the municipality or shire, and shall publish in the Gazette and in such a newspaper a notice stating in effect—

Notice to be given by council.  
*Ibid.* s. 19.

- (a) that the local authority proposes to enter into an agreement under this Act to guarantee the annual loss as aforesaid and to make and levy a rate as set forth in the statement;

(b)



No. 18, 1930.

(b) that twenty-five per centum of the ratepayers liable to be rated in respect of any such rate may by writing under their hands addressed to the mayor, president, or clerk of the municipality or shire and delivered at the office of the local authority within one month after the date of the last publication of the notice demand that the proposal to enter into such an agreement be submitted to a poll of ratepayers; and

(c) that if no such demand for a poll is made the local authority will enter into the agreement.

(2) Any such poll shall be taken in accordance with the provisions of the Local Government Act, 1919, and the ordinances made thereunder.

Agreement  
to be entered  
into.  
cf. Viet. Act,  
No. 3,308,  
s. 21.

**90.** The local authority concerned (if only one) or local authorities concerned (if more than one) shall enter into an agreement with the Trust as hereinafter provided if in the case of such local authority or each of such local authorities (as the case may be)—

(a) the local authority has set forth in a statement aforesaid that it is not proposed to make and levy rates and in consequence thereof a poll cannot be demanded; or

(b) the local authority has set forth in the statement aforesaid that it is proposed to make and levy rates, and either—

(i) a demand for a poll has not been made within the period hereinbefore prescribed for making such a demand; or

(ii) a demand for a poll has been made and the proposal has been carried at the poll.

Provisions in  
agreement.  
*Ibid.* s. 22(1).

**91.** (1) Every such agreement—

(a) shall be between the Trust and the local authority or authorities concerned; and

(b) shall include a provision to the effect that any local authority being a party to the agreement guarantees to repay to the Trust in respect of each of the five years next succeeding the construction of the tramway the whole or (as the case may require) such proportion of the annual

annual loss aforesaid on or incidental to the maintenance and operation of the tramway or portion thereof as is payable by that local authority under the agreement.

No. 18, 1930.

(2) If any difference arises between the Trust and any such local authority as to any matter to be provided for in any such agreement the Minister may determine the same, and for that purpose may settle, adjust, and apportion any other matters or things between the Trust and such local authority, and the agreement shall be made in conformity with the determination of the Minister.

**92.** In the case of every tramway constructed under the provisions of this Act relating to municipal guarantee—

Provisions as to annual loss or surplus.

(cf. Vict. Act, No. 3,308.)

- (a) the actual amount of the annual loss aforesaid or of any surplus in each year of the said period of five years shall be determined as soon as practicable after the end of such year ;
- (b) the amount of any such loss shall be determined by the method hereinbefore provided for ascertaining the estimated annual loss, and the like method shall be used, mutatis mutandis, for determining the amount of any such surplus ;
- (c) the amount payable under any such agreement by any local authority in respect of any such annual loss shall be paid to the Trust in the year next following that in which the loss is incurred ;
- (d) if there is a surplus in any year of the said period the amount thereof shall be set off in reduction of the amount (if any) payable under the agreement by any local authority or local authorities in respect of any subsequent year or years ;
- (e) if at the end of the period, after providing for losses ascertained there is a surplus, the amount thereof shall be paid by the Trust to the local authority (if only one) being a party to the agreement or to the several local authorities (if more than one) being parties to the agreement

in

No. 18, 1930.

in proportion to the amounts previously paid by the lastmentioned local authorities respectively to the Trust under the agreement; and

- (f) the amount of the annual loss or surplus in any year and the several amounts payable by or to any local authority which is a party to any such agreement shall in every case be certified by the Auditor-General whose certificate shall be final and conclusive and binding on all parties.

Power to make and levy local rate.  
cf. Vict. Act No. 3,308, s. 25.

**93.** (1) Where the statement prepared as aforesaid sets forth that it is proposed to make and levy a rate, the local authority (without prejudice to any other powers to make and levy rates) may make and levy a rate under the Local Government Act, 1919, as a separate special or separate local rate.

(2) Any such rate shall be—

Amount or amounts in the pound of rate.  
In respect of what ratable land.

- (a) sufficient to provide the full amount required to be paid under the agreement in the year for which the rate is made ;
- (b) made and levied in respect of all ratable land within the whole or any specified portion of the municipality or shire as set forth in the statement prepared as aforesaid.

(3) A rate levied for the purposes of this Part shall not be taken into account in determining whether the rates levied by the council are within the limits fixed by any other Act.

#### DIVISION 2.—*Motor omnibus services.*

Local authority may enter into agreement in connection with establishment of motor omnibus service.  
cf. Local Government Act, 1919, s. 493.

**94.** Wherever it is desired to establish a motor omnibus service operated by the Trust under municipal guarantee any local authority or local authorities concerned may enter into an agreement guaranteeing to the Trust payment of the deficiency (if any) of the annual earnings of such motor omnibus service in relation to the annual expenditure, including depreciation, interest or sinking fund contributions chargeable to the service.

Power to levy local rate.

**95.** To provide any sums payable under such agreement the local authority shall, if the local authority considers that it is a direct benefit only to a part of the area, levy a local rate on that part.

#### DIVISION

DIVISION 3.—*Rates.*

No. 18, 1930.

**96.** Notwithstanding anything else contained to the contrary in the Local Government Act, 1919, a special or local rate levied under the provisions of this Part may be combined with the general rate, and the proceeds of the combined rate may be paid into the General Fund of the council.

Combination of special or local rate and general rate.

Where a combined rate is levied as provided in this Division it shall not be necessary to keep the accounts of a special or local fund.

**97.** Any sum payable in respect of a guarantee under this Part may, pending the making or collection of the combined rate, be paid from the General Fund of the council.

Payment from General Fund.

**98.** The provisions of subsections two and three of section one hundred and twenty-seven of the Local Government Act, 1919, shall apply to a combined rate levied under the provisions of this Part.

Application of s. 127 (2) and (3) of Local Govt. Act, 1919.

DIVISION 4.—*Application of Division 1.*

**99.** The Minister upon the recommendation of the Trust may, by notification in the Gazette, apply any of the provisions of Division 1 of this Part, mutatis mutandis, to the establishment of any motor omnibus service under Division 2 of this Part.

Application of Division 1 to the establishment of motor omnibus services.

PART XI.

APPOINTMENT, PROMOTION, DISCIPLINE IN AND REGULATION OF OFFICERS EMPLOYED IN TRANSPORT SERVICES.

DIVISION 1.—*Appointment and promotion.*

**100.** (1) The Board shall appoint or employ in the service of the Trust for the conduct of its transport services such officers to assist in the execution of its powers and obligations under this Act as it thinks necessary, and every officer so appointed shall hold office during pleasure only.

Board to appoint staff. cf. No. 30, 1912, s. 70.

No. 18, 1930.

(2) Subject to this Act the Board shall determine the salaries, wages, and allowances of officers so appointed where these are not fixed in accordance with the provisions of other Acts.

(3) No officer appointed under this section shall engage in any employment outside the duties of his office but may be employed by the Commissioner.

Casual  
employees.  
No. 24, 1924,  
s. 7 (3).

**101.** The Board may appoint, employ, and dismiss such casual employees as it deems necessary for the purposes of this Act, and may fix wages and conditions of employment where these are not fixed in accordance with the provisions of other Acts.

Nature of  
appoint-  
ments.  
cf. No. 30,  
1912, s. 75.

**102.** (1) Subject to this Act, all appointments shall be made to the lowest grade in each of the various branches of the transport services, and on probation only, for a period of six months.

If at any time during such probationary period of six months the head of the branch in which such probationer is employed certifies as to the unfitness of such an officer, his period of probation may thereupon be determined, and his discharge from the service will then take effect.

Confirmation.

(2) After the period of such probation, and upon production of a certificate of fitness from the officer at the head of the branch in which such probationer was employed, and upon proof to the satisfaction of the Board that all the provisions of this Act have been complied with, such appointments may be confirmed by the Board.

Appointment  
without  
examination.

(3) The Board shall, notwithstanding, have the power to appoint to any position or grade, if it thinks fit, persons of known ability not engaged in the Trust's service; but no such appointment shall be made unless the Board has previously certified to the Trust that there is no person in the service fit and qualified to be promoted to such appointment, and shall have obtained the sanction of the Trust to such appointment.

Restriction in  
certain cases.

(4) No officer or servant shall be appointed by the Board at a salary exceeding the rate of one thousand pounds per annum without the sanction of the Governor and the concurrence of the Trust.

**103.** (1) The Board may prescribe conditions and examinations for admission to the service and for promotion to higher grades, and may appoint competent persons to deal with the selection of suitable candidates for such admission as aforesaid.

No. 18, 1936.  
Examiners,  
&c.  
cf. No. 30,  
1912, s. 63.

(2) The Board may also appoint competent persons to be examiners for the conduct of examinations for admission to and promotion in the service.

**104.** (1) When any vacancy occurs in any branch of the service of the Trust administered by the Board not open to competitive examination as provided for in the regulations it shall be filled, if possible, by the promotion of some officer next in rank, position, or grade to the vacant office; and no such officer shall be passed over unless the head of his branch, in writing, so advises the Board.

Promotions.

(2) For the purposes of this Act the Board shall determine officers to be regarded as heads of branches and may vary such determination from time to time.

(3) No officer shall be passed over without being allowed to show cause, in the prescribed manner, to the Board, whose decision on the matter shall be final.

*Ibid.* s. 76 (2).

#### DIVISION 2.—*Suspension and dismissal.*

**105.** The Commissioner may remove any officer.

Removal of  
officers.  
*Ibid.* s. 78.

**106.** If any person employed by the Board—

Officer taking  
fees.  
*Ibid.* s. 79.

- (a) exacts, or takes, or accepts, on account of anything done by virtue of his office or in relation to the functions of the Trust, any fee or reward whatsoever other than the salary, rewards, or allowances allowed or sanctioned by the Board; or
- (b) is in anywise concerned or interested in any bargain or contract made by or on behalf of the Board, otherwise than as a member only, but not as a director or officer, of any registered, incorporated, or joint stock company with whom any such bargain or contract may be made,

he

No. 18, 1930.

he shall be removed from office, and shall be incapable of being afterwards employed by the Trust, and shall also be guilty of a misdemeanour.

Forfeiture of office in certain cases. No. 30, 1912, s. 80.

**107.** If any officer is convicted of any felony or is sentenced to imprisonment for any term of or exceeding six months, or becomes bankrupt, or by any deed or other writing compounds with his creditors, or makes an assignment of his salary for their benefit, he shall be deemed to have vacated his office.

Powers of Board on vacation of offices. *Ibid.* s. 81.

**108.** (1) The Board may discontinue the offices of or appoint other persons in the room of such officers as are removed, or die, or resign, or vacate their offices under the provisions of this Act.

Reinstatement. *Ibid.*

(2) Where any officer has vacated his office by reason of any pecuniary embarrassment, if he proves to the satisfaction of the Board that such embarrassment has not been caused or attended by any fraud, extravagance, or dishonourable conduct, it may reinstate such officer in his former or any other inferior position in its service.

Officers guilty of misconduct. *Ibid.* s. 82.

**109.** Wherever any officer in any branch of the transport service is guilty of misconduct or of breaking any rule, or regulation of the transport service, the officer at the head of such branch may, in the prescribed manner,—

- (a) dismiss or suspend him ;
- (b) reduce him in rank, position, or grade, and pay ;

but every such officer so dealt with may appeal in the manner hereinafter provided.

Officers guilty of misconduct—how dealt with. *Ibid.* s. 83.

**110.** (1) Any officer in charge for the time being of any officer or employee of the Trust may temporarily suspend any officer or employee under his charge at such time who is of inferior rank, position, or grade to his own, until the officer at the head of such suspended officer's or employee's branch has dealt with such suspension.

(2) The Appeal Board constituted in the next division of this Part may, upon reference to it by the Board, investigate and deal with any charge brought against any officer for the breach of any rule or regulation, or for misconduct, and may suspend such Officer ;

officer; or, if he has been already suspended, may further suspend him for a period not exceeding six months, without salary or wages, or may inflict a fine to be deducted from his pay, or may dismiss him.

No. 18, 1930.

**111.** (1) No officer shall be liable to dismissal or any disability for refusing, on conscientious grounds, to work on any Sunday except in cases of necessity.

Sunday  
work.  
No. 30, 1912,  
s. 84.

(2) Such officer shall be subject to a proportionate reduction in his salary or wages on account of such refusal :

Provided that this provision shall not apply to any officer whose duties do not require him to work on Sunday.

#### DIVISION 3.—*Appeals.*

**112.** Any two members of the Management Board shall together hear and determine all those appeals which under this Division of this Part of this Act may be made to the Board, and the chairman of that Board or in his absence the member of that Board deputed by him to preside at the appeal shall have a second or casting vote in deciding such appeals.

Board to  
hear appeals.  
*Ibid.* s. 85.

**113.** (1) The Management Board shall hear and determine any appeal made by an officer against the adoption or confirmation of the advice or decision of the officer at the head of his branch with regard to his right to promotion, and may confirm or modify such decision or make such order as it thinks fit, and its decision shall be final.

Appeals  
concerning  
promotion  
*Ibid.* s. 86.

(2) Every such appeal shall be heard within thirty days from the date of the appeal being lodged with the Board.

**114.** (1) Every other appeal which may be made by an officer under this Part of this Act shall be referred to an appeal board (herein called the Appeal Board), which shall consist of—

Appeal  
Board.  
cf. *Ibid.*  
s. 87.

- (a) a person possessing the qualifications of a stipendiary or police magistrate who shall be appointed by the Governor for a term of seven years, and shall be chairman ;
- (b) a person nominated in the prescribed manner by the Management Board ; and

(c)



No. 18, 1930.

(c) an officer included in the branch to which the appellant belongs and who has been elected for that purpose in the prescribed manner.

(2) The Appeal Board shall hear and determine the appeal.

(3) The secretary of the Management Board shall convene the Appeal Board, and shall keep a record of all proceedings thereof and decisions arrived at.

(4) All powers of the Appeal Board may be exercised by a majority of the members thereof.

(5) Every notice of appeal shall be in writing.

Such notice of appeal shall be lodged with the secretary of the Management Board within seven days after the date when the appellant receives the decision which is appealed against, and shall be heard by the Appeal Board within thirty days from the date when the appeal is received by the said secretary.

The Appeal Board may decline to hear or entertain any matter of appeal which, in their opinion, is based on trivial or frivolous grounds.

(6) The said secretary shall give to the appellant seven clear days' notice of the date when the appeal will be heard.

cf. Brisbane  
Tramway  
Trust Act,  
No. 14 of  
1922, s. 1 (6).

(7) The parties to the appeal shall be entitled to subpoena witnesses in the same manner, and subject to the same penalties and conditions as witnesses may be summoned to give evidence before justices in petty sessions, and to have all witnesses examined on oath or affirmation.

(8) In any proceedings before the Appeal Board the Management Board and the appellant or person charged may respectively be represented by its or his counsel, solicitor, or agent duly appointed in writing in that behalf, who may examine witnesses and address the Appeal Board.

No. 14 of  
1922, s. 1 (7).

(9) The Appeal Board shall investigate every appeal, and shall record their finding as to whether the appeal should be upheld or otherwise.

(10) The Appeal Board's finding shall be final, and shall be transmitted to the Management Board, which shall give effect thereto.

**115.** In the case of and during the absence from whatever cause of the chairman of the Appeal Board the Governor may appoint a deputy-chairman who shall have similar qualifications to that of the chairman, and who, during such absence, shall have the powers of the chairman.

No. 18, 1930.

Deputy-chairman.

No. 33, 1923,  
s. 4 (1).

**DIVISION 4.—Officers in positions of trust.**

**116.** (1) Before any person entrusted with the custody and control of moneys, whether as collector or other officer of the Trust, enters upon his office, the Trust shall take sufficient security from him for the faithful execution of his office.

Security.

No. 30, 1912,  
s. 94.

(2) Such security may be that of any incorporated company or guarantee society approved by the Trust.

**117.** If—

- (a) any collector of charges or other officer employed by the Trust is discharged or suspended from his office, or dies, absconds or absents himself; and
- (b) such collector or other officer, or the wife, widow or any of the family or representatives of any such collector or other officer refuses or neglects after seven days' notice in writing for that purpose to deliver up to the Trust or to any person appointed by it for that purpose any building with its appurtenances, or any books, papers, or other matters belonging to the Trust in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid,

Delivery of matters in possession or custody of officers.  
*Ibid.* s. 95.

then, upon application being made by the Trust to any justice, such justice may order any constable, with proper assistance, to enter upon such building, and remove any person found therein, and take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the Trust or to any person appointed by such justice for that purpose.

**118.**

No. 18, 1930.

Officers to  
account on  
demand.No. 30, 1912,  
s. 96.

**118.** (1) Every officer shall, from time to time, when required by the Trust, make out and deliver to it, or to any person appointed by it for that purpose, a true and perfect account in writing, under his hand, of all moneys received by him on behalf of the Trust or by virtue of his employment.

(2) Such account shall state how, and to whom, and for what purpose, such moneys have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments.

(3) Every such officer shall pay to the Trust or to any person appointed by it to receive the same, all moneys which appear to be owing from him upon the balance of any such account.

Officers  
failing to  
account.*Ibid.* s. 97.

**119.** (1) If any such officer fails—

- (a) to render such account; or
- (b) to produce and deliver up all the vouchers and receipts relating to the same in his possession or power; or
- (c) to pay the balance thereof when required; or
- (d) within three days after being thereunto required to deliver up to the Trust, or to any person appointed by it to receive the same, all papers and writings, property, effects, matters, and things in his possession or power relating to the execution of this Act or belonging to the Trust;

then, on complaint thereof being made to a justice, such justice shall summon such officer to appear before a magistrate, at a time and place to be set forth in such summons, to answer such charge.

Procedure.

(2) Upon the appearance of such officer, or in his absence, upon proof that such summons was personally served upon him or left at his last known place of abode, such magistrate may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer.

Order may  
be made.

(3) If it appears, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any moneys which should be paid over

over to the Trust are in the hands of such officer, or owing by him, such magistrate may order such officer to pay the same.

No. 18, 1930.

**120.** If any such officer, on being so brought before such magistrate and being required so to do, refuses to make out such account in writing, or to produce and deliver to the magistrate the several vouchers and receipts relating thereto, or to deliver up any books, papers or writings, property, effects, matters or things in his possession or power belonging to the Trust, such magistrate may commit such offender to gaol, there to remain until he delivers up all the vouchers and receipts (if any) in his possession or power relating to such accounts, and all books, papers, writings, property, effects, matters, and receipts (if any) in his possession or power relating to such Trust, or which should be delivered up by such officer.

Officers refusing to account or deliver up books, &c. No. 30, 1912, s. 98.

**121.** (1) If any person authorised by the Trust makes oath before a justice that he has good reason to believe, upon grounds to be stated in the deposition, and does believe that it is the intention of any such officer as aforesaid to abscond, or that he has absconded, such justice may issue a warrant in the first instance for the apprehension of such officer to be brought before any magistrate.

When officer about to abscond a warrant may be issued in first instance. *Ibid.* s. 99.

(2) No person executing such warrant shall keep such officer in custody longer than twenty-four hours, or such longer period as may be rendered necessary by the distance of the place of apprehension from the residence of the nearest or most convenient justice, without bringing him before some justice, who shall either discharge such officer, if he thinks there is not sufficient ground for his detention, or order him to be detained in custody so as to be brought before a magistrate at a time and place to be named in such order, unless such officer gives bail to the satisfaction of such justice for his appearance before such magistrate to answer the said complaint.

Detention of officer.

(3) No such proceeding against, or dealing with any such officer shall deprive the Trust of any remedy which it might otherwise have against such officer or any surety of such officer.

Sureties not to be discharged.

No. 18, 1930.

DIVISION 5.—*Miscellaneous provisions.*

Gratuities  
and overtime  
payments.  
No. 30, 1912.  
s. 100.

**122.** The officer at the head of any branch of the Trust's service may, if he thinks fit, certify that in his opinion any officer in his branch is entitled to a gratuity or to a payment for overtime work.

No gratuity or payment for overtime work shall be paid upon such certificate without the authority of the Board.

Yearly leave  
of officers.  
*Ibid.* s. 100A.

**123.** Every officer shall be entitled to at least one week's leave on full pay in respect of each twelve months of actual service, in addition to bank and public holidays observed throughout the State; and every officer who has completed twenty years of service shall be entitled to at least one month's extended leave on full pay:

Provided that any officer who cannot take his leave on any such bank or public holiday by reason that he has been required to work on such days shall be entitled in lieu thereof to leave on full pay for the same number of days at some future time.

Service with the Railway Commissioners for New South Wales prior to transfer under this Act and service in the employment of the Commissioner shall be deemed service with the Trust for the purposes of this section.

Officers  
injured in  
performance  
of duty.  
*Ibid.* s. 100B.

**124.** Where any officer receives personal injury arising out of and in the course of his employment he shall, except where the injury was caused by his own gross negligence or wilful and wrongful act, be entitled during the period of his partial or total disablement arising from the injury, to receive, unless and until he is retired or retires from the service of the Trust, the salary he was receiving at the date of the injury.

Any question arising under this section may be determined by the Workers' Compensation Commission upon application thereto in manner prescribed by rules of that Commission.

Right to sue.  
*Ibid.* s. 103.

**125.** Nothing in this Act shall be held to in any way interfere with the right of any officer to sue the Trust in any court of law, and this Act expressly reserves to every officer the right so to sue should he so desire.

**126.**

**126.** The Board shall not have power to agree with officers to contract themselves out of the provisions of any Act of Parliament, or to compel them to forego any civil rights to which any Act of Parliament entitles them.

No. 18, 1930.  
Contractual limits.  
No. 30, 1912, s. 104.

**127.** In all public inquiries and investigations into the cause of any accident officers shall have the right to be represented by one of their number or by any person whom they may select to represent their interests at such inquiry.

Officers may be represented.  
*Ibid.* s. 106.

**128.** Nothing in this Act shall prejudice or affect any officer in the transport services of the Trust who has been a contributor to the superannuation account in respect of his right to any compensation or retiring allowance under the provisions of the Civil Service or any other Act, or to any other rights, privileges, and immunities thereunder.

Saving of rights.

## PART XII.

### SUPERANNUATION ALLOWANCES AND GRATUITIES.

**129.** (1) Upon the transfer of any officer from the service of the Railway Commissioners to the service of the Trust, such officer shall have the right to continue to contribute to the Government Railways Superannuation Account established under Part IX of the Government Railways Act, 1912-1928, and to be paid from such account any pension, gratuity, allowance, or other benefit which he would have received from the Railways Superannuation Account had he continued as an employee of the Railway Commissioners.

Saving of rights of officers transferred.

(2) Service with the Trust shall in any such case be regarded as service with the Railway Commissioners.

(3) Any payment, gratuity, or allowance payable to any such contributor or to other person in respect of such a contributor's service, shall become due and payable in the same manner as though such officer had remained an officer of the Railway Commissioners.

(4)

No. 18, 1930.

Deductions  
for Railway  
Superannua-  
tion Account.

(4) The Trust shall cause proper deductions to be made from the salary of any such officer as aforesaid, and pay all such amounts to the credit of the Government Railways Superannuation Account.

(5) This section shall extend to a Commissioner or a member of the Board appointed from the service of the Railway Commissioners.

Contribution  
to  
supplement  
revenue of  
Superannua-  
tion Account.

**130.** The Trust shall contribute its due proportion of any amount necessary to supplement the revenue of the Account to enable the claims thereon to be met in any year; such amount, if not agreed upon by the Trust and the said Commissioners, shall be determined by the Governor.

Employees of the power-houses, substations, and any other establishments retained under this Act by the Railway Commissioners, shall be regarded as railway and not as tramway pensioners.

Pensioners who were prior to the passing of this Act similarly employed shall be similarly regarded.

Transport  
Superannua-  
tion Fund.

**131.** The Trust may establish a fund to be called the "Transport Superannuation Fund" for the purpose of providing sums of money or annuities to officers, servants, or employees who contribute to the said fund, and to be payable to them on their retirement from their office, service, or employment under the Trust, or on the cessation or abolition of their offices or, in case of their death, to their widows, surviving children, or relatives.

Contribution  
by Trust.

**132.** The Trust may—

(a) contribute to the said fund such sums of money as it thinks fit, not exceeding a pound for pound subsidy upon contributions made by employees;

Deduction.

(b) deduct from the salary or wages of any of its officers, servants, or employees, as the case may be, such sums of money (if any) as they are required by regulations under this Act to pay into the superannuation fund.

## PART XIII.

## PRIVATELY-OWNED MOTOR OMNIBUS SERVICES.

DIVISION 1.—*Control.*

**133.** (1) This Part shall commence on a date to be appointed in that behalf by the Governor and notified by proclamation published in the Gazette. Commence-  
ment of Part.

(2) The provisions of this Part relating to the registration of motor omnibuses and the licensing of drivers and conductors thereof shall extend to any motor omnibus operated by the Trust, the driver, and the conductor thereof. Omnibuses  
operated by  
Trust.

**134.** A Trust constituted by or under this Act shall control the running of privately-owned motor omnibuses engaged upon passenger transport in the district of the Trust, and in particular and without limiting the generality of the foregoing power may, subject to this Act— Transport  
Trust to  
control.

- (a) grant, alter or close any route for a motor omnibus service;
- (b) cancel or suspend such a service, wholly or in part;
- (c) issue, cancel, suspend or alter any time-table;
- (d) register motor omnibuses; or
- (e) cancel or suspend any such registration.

Save as provided in this Part no claim shall lie against the Trust for compensation for deprivation of or injury to any privately-owned motor omnibus service by reason of any action taken by the Trust or by any officer duly authorised by it in the lawful exercise of any such powers.

**135.** (1) After a date appointed by the Governor and notified by proclamation published in the Gazette, it shall not be lawful for any person to carry on within the district of a Trust any 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 by the Trust, and current at the time of the conduct of such service. Motor  
omnibus  
services to be  
licensed.  
cf. N.Z. No.  
67, 1926,  
s. 5 (1).

(2)



No. 18, 1930.

(2) The owner of any motor omnibus in respect of which a license under the regulations made under the Metropolitan Traffic Act, 1900, or under the Local Government Act, 1919, is in force at the commencement of this Act shall, if such license has not been sooner suspended or cancelled, be entitled to the issue of a service license for the route upon which the motor omnibus was plying at such commencement, without variation of fares or time tables.

Motor  
omnibus  
service.

**136.** (1) A person shall be deemed to carry on a motor omnibus service within a district who for any fare or other consideration conveys passengers upon a motor omnibus within any part of the district or from a place outside a district to a place within the district or from a place in a district to a place outside the district.

(2) The regulation of passenger transport upon any route so far as it is within a district, shall be entirely within the discretion of the Trust.

(3) No service license shall confer upon the person to whom it is issued or transferred any exclusive right to use the route defined in such license.

(4) Except to the extent provided in section one hundred and fifty-eight, nothing in this Part shall be construed as conferring on the holder of any service license granted under this Part any right to the continuance of any benefits arising from the provisions of this Part or from any service license granted thereunder or from any conditions attached to any such license.

Service  
license.

N.Z. No. 67,  
1926, s. 8.

**137.** (1) Every service license shall, unless sooner suspended, cancelled, or surrendered, continue in force for a period of one year from the date expressed therein, and shall then expire.

(2) Every holder of a service license shall within the prescribed time before the date of expiry of his existing service license notify the Trust whether it is his intention to apply for a new service license, and he shall supply such particulars and comply with such requirements in connection with such application for a new service license as the Trust may require.

*Ibid.* s. 6 (2).

(3) In determining whether or not any application for a service license shall be granted, the Trust shall take into consideration any existing or proposed

proposed facilities for the transport of passengers within the locality proposed to be served, the condition of the roads or streets proposed to be traversed, the normal traffic thereon, and all other relevant considerations.

The Trust shall also be governed in its decisions by any conditions prescribed.

(4) Where the Trust is of opinion that an application for a service license does not warrant investigation, or where in the opinion of the Trust the existing or contemplated facilities for the transport of passengers are sufficient, the Trust may refuse the application for a service license.

(5) Where in the opinion of the Trust a service upon a route applied for would come into competition with either railway or transport services, the Trust shall obtain reports from the Railway Commissioners and/or the Board, as the case may be, and if a service license is granted the Trust shall impose such conditions therein as to fares or otherwise as, in the opinion of the Trust, are sufficient to prevent undue competition or overlapping of services.

**138.** (1) In any service license the Trust shall express the route to be traversed, the time-table to be observed, the fares to be charged, and such other conditions and matters as may be prescribed or as the Trust thinks proper in the circumstances of the case. Conditions, &c.  
N.Z. No. 67,  
1926, s. 10 (1).

Any condition so expressed, unless it is a condition prescribed, may be varied at any time by the Trust if the holder of the license concurs, and the license may be endorsed accordingly.

(2) The fares to be charged on a route shall be fixed by the Trust at such a rate as in its opinion will enable a reasonable return to be earned upon the capital expenditure involved in the service after allowing for all proper deductions, including depreciation, from the gross profit earned.

(3) The Trust may divide a route into two or more sections, and may in its discretion fix through or minimum fares for the whole or any part of the journey. Ibid. s. 10 (2).

No. 18, 1930.

Transfer of  
license.N.Z. No. 67,  
1926, s. 9.

**139.** (1) A service license granted to any person under this Act may not be transferred by the licensee, but he or his legal personal representative may apply to the Trust to transfer his service license for the balance of the term of such license to a person nominated by him.

(2) If the Trust is satisfied that the person nominated is a fit and proper person to be granted a service license and that adequate provision will be made by him for the conduct of the service, the Trust shall transfer the service license in respect of a route to the person so nominated for the balance of the term of the license, and approval for such a transfer shall not be unreasonably withheld.

Cancellation.

**140.** (1) The Trust may at any time during the currency of a service license upon the prescribed notice, and after consideration of any representation by the holder, suspend or cancel the same if, from the default of the holder of the license or of his agent or of his employees, the provisions of this Act or the regulations or the terms and conditions of the license or any of them are not being complied with or if the service is being conducted in a manner such as to cause danger to the public or if the holder is convicted of any offence under section one hundred and sixty-four or paragraph (a) of section two hundred and forty.

(2) Every notice suspending or cancelling a license shall state specifically the grounds upon which such license is so suspended or cancelled.

Temporary  
alteration  
of route.

**141.** The Trust or some officer authorised generally in that behalf may in case of emergency by order in writing during the currency of any service license temporarily vary the route which any such service license authorises the holder to traverse.

Provisional  
licenses.

**142.** (1) The Trust may, in its absolute discretion and subject to the prescribed conditions, issue to any applicant a provisional service license, and a provisional registration certificate in respect of any omnibus for such period not exceeding six months, as the Trust thinks fit.

(2)

(2) Any such provisional service license or provisional registration certificate may be determined at any time during its currency by a notification in writing to the holder in that behalf. No. 18, 1930.

(3) If a service license and/or registration certificate is granted by the Trust to the holder of the provisional service license and/or provisional registration certificate the license and certificate shall be deemed to have been granted at the date of the issue of the provisional license or provisional certificate.

(4) If the application for a service license and/or a registration certificate is refused by the Trust, a refund shall be made to the applicant of a just proportion of all moneys paid by him to the Trust in respect of his application, and the regulations may prescribe how such proportion is to be calculated.

**143.** (1) The Trust may, upon payment of the prescribed fee, issue a permit to use a registered motor omnibus for the transport of passengers to or from places of public resort or recreation or on special occasions, or to meet some special transport emergency. Special permits.

(2) The permit may be granted subject to the prescribed conditions and to such other conditions (if any) as the Trust thinks fit to impose in a particular case.

(3) A permit shall be obtained for each motor omnibus so used, shall be carried on the omnibus, and shall be produced on demand by any member of the police force or officer authorised in that behalf.

(4) A permit shall not be issued in respect of a motor omnibus until the applicant has satisfied the Trust that the omnibus will not be withdrawn from necessary service covered by an existing motor omnibus service license.

**144.** No person shall use on a motor omnibus service within the district of a Trust any vehicle unless the vehicle is registered as a motor omnibus in pursuance of this Act. Registration of motor omnibuses.

**145.** (1) A registration certificate shall not be granted in respect of a motor omnibus unless the vehicle conforms to the requirements of any regulations for the time being in force as to the design and construction of Registration certificate.

No. 18, 1950.

motor omnibuses, and is in a fit condition, regard being had to the safety and comfort of passengers, to be registered as a motor omnibus.

(2) The Trust may either before the registration of any motor omnibus, or at any time thereafter, require that a certificate of fitness be secured from an authority prescribed as to the condition of the omnibus, and failing the production of such a certificate the Trust may refuse to grant a registration certificate, or if a registration certificate has already been issued, the Trust may suspend or cancel such registration certificate until such time as a certificate of fitness is secured.

(3) A registration certificate shall specify the total number of passengers to be carried, whether seated or standing.

(4) The owner of a motor omnibus shall be liable for any breach of any regulation made with regard to the maximum number of persons to be carried on such omnibus.

(5) Any person entering a motor omnibus after having been informed by the conductor or driver that the omnibus is full, or refusing to leave such an omnibus when requested so to do by the conductor or driver for a similar reason, shall similarly be liable for any breach of any regulation made with regard to the maximum load for the omnibus.

Duration of  
certificate.

**146.** (1) Every registration certificate issued not being a provisional registration certificate shall, unless sooner suspended, cancelled, or surrendered, continue in force for a period of one year from the date stated therein, and shall then expire unless previously renewed.

(2) Application for the renewal of a registration certificate shall be made at the prescribed time before the date of the expiry of the current certificate, and a fresh certificate may be granted by the Trust to take effect as from the date of such expiry.

(3) The Trust may suspend or cancel the registration certificate issued in respect of any motor omnibus at any time during the currency of the certificate if in the opinion of the Trust the omnibus becomes in an unfit condition to continue in the service.

**147.**

**147.** The registration certificate of any motor omnibus shall not be transferred by the holder except in the manner prescribed. On such transfer the registration certificate shall continue in force as if originally issued to the transferee.

No. 18, 1930.  
Transfer of  
certificate.  
cf. N.Z. Act,  
1926, s. 9.

**148.** Any license of a motor omnibus granted under the Metropolitan Traffic Act, 1900, and any certificate of registration granted within the district of a Trust under the Motor Traffic Act, 1909, and any license granted within the district of a Trust under the Local Government Act, 1919, in respect of a motor vehicle licensed as a motor omnibus, and any license granted to any driver or conductor of any such motor omnibus and in force at the commencement of this Part of this Act shall continue in force until the date of the expiry thereof, unless they are sooner suspended or cancelled.

Provision as  
to licenses,  
&c., in force  
at commence-  
ment of this  
Part.

**149.** Subject to this Act all regulations or ordinances made under the Acts referred to in section one hundred and forty-eight shall continue in force until replaced by regulations made under this Act.

Regulations  
continued.

In the construction of any such regulation or ordinance relating to the licensing, registration, and regulation of motor omnibuses or the licensing and regulation of the drivers or conductors of such motor omnibuses within the district of the Trust, a reference to the Inspector-General of Police or the Superintendent of Police for Traffic or the council shall be construed as a reference to the Trust.

#### DIVISION 2.—*Drivers and conductors.*

**150.** (1) No person shall, after the commencement of this Part of this Act, drive a motor omnibus unless he is the holder of a motor omnibus driver's license granted in accordance with the regulations.

Drivers, &c.

(2) No person shall after such commencement act as the conductor of a motor omnibus unless he is the holder of a motor omnibus conductor's license granted in accordance with the regulations.

Conductors.

(3) Subject to such conditions as may be prescribed, a person holding a motor omnibus driver's license may act as the conductor of a motor omnibus.

(4)

No. 18, 1930.

Medical  
certificate.

(4) The Trust may require any applicant for the grant or renewal of a motor omnibus driver's license to present a certificate in the prescribed form, signed by a legally qualified medical practitioner, to the effect that he has on the date of the certificate personally examined the applicant, knowing him to be an applicant for the grant or renewal of a motor omnibus driver's license, and that in his opinion, having all proper regard to the health and safety of passengers and of the public generally, the applicant is a medically fit and proper person to be employed as the driver of a motor omnibus.

(5) The Trust may require a like medical certificate to be furnished by the applicant for the grant or renewal of a conductor's license.

Duration of  
license.

**151.** (1) Every license to drive or conduct a motor omnibus granted under this Act or any renewal thereof, shall, unless sooner suspended or cancelled, continue in force for one year.

(2) Application for the renewal of a motor omnibus driver's license or a motor omnibus conductor's license shall be made at the prescribed time prior to the date fixed for the expiry of the license.

A renewal of the license may be granted in advance to take effect as from the date of such expiry.

(3) The Trust may suspend or cancel any such license at any time during the currency thereof if for any reason it is satisfied that the licensee has ceased to be a fit and proper person to be the holder of a driver's license or a conductor's license.

#### DIVISION 3.—*Applications, service license fees, &c.*

Applications.

**152.** (1) Application for any service license or other license, registration certificate, omnibus permit or other permit, shall be made to the Trust in the manner prescribed in the regulations.

(2) No license, registration certificate or permit as aforesaid shall be issued unless the prescribed fee and any tax due shall have been duly paid.

(3) The Trust may refuse to issue any license or permit as aforesaid to any person who, in the opinion of the Trust, is not a fit and proper person to hold such license or permit.

(4)

(4) The fees payable upon application shall be the amounts set out or referred to in schedule two of this Act. No. 18, 1930.

(5) In respect of every service license issued under this Act a Trust may charge an annual service license fee for the right to conduct a motor omnibus service upon the streets in the district of the Trust. License fee for omnibus service.

(6) The annual service license fee shall be based upon the nature and extent of the benefit enjoyed by the holder of the service license, the nature of the route traversed, and the effect on any services provided by the Trust, and shall in no instance exceed an amount equivalent to four pounds for each passenger each motor omnibus is authorised to carry:

Provided that the Trust may make such an exemption as it deems fit in respect of any motor omnibuses authorised to be held in reserve.

The license fee may be fixed at a merely nominal rate for experimental or developmental services or where the service is unprofitable.

(7) Any such license fee shall be paid on the issue of the service license, but, if the holder so elects, may be paid half-yearly or quarterly, in advance, and when so paid shall be subject to such additional charge as may be prescribed.

(8) The Trust shall pay into the Public Vehicles Fund in respect of any transport service operated by the Trust by motor omnibus an amount equivalent to what would be payable into such fund if the same route were operated under a service license.

(9) This section shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would, but for this subsection, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

(10) Where a service license is surrendered before the expiration of such license, the Commissioner may, subject to such conditions as are prescribed, grant to the holder a refund of one-twelfth of the annual license fee paid in respect of the issue of such service license for each complete month in the unexpired period of such license, less a prescribed cancellation fee. Refund of license fee where service license surrendered.



No. 18, 1930.

(11) Upon any alteration of route during the currency of a service license the Trust may upon consideration of all the circumstances make a refund of such portion of any service license fee paid as seems just in the circumstances of the case.

Recovery of  
annual  
license fee by  
Commissioner.

(12) Any annual service license fee or instalment thereof which becomes payable may be recovered by the Commissioner as a debt in any court of competent jurisdiction.

(13) The regulations may prescribe the conditions to be observed by the Trust and the holder of a service license in connection with the determination of the amount of such license fee and terms of payment thereof, and provide for the cancellation of the license upon any default in payment of such license fee or any portion thereof.

Cancellations.

**153.** Where any license, registration certificate or permit is suspended or cancelled the person to whom any such license or permit was issued shall be deemed to be an unlicensed person, and any vehicle in respect of which any such registration certificate was issued shall be deemed to be an unregistered vehicle.

#### DIVISION 4.—*Insurance.*

Passenger and  
third-party  
risk.

**154.** (1) The owner of any motor omnibus shall insure himself, and at all times keep himself insured during the currency of the registration certificate against all sums for which he may become liable by way of damages in respect of such motor omnibus in case of injury to persons or property.

(2) The insurance shall be effected with some insurance company carrying on business in New South Wales and approved by the Trust. For the purposes of this subsection the Government Insurance Office shall be deemed to be a company carrying on business in New South Wales and shall be authorised to carry on such business.

(3) No motor omnibus shall be registered under this Act for the carriage of passengers nor shall any renewal of registration be granted unless and until the owner has obtained and deposited with the Trust a policy

policy of insurance in a form approved by the Trust insuring him against his said liability to the extent of at least five thousand pounds in respect of the motor omnibus.

Where the Trust considers that there are special circumstances in any particular instance which would, having regard to the public interest, warrant a reduction in the amount prescribed by this subsection, the Trust may accept a policy in a sum of not less than one thousand pounds in respect of the motor omnibus as a sufficient compliance with the provisions of this section.

Where an owner obtains and deposits with the Trust a comprehensive policy in a form approved by the Trust indemnifying him against all liabilities by way of damages in respect of all his motor omnibuses in case of injury to persons or property to an extent of fifteen thousand pounds, then notwithstanding that the policy provides for a limit of liability to the insuring company of five thousand pounds in respect of any one motor omnibus, the Trust may accept such policy as a sufficient compliance with the foregoing provisions and may register or renew the registration of any omnibus to which the policy relates.

(4) Every such policy shall provide that, notwithstanding the terms in respect thereof as between insurer and insured, any claimant shall be entitled in his own name to recover directly from the insurer any amount for which he shall have obtained judgment against the owner in respect of the liability insured against, or any amount for which the owner with the written consent of the insurer shall have admitted liability.

(5) Every such policy shall be framed so as to insure the owner for the time being of the motor omnibus specified in the policy against all claims for injuries to persons and/or property arising out of the use of the motor omnibus during the period stated in the policy.

(6) If the total amount for which the insurer is liable under any policy shall be insufficient to satisfy all claims arising out of the same accident or other act or happening giving rise to such claims, then such total amount shall be divided ratably among claimants who have obtained judgment against such owner within such time

No. 18, 1930.

time as a judge of the Supreme Court upon application made by the insurer in manner prescribed by rules of court may fix, in proportion to the amounts for which they have so obtained judgment.

Such judge may give all such directions with regard to any question arising under this subsection as to him seem proper.

Nothing in this subsection shall affect the liability of the owner of the motor omnibus.

(7) No such policy shall be capable of being charged or affected with any rights in priority to the rights of claimants arising as aforesaid.

(8) In the event of any accident or other act happening which may give rise to any claim under a policy, the owner shall forthwith procure and deposit with the Trust a further sufficient policy or policies, to the intent that the liability of the owner may at all times continue to be fully insured to the extent prescribed by this section.

(9) If any person, for the purpose of obtaining a policy of insurance required by this section, makes any false statement, in consequence whereof the policy is liable to be avoided, or if the owner of a motor omnibus commits any act which disentitles him to claim under the policy, he shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding three months, and conviction for such an offence shall be a ground on which a service license may be suspended or revoked by the Trust.

Self insurers.

**155.** (1) Notwithstanding anything contained in the foregoing provisions of this Division the Trust may authorise any owner of a motor omnibus who furnishes to the Trust such particulars as may be required by the Trust or are prescribed by regulations to undertake the liability to pay damages in respect of such motor omnibus in case of injury to persons and/or property, in lieu of insuring himself.

(2) The Trust may at any time upon notice to the owner concerned, and consideration of such evidence as he desires to submit, review and continue, suspend or terminate any such authority as it may deem expedient.

(3)

(3) Every applicant for an authority under subsection one of this section shall deposit with the Colonial Treasurer a sum of money equal to the amount for which he would otherwise be required to insure under this Division, but not exceeding fifteen thousand pounds.

(4) (a) Every sum of money so deposited with the Colonial Treasurer shall be invested and reinvested from time to time, as occasion requires, in Commonwealth or New South Wales stock of such currency and bearing interest at such rate as are in force for the time being in respect of such stock issued to ordinary investors.

(b) The interest on all such stock shall be paid to the person depositing the sum of money.

(c) The investment shall be at or below par.

(5) (a) The requirements of subsection three of this section as to the deposit with the Colonial Treasurer of any specific sum of money may be satisfied in whole or in part by the deposit of securities of equal value issued by the Commonwealth of Australia or the State of New South Wales or other security acceptable to the Trust.

(b) The value of any such securities shall for the purposes of this subsection be deemed to be the face value thereof: Provided that, if the market value of any securities deposited by an owner under this section is at any time below par, the Colonial Treasurer may at the request of the Trust and from time to time require the owner to deposit further securities to such an amount that the total market value of all the securities deposited by the owner equals the amount of the deposit required to be made by the owner.

(c) Every security so deposited with the Colonial Treasurer shall (unless it is negotiable) bear or be accompanied by an assignment in blank executed by the person making the deposit.

(d) Every reference in this section to the sum of money required to be deposited with the Colonial Treasurer shall be deemed to include, *mutatis mutandis*, a reference to any securities substituted in whole or in part therefor under the authority of this subsection, and

and the Colonial Treasurer may, at the request of the Trust, convert any such securities into money by sale hypothecation or otherwise, for the purpose of satisfying any such final judgment against the person making the deposit.

(6) (a) Subject to this section the Colonial Treasurer shall hold every sum of money deposited under this section upon trust for the payment and satisfaction of any final judgment given against the person making the deposit for damages in respect of a motor omnibus owned by him in case of injury to any persons and/or property, if such judgment is not otherwise satisfied.

(b) No sum of money deposited with the Colonial Treasurer under this section shall be liable to be attached or levied upon or made subject to any debts of or claims against the person making the deposit, except as mentioned in paragraph (a) of this subsection.

(7) (a) If any person who has deposited with the Colonial Treasurer a sum of money under this section ceases to carry on business as the owner of a motor omnibus in the State he may withdraw the sum so deposited—

- (i) on the expiration of three months after service on the Colonial Treasurer of a notice in writing duly signed by or on behalf of the person by whom the deposit was made stating that he has ceased to carry on such business in the State; and
- (ii) on satisfying the Colonial Treasurer that he has not from the date of the service of the notice carried on such business in the State; and
- (iii) on satisfying the Colonial Treasurer that all his liabilities in the State for damages in respect of a motor omnibus in case of injury to persons and/or property are fully liquidated or provided for.

(b) The Colonial Treasurer shall cause every notice served on him under this section, and also his decision with regard to the proposed withdrawal, to be published in such manner as he thinks fit at the cost of the person who made the deposit.

(8)

No. 18, 1930.

(8) Before or on the granting of the renewal of any registration certificate for a motor omnibus and unless insurance has been effected in accordance with the provisions of this Division the owner of the motor omnibus shall deposit with the Trust a certificate signed by the Under Secretary of the Treasury that the provisions of this section have been fully complied with.

**156.** (1) The owner of every motor omnibus shall, after the occurrence in connection therewith of any accident attended by personal injury to any person, or by serious damage to the property of any person, give notice thereof forthwith to the Commissioner.

(2) Where a motor omnibus is concerned or involved in any such accident happening on any public street to any person and/or property caused by the omnibus or owing to its presence on the street, the driver of the motor omnibus shall stop it for a reasonable time, and if required by any officer or person so to do, produce his driver's badge and state such of the following matters as may be asked by such officer or person :—

- (a) his name and place of abode ;
- (b) the name and place of abode of the owner of the motor omnibus, or, if the owner is a body corporate, the address of the office of such owner ;
- (c) the registered number of the motor omnibus.

(3) Any person knowingly acting in contravention of this section shall be guilty of an offence against this Act.

**DIVISION 5.—Regulation of routes, &c.**

**157.** (1) So soon as practicable after the coming into force of this Act and from time to time thereafter, the Trust shall investigate all transport routes within its district and, after due consideration of any representations which any owner of a motor omnibus, or any other person interested in any such route may make, shall determine what alterations if any are necessary in the public interest to any omnibus route or the fares or time-tables applied on such route in order to avoid competition and overlapping of service, and carry such determination into effect.

Investigation  
of transport  
routes.

(2)

No. 18, 1930.

(2) The Trust shall notify its determination in the prescribed manner, and as from a date specified in the notification, any alteration of time-table route or fares shall become binding upon the holder of any service license affected.

(3) The Trust shall cause any such alteration to take effect only from the date of the expiry of any service license affected by the alteration, except in a case when the alteration is concurred in by the holder of the license.

(4) No such alteration shall be deemed to be a discontinuance of a route, and no claim shall lie against the Trust in respect of any such alteration.

(5) Any person aggrieved by a determination of the Trust under this section as to the allocation of a route may appeal against such determination to the Transport Appeal Court, and such court shall hear and determine such appeal, and the decision of such court shall be final.

**158.** If the Trust determines that a route in respect of which a service license has been granted should be discontinued, or that such route should in the public interest be operated by the Trust, the Trust may cancel the service license issued as from a date to be specified in a notice to the holder, not less than one month after the service of the notice, and thereupon the following provisions shall have effect :—

(a) The holder of the service license, within such month or such further time as the Trust may allow, may in the prescribed manner require the Trust to assign to such holder another route if any such is available and may arrange with the Trust to transfer his service license to such route in lieu of cancelling it.

(b) If the holder of any such license is not willing to operate another route, or the Trust is of opinion that such a route cannot be made available for such a holder, the holder may within the period specified in the notice or within such further time as the Trust may allow, require (by notice to the effect in the prescribed

prescribed form) the Trust to purchase the motor omnibuses, plant, and his estate in any lands mainly used by him in connection with the operation of the route.

- (c) Any such motor omnibuses or plant shall be purchased at a price which shall not exceed the then replacement value of a similar vehicle or article, having regard to its age and condition at the time of its being actually handed over to the Trust, together with a sum equal to ten per centum of such value, or if the holder of the service license so discontinued or his predecessor in title was at the date of the commencement of this Act operating the route, and an alternative route is not assigned to him, then a sum equal to twenty-five per centum of such value.
- (d) Any land shall be paid for at the then market value of the estate of the holder of the service license therein.
- (e) A just proportion of any fees paid to the Trust in respect of any motor omnibus service purchased shall be refunded, and any tax paid shall be apportioned, but no payments shall be made in respect of any claim for goodwill, fleet value, or of any other claim whatsoever.
- (f) The Trust may at any time after the expiry of seven days from the receipt of a notice requiring the Trust to purchase, and shall, not later than one month from the receipt of such notice, take possession of the service, plant, equipment, and land of such holder as aforesaid on a date notified to the owner, and the day of such taking possession shall be the date as at which the values shall be ascertained.
- (g) Where before the commencement of this Act an omnibus license was issued under the Regulations for Public Vehicles under the Metropolitan Traffic Act, 1900, or by any local authority upon the stipulation or condition that no right or promise of renewal is involved this section shall not confer upon the holder of the license  
any



No. 18, 1930.

any right to require a Trust to purchase the omnibus or to pay compensation in respect thereof.

Nothing in this paragraph shall preclude the Trust from purchasing any such omnibus.

- (h) The holder of the service license shall satisfy the Trust that his title to the land is a good marketable title, and shall obtain the concurrence in the assurance thereof to the Trust of any mortgagee thereof and of any person entitled to any interest in the motor omnibuses or plant purchased.
- (i) The provisions of this section shall extend to any route in existence at the time of the commencement of this Part of the Act in respect of which the Trust declines to issue a new service license for reasons other than those prescribed by section one hundred and forty.

Valuation.

**159.** (1) Upon receipt of a notice from an owner requiring the Trust to purchase his undertaking, the Trust shall forthwith instruct the Board to make a valuation.

(2) The Board shall thereupon inspect and make a valuation of the vehicles, land, buildings, plant, and equipment involved, and shall report to the Trust the amount which in its opinion should be paid, and how such amount is arrived at.

(3) For the purpose of inspection or valuation, the owner of any such undertaking shall permit any person authorised by the Trust so to do to enter his premises at any reasonable time and to make full inspection of vehicles, land, buildings, and equipment used by him upon the route in question.

(4) In valuing any privately-owned omnibus undertaking for the purposes of this section that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

(5) The Board's investigations shall be made and completed as promptly as possible, and all papers in connection with its inquiries and the reports of expert valuers, if any, obtained, shall be forwarded with a report and recommendation to the Trust.

(6)

(6) The Trust, upon consideration of the report of the Board, and after making such further investigations as seem expedient, shall determine the amount to be paid, and notify the owner in the prescribed manner.

(7) If the amount so determined exceeds that recommended by the Board the Trust shall report to the Minister the grounds of its determination.

**160.** (1) If the owner is aggrieved by the determination of the Trust, he may appeal therefrom in accordance with rules of court of the Land and Valuation Court, and jurisdiction is hereby expressly conferred upon the Land and Valuation Court to hear and determine any such appeal. Appeal.

(2) Pending such appeal the property shall be handed over to the Trust.

**161.** The amount payable under the provisions of this Division upon the discontinuance of a service license shall carry interest at the rate of six pounds per centum per annum as from the date of the discontinuance until the date of payment. Interest.

**162.** Until the date notified by the Trust as the date at which the vehicles, land, buildings and equipment purchased are to be taken possession of by the Trust, the owner shall continue to give satisfactory service on the route in question under a provisional service license, which provisional service license may be cancelled by the Trust if such satisfactory service is not given, and if so cancelled the obligation of the Trust to purchase the undertaking of such owner or to pay any amount in connection therewith shall be determined as from the date of such cancellation. Owner to carry on until undertaking handed over.

**163.** Nothing in this Part shall preclude the Trust from the purchase of any privately-owned omnibus undertaking, but no such purchase shall be made unless the terms of section one hundred and fifty-nine are complied with and in no such instance shall the purchase price exceed the rates laid down in section one hundred and fifty-eight. Purchase.

DIVISION 6.—*Investigations.*

Inspection  
of motor  
omnibus  
plant, &c.

**164.** (1) A Trust, or any member thereof, or any officer duly authorised in that behalf by the Commissioner, may upon reasonable notice, enter and inspect any equipment, building, plant, garage, workshop, vehicle, or any other property used in connection with any motor omnibus service in the district of the Trust licensed or registered under this Act or in the opinion of the Trust required by this Act or the regulations to be so licensed or registered; and may ride upon any such vehicle; and shall carry out such inspection as often as is considered desirable by the Trust in the public interest, and at least once annually.

(2) A Trust may for any purpose of its administration, require the furnishing by a licensee or the applicant for a license of periodical or specific returns, or such other information as may be prescribed, and the Trust may vary or waive compliance with such requirements in any particular case.

Any person who refuses to make any such return, or makes a return containing any wilfully false statement, shall be guilty of an offence against this Act.

Any licensee or applicant for a license shall, on reasonable notice, produce any such book, contract, record, document and paper for the examination of a person duly authorised by the Trust in that behalf and suffer copies of or extracts therefrom to be taken if required so to do.

Any person refusing to produce any such book, contract, record, document or paper, or to allow copies of or extracts therefrom to be taken, shall be guilty of an offence against this Act.

The regulations may prescribe the records and accounts to be kept by a licensee and the manner in which the same shall be kept.

**165.** For the purposes of executing any of the powers, duties and authorities conferred upon it by this Act, a Trust may summon any person to appear and give evidence, and to produce books, papers, writings or documents, and may hear, receive and examine evidence upon oath. Any person summoned to appear before the Trust under this section may be represented by counsel or attorney or by an agent duly appointed in writing.

**166.**

Ancillary  
powers.  
cf. Liquor  
Amendment  
Act, 1919,  
s. 14.

**166.** (1) A Trust may investigate the cause of any accident within its district in which any motor omnibus is concerned. No. 18, 1930.  
Accidents.

(2) The Commissioner of Police and the owner of the motor omnibus concerned shall cause to be furnished to the Commissioner within the time prescribed a report in the form prescribed of any such accident.

**DIVISION 7.—*Appeals.***

**167.** (1) There shall be a Court of Appeal to hear appeals against decisions of the Trust other than determinations as to valuation and amounts payable in respect of the purchase of motor omnibus undertakings and decisions relating to registration certificates or drivers' or conductors' licenses. Transport  
Appeal  
Court.

(2) The court shall be known as the Transport Appeal Court, and shall consist of a District Court Judge appointed by the Governor.

**168.** (1) Subject to this section, any owner of an omnibus, or any municipal or shire authority, aggrieved by any decision of the Trust with respect to the issue, transfer, suspension, refusal, cancellation, or revocation of a motor omnibus service license or the discontinuance of a route under this Act, or in respect to the amount of any annual service license fee, or with respect to any terms or conditions attached to any such motor omnibus service license, except where such terms or conditions have been imposed in conformity with an express requirement of this Act or of the regulations thereunder, may appeal to the Transport Appeal Court. Appeals from  
certain  
decisions of  
Trust.

(2) The Transport Appeal Court may if it thinks fit grant leave to appeal to any other person or representative body aggrieved by any such decision.

(3) The procedure with regard to appeals shall be as prescribed by rules of court.

(4) The Transport Appeal Court may summon witnesses, hear evidence, and determine the matter, having regard to this Act, the regulations, the circumstances of the case, and the public interest.

If in any decision of the said court costs are awarded, such costs may be enforced and recovered in like manner to costs awarded in a judgment of the district court in such district court as the Transport Appeal Court directs.

(5)

No. 18, 1930.

Appeals in  
cases relating  
to registra-  
tion cer-  
tificates,  
drivers' or  
conductors'  
licenses.

(5) The determination of the Transport Appeal Court in any such appeal shall be final, and in cases where the appeal is allowed it shall be the duty of the Trust to give effect to the determination of the Court.

**169.** (1) Any person aggrieved by the decision of a Trust whereby a registration certificate is refused, suspended or cancelled, or the transfer or renewal thereof is refused, or whereby a driver's or conductor's license is refused, suspended or cancelled, or the renewal thereof refused, may appeal in the manner prescribed to a Court of Petty Sessions holden before a police or stipendiary magistrate.

(2) The decision of the court shall be final, and shall be given effect to by the Trust.

#### PART XIV.

##### PUBLIC VEHICLES.

Commis-  
sioner to  
collect fees,  
&c.

**170.** (1) From the date appointed by the Governor in pursuance of section fifteen of this Act, any fees payable in respect of any public vehicle which may be registered under this Act in the district of the Trust specified in the proclamation shall be collected by the Commissioner.

(2) Such fees shall be paid by the Commissioner as follows:—

- (a) the annual service license fees for motor omnibus services to the Public Vehicles Fund;
- (b) all other fees to the Road Transport and Traffic Fund.

Taxes on  
public  
vehicles.

**171.** (1) As from the date so appointed and notwithstanding any provision of the Main Roads Act, 1924-1929, the Motor Vehicles (Taxation) Act, 1924, and the Motor Tax Management Act, 1914, any tax payable in respect of a motor vehicle registered under this Act shall be payable to the Commissioner at the time of the registration of such vehicle and at each renewal thereof.

(2) Such tax shall be paid by the Commissioner into the Public Vehicles Fund.

#### PART

PART XV.

REGISTRATION AND TAXATION OF MOTOR VEHICLES  
OTHER THAN PUBLIC VEHICLES.

**172.** This Part shall commence on a day to be appointed in that behalf by the Governor and notified by proclamation published in the Gazette, and shall apply throughout New South Wales. Commence-  
ment and  
application.

**173.** (1) Upon the commencement of this Part the Public Service staff engaged upon the registration of motor vehicles, the licensing of drivers under the Motor Traffic Act, 1909, and the collection of tax under the Motor Tax Management Act, 1914, shall be transferred to the service of the Commissioner. Transfer of  
staff engaged  
upon the  
registration  
of motor  
vehicles.

(2) The Commissioner of Police shall make available for the execution of this Part such members of the police force as may be arranged between him and the Commissioner of Road Transport. Services of  
police.

(3) All expenses incurred in connection with the execution of powers and duties under this Part of this Act, including the remuneration of any members of the police force or any officers or servants of the Commissioner, shall, subject to appropriation by Parliament, be defrayed by the Commissioner out of the Road Transport and Traffic Fund. Expenses,  
how to be  
defrayed.

**174.** (1) The Motor Traffic Act, 1909, as amended by subsequent Acts, is in this Part referred to as the Principal Act. Amendment  
of Act No. 5,  
1909.

(2) The Principal Act as amended by this Act may be cited as the "Motor Traffic Act, 1909-1930."

(3) The Principal Act is amended—

(a) by inserting next after section two the following new sections:—

2A. The provisions of this Act dealing with the registration of motor vehicles, the purposes for which such vehicles shall be used, the areas within which such vehicles shall operate, the licensing of drivers, and other provisions incidental thereto shall, subject to the control of the Minister, be administered by the Commissioner of Road Transport. New s. 2A.  
Commissioner  
to administer  
provisions  
relating to  
registration,  
&c., of motor  
vehicles.

2B.

**No. 18, 1930.**

New s. 2B.  
Commissioner  
to be charged  
with the  
collection of  
fees, &c., and  
the keeping  
of records.

2B. The Commissioner of Road Transport shall be charged with the collection of all moneys under this Act, and their payment into the Road Transport and Traffic Fund created under the Transport Act, 1930. The records of the Traffic Branch of the Police Department shall be transferred to the Commissioner of Road Transport, who shall keep all records in connection with the registration of motor vehicles and licensing of drivers, and shall supply to the police such particulars and afford such clerical assistance as may be required from time to time in connection with the registration of such vehicles or the licensing of such drivers as aforesaid.

New s. 2C.  
Enforcement  
by police.

2C. The provisions of this Act or the regulations relating to the testing of drivers of motor vehicles, and the regulation and control of such drivers and of motor vehicles upon public streets and all other provisions incidental thereto, shall be enforced by the Commissioner of Police and members of the police force.

New s. 2D.  
Duty of Com-  
missioner of  
Police.

2D. Except where otherwise expressly provided to the contrary by this Act, or by regulation under this Act, the Commissioner of Police shall be charged with the enforcement of the provisions of this Act and the regulations thereunder.

Sec. 10.  
(Record of  
convictions.)

(b) by omitting from subsection four of section ten the word "Superintendent," and by inserting in lieu thereof the words "Commissioner of Road Transport."

Amendment of  
Act No. 5, 1909.  
Sec. 2.

**175.** (1) Section two of the Principal Act is amended—

(a) by inserting after the definition of "Court" the following new definitions:—

"Commissioner" means the Commissioner of Road Transport appointed under the Transport Act, 1930.

"Commissioner of Police" means the Inspector-General of Police appointed under

under the Police Regulation Act, 1899, or the person for the time being in charge of the police force.

No. 18, 1930.

- (b) by inserting after the words "by the public" in the definition of "public street" the words "and includes any place at the time open to or used by the public on the payment of money or otherwise."

(2) Section three of the Principal Act is amended—

Sec. 3.  
(Regulations.)

- (a) by omitting from paragraph (m) the words "the payment of fees for the same in accordance with the Schedule to this Act, and subject to the provisions of this Act, the application of such fees";
- (b) by omitting paragraph (o);
- (c) by omitting paragraph (q2) and by inserting in lieu thereof the following paragraph:—
  - (q2) provide for the issue of special number-plates to manufacturers or repairers of, or dealers in, motor vehicles, and prescribe the conditions under which such plates may be used, and for the keeping by persons in whose custody such a special number-plate, or a motor vehicle together with such a number-plate is left, of the prescribed record of the name and address of each person who drives any motor vehicle on a public street with such number-plate attached, and prescribe any matter which may be necessary or convenient, in relation to such special number-plates, or such records.
- (d) by adding after paragraph (q2) the following new paragraphs:—
  - (q3) regulate or prohibit the manufacture, repair, cleansing or assembling of a motor vehicle in a public street;
  - (q4) regulate or prohibit the conveyance of inflammable liquid in or upon a motor vehicle used for the carriage of passengers for hire or reward;

(q5)



(q5) provide for the seizure and custody of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, and for the recovery of expenses incurred in the seizure and custody of the same; and for the disposal or destruction of such vehicle if the owner fails within the time prescribed to claim the same or to pay such expenses.

Such regulations shall prescribe the conditions to be observed before such seizure as aforesaid;

(q6) require the carrying of efficient fire extinguishers upon specified classes of motor vehicles used for the carriage of passengers for hire or reward;

(q7) provide for the display of registration labels upon motor vehicles;

(q8) prescribe the records to be kept by the owner of a motor vehicle rented to be driven by the hirer or his servant or agent and for the inspection of such records by any member of the police force;

(q9) prohibit, restrict, or regulate upon public streets any person, other than the driver or other persons prescribed, from parking, minding, caring for, or taking charge of any motor vehicle, or offering his services for such purposes.

(e) by omitting from paragraph (r) the words "ten pounds" and by inserting in lieu thereof the words "twenty pounds";

(f) by inserting next after paragraph (r) the following paragraph:—

(s) regulate the payment, subject to such exemptions as may be specified, of fees in accordance with the Schedule to this Act, and, subject to the provisions of this Act, the application of such fees.

(g)

(g) by adding at the end of the section the following new subsection :—

No. 18, 1930.

(2) (a) Any regulation made under this Act may be made to apply to the whole or any specified portion of the State, and unless otherwise provided or clearly intended shall apply to the whole of the State.

(b) Any regulation with respect to public streets may be made to apply either to all public streets or to any specified public streets, or to parts of specified public streets and either at all times or during specified times, and unless otherwise provided or clearly intended, shall apply to all public streets, and to the whole thereof and at all times.

(c) Any regulation may authorise any matter or thing to be from time to time determined applied or regulated by the Commissioner or the Commissioner of Police either generally or for any class of cases or in any particular case.

(d) Any regulation may be made to apply either to all motor vehicles or to any specified class or description of motor vehicles, and unless otherwise provided or clearly intended shall apply to all motor vehicles.

(3) Any regulation relating to fees made in exercise of the power conferred by paragraph (m) of section three of the Principal Act shall continue and remain in force until repealed or replaced by regulations made in exercise of the power conferred by paragraph (s) inserted by subsection two of this section.

**176.** The Principal Act is hereby further amended by inserting next after section five the following new section :—

Further amendment of Act No. 5, 1909. New 8, 5A.

5A. Any member of the police force may take charge of and remove any motor vehicle in respect of which an offence has been committed against subsection two of section five of this Act or section 526B of the Crimes Act, 1900, to any convenient place for safe keeping, and the court adjudicating may, if it be of opinion that there was reasonable

Detention of vehicle in certain cases.

No. 18, 1930.

reasonable cause for such taking charge, removal and safe keeping, order the costs, charges and expenses thereof to be paid by the offender, and in default of payment may impose a penalty of imprisonment for a period not exceeding seven days.

Further  
amendment  
of Act No. 5,  
1909, s. 6.

**177.** Section six of the Principal Act is amended—

- (a) by inserting after the word “visible” in subparagraph (iv) of the same paragraph the word “; or”;
- (b) by inserting next after subparagraph (iv) of the same paragraph the following new subparagraph:—
  - (v) which is not registered,
- (c) by omitting the proviso to the same section and by inserting in lieu thereof the following new proviso:—

Provided that no person shall be liable to a penalty for a breach of paragraph (c) of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident or that the motor vehicle was being driven or was about to be driven to the nearest district registry for the purpose of being registered, and had otherwise complied with such conditions as prescribed.

Further  
amendment  
of Act No. 5,  
1909, s. 7.

**178.** Section seven of the Principal Act is amended—

- (a) by omitting paragraphs (a) and (b) and by inserting in lieu thereof the following new paragraphs:—
  - (a) by any false statement or misrepresentation obtains or attempts to obtain a license or a certificate of registration or who wilfully furnishes false or misleading information with regard to particulars required by the Act or the regulations to be furnished in relation to a license or a certificate of registration ;
  - or
  - (b) without lawful excuse has in his possession—
    - (i) any license, certificate of registration, registration label, or number-plate issued under this Act; or
    - (ii)

- (ii) any article resembling a license, certificate of registration, registration label, or number-plate issued under this Act and calculated to deceive; or
- (b) by inserting after the word "deceive" in paragraph (d) the word "; or";
- (c) by inserting next after paragraph (d) the following new paragraphs:—
  - (e) transfers or causes or permits to be transferred a prescribed number-plate issued under this Act in respect of any motor vehicle to any other motor vehicle, or who causes or permits such number-plate to be upon such other vehicle without having first complied with the requirements of section 11A of this Act; or
  - (f) affixes or causes or permits to be affixed to or to be upon any unregistered motor vehicle any number-plate or article with any number thereon, resembling, but not being, a prescribed number-plate; or any prescribed number-plate which has been altered in contravention of this Act or of any regulation;
  - (g) sells, disposes of, buys, or attempts to sell, dispose of, or buy any number-plate or certificate of registration otherwise than as part of the sale, disposal, or purchase of the vehicle in respect of which such number-plate or certificate of registration was issued.

**179.** Section ten of the Principal Act is amended— Further amendment of Act No. 5, 1909, s. 10.

- (a) by omitting from subsection one the words "twenty pounds for every such offence" and by inserting in lieu thereof the words "fifty pounds for every such offence";
- (b) by omitting from subsection two the words "shall cause particulars of the conviction, and of any order made under this section, to be endorsed

No. 18, 1930.

endorsed upon his license," and by inserting in lieu thereof the words "may order the license to be handed to the Commissioner within a time to be specified in the order, and in default of compliance with the order may impose a penalty not exceeding twenty pounds";

- (c) by inserting after subsection two of the same section the following new subsection :—

(2A) Where a license has been suspended under this section the court may authorise the Commissioner to grant a permit to drive for such period and subject to such conditions as to the court seems just.

Any such permit may be limited to certain hours or to a locality specified in the permit.

Any person who holds such a permit shall if he fails to comply with any condition of the permit be guilty of an offence against this Act and be liable to a penalty not exceeding twenty pounds, and upon conviction for such or for any other offence against the Act or the regulations the permit shall become null and of no effect.

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

10A. (1) The Commissioner of Police may suspend for a period not exceeding fourteen days the license granted under any Act, regulation or ordinance to any driver who is in his opinion an incompetent, reckless or careless driver, or of any driver or conductor who is found under the influence of liquor.

(2) The said Commissioner shall forthwith notify the authority by which the license was granted of the suspension and the grounds thereof and report to the authority whether in his opinion a further suspension or the cancellation of the license is warranted or is desirable in the interests of public safety.

(3) Where a license is suspended under this section the license shall be surrendered by the holder and forwarded to the licensing authority with the notification of the suspension.

(4)

Suspension  
of license by  
Commissioner  
of Police.

(4) Any person whose license is suspended shall during the period of the suspension be deemed for the purpose of any Act, regulation or ordinance to be a person who does not hold a license.

No. 18, 1930.

**180.** Part IV of the Principal Act is amended—

Further amendment of Act No. 5, 1909.

(a) by inserting next after section eleven the following new sections :—

New ss. 11A, 11B.

11A. The registered owner of any motor vehicle may only transfer the number-plate issued in respect of a vehicle to any other motor vehicle in accordance with the regulations.

Transfer of number-plate.

11B. (1) The Commissioner or any person authorised by him may request any person to surrender at a district registry, or other place stipulated in such request, any number-plate used in contravention of section seven, or any prescribed number-plate if the registration of the vehicle in respect whereof it was issued has expired or is cancelled, or any prescribed number-plate which has passed out of the custody of the person to whom it was issued or transferred.

Return of number-plate.

(2) Any person who wilfully fails to comply with such request shall be guilty of an offence under this Act.

(3) Any member of the police force or other person authorised by the Commissioner may seize any such number-plate.

Seizure.

(b) by omitting section twelve, and by inserting in lieu thereof the following :—

Sec. 12.

12. The particulars of the registration of motor vehicles and the licenses of drivers shall be recorded at the office of the Commissioner. An extract from or copy of any such entry so recorded, certified under the hand of the Commissioner, or any prescribed officer, or a certificate purporting to be under the hand of the Commissioner or of any prescribed officer certifying that any person is not the registered

Records.

No. 18, 1930.

registered owner of any motor vehicle nor the holder of any driver's license, or that certain particulars do not appear on such records, shall in all courts and upon all occasions whatsoever be received as evidence. Such extract copy or certificate shall be prima facie evidence of the particulars contained therein.

The production of such records or any license, requisition, notice, or other document upon which such entry or certificate may be founded and proof of the signature of the officer so certifying shall not be necessary unless the court so orders.

Sec. 13.

- (c) by omitting section thirteen and by inserting in lieu thereof the following section:—

Regulations.

13. (1) All regulations made under this Act shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication, or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If either House of Parliament passes a resolution, of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulations or part thereof, such regulation or part shall thereupon cease to have effect.

Sec. 18.

- (d) (i) by omitting from section eighteen the words "under this Act or the regulations," and by inserting in lieu thereof the words "in any court";
- (ii) by inserting in paragraph (b) of section eighteen next after the word "registered" the words "or applied for and was granted a transfer of the registration of."

(e)

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

No. 18, 1930.

New s. 20.

20. Any prescribed fee or fine may be recovered at any time, and in any court of competent jurisdiction and in any action or proceedings the production by the Commissioner or on his behalf of a certificate purporting to be signed by him certifying that any such fee or fine has become due and payable on a certain day shall be prima facie evidence of the fact so certified.

Recovery and evidence.

**181.** The Schedule of the Principal Act is amended—

Further amendment of Act No. 5, 1909.

Schedule.

- (a) by omitting the word “yearly” wherever occurring and by inserting in lieu thereof where that word firstly and secondly occurs the words “to be paid on the issue and each renewal of the registration”;
- (b) by omitting the words “issue or” where those words firstly and secondly occur and by inserting in lieu thereof the words “issue and each”;
- (c) by inserting at the end of the Schedule the following new items :—

Trader’s plate for use as prescribed on a motor vehicle other than a motor cycle—Fee, eight pounds yearly.

Trader’s plate for use as prescribed on a motor cycle—Fee, two pounds yearly.

Other fees prescribed by regulation for matters other than those above-mentioned—not exceeding in each case one pound.

**182.** The Motor Tax Management Act, 1914, is amended—

Amendment of Motor Tax Management Act, 1914.

- (a) by omitting from sections six and seven the words “Inspector-General of Police” and inserting in lieu thereof the words “Commissioner of Road Transport”;
- (b) by omitting from section six the word “Inspector-General” and by inserting in lieu thereof the word “Commissioner.”



## PART XVI.

## FINANCIAL.

DIVISION 1.—*Loans raised by Trusts.*

Temporary  
accommo-  
dation.  
No. 50, 1924,  
s. 71.

**183.** (1) For the temporary accommodation of a Trust it may obtain advances by overdraft of current account in any bank or banks upon the credit of the Trust's assets to such extent as may from time to time be approved by the Governor.

(2) The Colonial Treasurer may advance such moneys to a Trust as the Governor may approve, upon such terms and conditions as to repayment and interest as may be agreed upon.

Power to  
borrow.

**184.** (1) Subject to this Act a Trust may from time to time, with the approval of the Governor, borrow and re-borrow at interest such sums of money as it thinks requisite for the purposes of this Act, for the renewal of loans, or the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank.

(2) Any sum which a Trust is authorised to borrow may be raised as one loan, or as several loans.

Security for  
loans.  
Melb. Tram-  
ways Act,  
No. 2,995,  
s. 27 (3).

**185.** (1) All such loans—

(a) shall with interest thereon be charged and secured upon the revenues (including any amounts which the Trust is by this Act authorised to recover from any council) and the works and undertakings of the Trusts;

(b) shall bear interest at such rate and be redeemable at such period or periods as the Governor determines.

*Ibid.* s. 27 (4).

(2) Interest on loans raised subsequent to the passing of this Act shall be payable half-yearly on days fixed by the Trust.

Exchange of  
debenture  
for stock.  
*Ibid.* s. 27 (5).

**186.** A Trust at the request of the holder of any debenture or of the registered proprietor of any stock issued under this Act may in lieu thereof issue to him stock or debentures (as the case may be) in respect of the same loan and of the same amount bearing the same interest and of the same currency.

Borrowing for  
repayment  
of a loan.  
Melb. Tram-  
ways Act,  
No. 2,995,  
s. 26 (4).

**187.** For the purpose of making provision to pay off any loan, or part of a loan, a Trust, with the consent of the Governor, may re-borrow on the credit of the Trust the necessary money before the loan or part becomes payable.

**188.**

**188.** For the purpose of repaying loans raised under this Act each Trust shall provide a sinking fund to which contributions shall be made from the revenue of the Trust at such rates and for such periods as the Governor approves.

No. 18, 1930.

Sinking fund.

**189.** (1) A Trust shall during each year transfer to the sinking fund from the revenue of the Trust a sum not less than the Trust in its application for the approval of the loan intimated that it proposed to set apart as aforesaid.

Contribution to sinking fund.

(2) Money held as a sinking fund for loan repayment shall be invested with the Government of the State of New South Wales or in such securities as the Governor may approve, or as may be prescribed, or applied in accordance with the provisions of section one hundred and ninety-two of this Act.

Any interest or profits realised on such investments shall be added to and form part of the sinking fund.

**190.** (1) For securing repayment of the principal and interest on any moneys borrowed, the Trust may issue debentures or inscribed stock as prescribed.

Debentures, &c.

No. 50, 1924, s. 76 (1).

(2) Inscribed stock shall be transferable in the books of a Trust in accordance with the regulations.

*Ibid.* s. 76 (5).

(3) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1924, contained in the Second Schedule to that Act.

(4) The holder of a coupon originally annexed to a debenture, and whether separated therefrom or not, shall be entitled to receive payment from a Trust of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable.

(5) The due repayment of the debentures and stock, and the interest thereon, shall be a charge upon the income and revenue of the Trust, and is hereby guaranteed by the Government.

Any liability arising from such guarantee shall be payable out of the Consolidated Revenue Fund.

Such charge shall not prejudice or affect the power of the Trust to sell or convey any property vested in it free of any such charge.

Any

No. 18, 1930.

Raising of  
loans in any  
country.

Any payment out of Consolidated Revenue Fund shall be recouped to that fund out of the General Fund.

**191.** (1) Notwithstanding the foregoing provisions of this Act, any money which a Trust is authorised to borrow may be borrowed by loans raised wholly or in part in the form of debentures or bonds in such country as the Governor may approve, and may be negotiated and raised in any currency.

(2) A Trust may, in connection with any loan so raised, agree that a sinking fund shall be established and controlled at such place by such person and in such manner as may be found necessary or expedient in the circumstances of the case, and where any such sinking fund is so established the provisions of section one hundred and eighty-eight of this Act shall apply with regard to that loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(3) The Governor may, upon the recommendation of the Trust concerned, appoint two or more persons to negotiate in any country the terms and conditions of any loan raised outside Australia, and for and on behalf of such Trust to execute in any country agreements, bonds or securities whereby the repayment of the loan is to be secured, and may, upon the like recommendation, revoke or vary any such appointment and make any fresh appointment.

The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

(4) All debentures or bonds bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued by the Trust, and shall be deemed to be secured upon the income of the Trust from whatsoever source arising.

A holder of any such debenture or bond shall not be bound to inquire whether the issue of such security was in fact duly authorised.

Purchase by  
Trust.  
No. 50, 1924,  
s. 77.

**192.** Debentures and inscribed stock of a Trust may be purchased by such Trust out of any sinking fund, at or below their face value.

Any

Any debenture or inscribed stock so purchased shall be cancelled. No. 18, 1930.

**193.** (1) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by a Trust, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925, or any Act replacing the said Act. Trustee investments.  
No. 50, 1924,  
s. 78.

(2) Any debenture issued or stock inscribed by a Trust shall be a lawful investment for any moneys which any company, council, or body corporate, incorporated by any Act of the Parliament of New South Wales, is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(3) No notice of any trust expressed, implied, or constructive shall be received by a Trust or by any officer or servant of the same in relation to any debenture or coupon issued or stock inscribed by such Trust.

**194.** (1) If any debenture issued by a Trust is lost or destroyed, or defaced before the same has been paid, the Trust may, subject to the provisions of this section, issue a new debenture in lieu thereof. Lost, &c.,  
debentures.  
*Ibid.* s. 79.

(2) The new debenture with interest coupon annexed shall bear the same date, number, principal sum, and rate of interest as the lost, destroyed, or defaced debenture.

(3) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

- (a) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;
- (b) such advertisement as the judge may direct has been published;
- (c) six months have elapsed since the publication of the last of the advertisements; and
- (d) sufficient security has been given to the Trust to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment.

No. 18, 1930.

(4) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the Trust for cancellation.

(5) The provisions of this section shall, *mutatis mutandis*, extend to the case of a lost, destroyed, or defaced coupon.

Receiver.

No. 50, 1924,  
s. 80.

**195.** (1) If for six months default is made by a Trust in making any payment, whether of principal or interest, to the holder of any debenture or coupon issued or stock inscribed by the Trust, the holder thereof may apply to the Supreme Court in its equitable jurisdiction, in accordance with rules of court, for the appointment of a receiver of the income of the Trust.

(2) A receiver may be appointed in respect of the income of a Trust, either generally or as regards specified income.

(3) The court may make such orders and give such directions as it may deem proper for and with respect to—

- (a) the appointment of a receiver ;
- (b) the removal of a receiver ;
- (c) the appointment of a receiver in place of a receiver previously appointed.

(4) The receiver shall be deemed to be an officer of the court, and shall act under its directions.

Powers and  
duties of a  
receiver.

*Ibid.* s. 81.

**196.** (1) A receiver shall have power to levy and collect all income, and for the purposes of this subsection the receiver shall be deemed to be the Trust, and may exercise all the powers of the Trust.

(2) The receiver shall discharge such duties of the Trust and of the Commissioner or any officer or servant of the Trust, as may be prescribed.

Commission.  
*Ibid.* s. 82.

**197.** The receiver shall be entitled to such commission or remuneration for his services as the court may order, and the commission or remuneration shall be payable out of the revenue for and in respect of which he has been appointed receiver.

**198.**

**198.** The receiver shall, subject to any order of the court, pay and apply all moneys received by him in the following order, that is to say—

No. 18, 1920.

Application  
of moneys  
received.

- (a) firstly, in payment of the costs, charges, and expenses of operating the transport services of the Trust, and of his commission or remuneration ;
- (b) secondly, in the payment of the amount due and payable to the holder of the debenture or inscribed stock or coupon, as the case may be ;
- (c) thirdly, in payment of all the residue of the moneys to the Trust.

No. 50, 1924,  
s. 83.

**199.** The provisions of the last four preceding sections shall extend, *mutatis mutandis*, to a receiver appointed under the provisions of section forty-two of this Act.

Application

to.

*Ibid.* s. 84.

**200.** (1) A person advancing money to a Trust shall not be bound to inquire into the application of the money advanced, or to be in any way responsible for the non-application or mis-application thereof.

Protection of  
investors.

*Ibid.* s. 85.

(2) A notification in the Gazette of the approval of the Governor having been given to a borrowing by a Trust shall, in favour of a lender and of any holder of a security given by such Trust, be conclusive evidence that all conditions precedent to the borrowing have been complied with, and that the prescribed limits of borrowing have not been exceeded, and where the approval notified is to the borrowing by the Trust in a country outside New South Wales and in a particular currency shall also be conclusive evidence in favour of such persons of the approval of the Governor to the borrowing in the country and in the currency specified in the notification.

**201.** If a Trust borrows any money except as authorised by this Act, every member holding office who has knowingly and wilfully or for any personal benefit or advantage consented to the borrowing shall be liable to a penalty of five hundred pounds.

Penalty for  
illegal  
borrowing.

*Ibid.* s. 86.

An action to recover the penalty shall not be taken without the written consent of the Attorney-General.

The penalty shall be appropriated in accordance with the Fines and Penalties Act, 1901.

DIVISION

No. 18, 1930.

Fund to be  
established.DIVISION 2.—*Road Transport and Traffic Fund.*

**202.** (1) There shall, as from the first day of July, one thousand nine hundred and twenty-nine, be established and kept in the Treasury a Road Transport and Traffic Fund, into which shall be paid—

- (a) all fees charged under the Metropolitan Traffic Act, 1900, or any Act amending the same;
- (b) all fees charged under the Motor Traffic Act, 1909, or any Act amending the same;
- (c) all fees charged under this Act except annual service license fees.

(2) Upon appropriation by Parliament, there may be paid by the Commissioner out of this fund such amounts as may be necessary to meet—

- (a) an amount agreed upon by the Commissioner and the Commissioner of Police in respect of police supervision and control of road transport and traffic under the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909, and under this Act, as from the first day of July, one thousand nine hundred and twenty-nine;
- (b) expenses in connection with the activities of the Traffic Advisory Committee and of any Transport Advisory Committees formed under this Act;
- (c) all administrative and other expenses of the Commissioner and of the Trusts constituted under this Act other than in respect of the transport services of the Trust;
- (d) any other expenses in connection with traffic facilities including the cost of acquiring or resuming land or carrying out works authorised by the Minister;
- (e) cost of publication for general information of any matter of general interest in connection with matters arising out of this Act.

(3) The Commissioner may, with the approval of the Governor, expend from the fund in anticipation of appropriation by Parliament such sums as may be necessary to provide for expenditure in respect of such services as cannot reasonably be postponed without injury to the public interest.

(4)

(4) The Commissioner may pay out of the fund, without further appropriation by Parliament than this Act, such amounts in relief of a local authority in respect of contributions under Part V or Part IX of this Act as the Governor may approve, or such amounts as are payable in pursuance of section fifty of this Act.

(5) The balance standing at the credit of the Road Transport and Traffic Fund at the close of a financial year shall be carried by the Colonial Treasurer to the credit of the Country Main Roads Fund.

**203.** (1) The proceeds of penalties imposed by or under the Motor Traffic Act, 1909, the Motor Tax Management Act, 1914, and the Metropolitan Traffic Act, 1900, or any Act amending the same, and all penalties imposed by or under this Act or any regulation made or continued thereunder and not by this Act directed to be paid to the General Fund or otherwise appropriated, shall be paid to the Colonial Treasurer and carried to the Consolidated Revenue Fund.

Appropriation of penalties.

(2) This section and section two hundred and two shall be deemed to have commenced on the first day of July, one thousand nine hundred and twenty-nine.

### DIVISION 3.—*Public Vehicles Fund.*

**204.** (1) There shall be established in the Special Deposits Account in the Treasury a fund to be known as the Public Vehicles Fund, into which shall be paid—

Public Vehicles Fund.

- (a) all collections by the Commissioner of the tax upon public motor vehicles registered under this Act which is payable under the Motor Vehicles (Taxation) Act, 1924 ;
- (b) all moneys received for annual service license fees ;
- (c) all moneys to be paid thereto under any express provision of this Act.

(2) The fund shall be subject to the direction and control of the Commissioner, and shall be applied as in this section provided.

(3)



(3) After providing for any refunds properly payable the fund shall be applied as follows:—

- (a) So far as the same is derived from the tax collected in respect of motor omnibuses registered by a Trust in payment by the Commissioner to the councils of the several municipalities and shires within the district of that Trust and to the Main Roads Board of New South Wales in such shares as the Commissioner may determine.

The shares shall be based as nearly as possible on the mileage of authorised routes upon which such motor omnibuses ordinarily run.

Where a motor omnibus is registered by a Trust and such motor omnibus is operated upon a route partly within the district of such Trust and partly outside such district, the Commissioner shall pay into the Country Main Roads Fund established under the Main Roads Act, 1924-1929, a proportion of the tax paid in respect of such motor omnibus determined by the Commissioner which bears the same proportion to the full amount of tax paid as the mileage of the route outside such district bears to the total mileage of the route of such motor omnibus.

Amounts paid to the Main Roads Board and municipalities and shires under this paragraph shall be expended by them on the reconstruction, renewal, repair, and maintenance of the public roads which are used by registered motor omnibuses.

Payments by the Commissioner shall be made not less frequently than once in three months.

- (b) So far as the same is derived from the payment of service license fees in respect of the issue of annual service licenses or of amounts paid by a Trust in lieu thereof in payment by the Commissioner, one-half in the reduction of the capital indebtedness of the Trust and one-half in the manner provided by paragraph (a) of this subsection.

(c)

- (c) So far as the same is derived from tax collected in respect of public motor vehicles registered by a Trust other than motor omnibuses, in payment by the Commissioner of the cost of resuming or acquiring land for any purposes of this Act and such other expenditure in connection with facilities for the movement of transport or the relief of traffic congestion or with the protection of pedestrians upon public streets as the Trust considers desirable in the public interest within the district of the Trust.

No. 18, 1930.

Where a public motor vehicle is a tourist motor service vehicle, and such vehicle is operated partly within the district of the Trust and partly outside such district, the Commissioner shall pay into the Country Main Roads Fund established under the Main Roads Act, 1924-1929, a proportion of the tax paid in respect of such vehicle which bears the same proportion to the full amount of tax paid as the extent of the operation of such vehicle outside such district bears to the total extent of the operation of such vehicle.

Any question arising shall be determined by the Commissioner.

#### DIVISION 4.—*Accounts and audit.*

**205.** (1) Full and true accounts shall be kept by the Trust of the assets, liabilities, and income and expenditure connected with the transport services, and by the Commissioner of all other operations of the Trusts and of the Commissioner.

(2) The forms and manner of keeping such accounts shall be as prescribed.

**206.** Any expenditure incurred for the benefit of more than one service or Trust shall be apportioned by the Commissioner whose decision shall be final.

**207.** (1) Each Trust shall as soon as practicable after the last day of June in every year prepare and submit to the Commissioner an annual report of—

- (a) the operations of its transport services; and
- (b) of its other operations.

Such reports shall be accompanied by accounts and statements in the prescribed forms.

(2)

No. 18, 1930.

(2) The Commissioner shall prepare and submit to the Minister an annual report of his operations including an audited statement of his accounts, and shall incorporate therein the report, statements, and audited accounts of the Trusts.

(3) Such report with the accounts duly audited shall be laid before both Houses of Parliament within fourteen sitting days of the receipt thereof by the Minister if Parliament is in session, or if not then within fourteen sitting days of the next session.

Audit.

**208.** (1) The accounts of the Commissioner and of the Trust shall be audited by the Auditor-General, who shall have in respect thereof all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of the public accounts, as well as all powers conferred by this Act.

(2) The Auditor-General shall report to the Minister on such accounts.

(3) Towards defraying the cost and expenses of the audit, the Commissioner and the Trust shall pay to the Colonial Treasurer, by even quarterly payments such amount per annum as the Governor may decide.

---

## PART XVII.

### GENERAL.

Differences  
between  
authorities.

**209.** Where any difference, whether arising out of the construction of this Act or not, arises between the Railway Commissioners and a Trust or the Commissioner, or between a Trust or the Commissioner and the Main Roads Board of New South Wales, or the council of any municipality or shire, or the Commissioner of Police, or any Government department, or between Trusts, with respect to the carrying out of the provisions of this Act, or any matter arising thereout, the difference shall be determined by the Governor or in such manner as the Governor directs.

**210.**

No. 18, 1930.

**210.** Where in the exercise of their powers and duties under this Act a conflict of opinion arises between the Trust and the Board which cannot be adjusted by conference or otherwise the Trust or the Board may require that the matter be referred to the Minister.

Disputes  
between  
Board and  
Trust.

The Commissioner shall upon receipt of such a request forward it, together with his report thereon and all essential papers, for the Minister's consideration.

The Minister after such inquiry, if any, as he may consider desirable shall determine the question at issue and the Commissioner shall communicate such decision to the Trust and to the Board.

The decision of the Minister shall become binding upon the Trust and upon the Board and effect shall be given thereto.

**211.** (1) The Commissioner may appoint or employ any of the Trust's officers to carry out all or any of the powers under this Act, but notwithstanding any such appointment or employment of officers the Commissioner may, with the concurrence of the Commissioner of Police, authorise the police to carry out such duties under this Act as may be desirable in the public interest.

Administra-  
tion.

(2) Pending the appointment or the provision of officers as aforesaid, members of the police force shall continue to give to the registration of vehicles and the licensing of drivers and conductors and matters incidental thereto the same measure of supervision and control as were given by members of the police force prior to the commencement of this Act.

**212.** Nothing in this Act shall be construed as in any way interfering with the control vested in the Commissioner of Police under any Act or regulation, of traffic upon any public street.

Regulation  
of traffic  
by police.

**213.** (1) The Commissioner of Police shall transfer to the Commissioner of Road Transport such buildings, officers, records and equipment as may be arranged with the Commissioner of Road Transport, and shall afford all such aid as may reasonably be required in the administration of this Act.

Transfer  
of officers,  
equipment,  
&c.

(2) All licenses granted to the owners of public vehicles or the drivers or conductors thereof under the Metropolitan Traffic Act, 1900, or the Local Government Act, 1919, or deemed to be so granted, shall

Subsisting  
licenses.

No. 18, 1930.

shall continue in force until they expire, unless they are sooner suspended or cancelled under this Act or the regulations thereunder, and such licenses shall be deemed to be registration certificates or licenses granted in pursuance of this Act.

Regulations continued.

(3) Subject to this Act all regulations made under the Metropolitan Traffic Act, 1900, or ordinances made under the Local Government Act, 1919, relating to the licensing and regulation of public vehicles for the conveyance of passengers and goods, or the licensing and regulation of the drivers or conductors of such public vehicles shall, notwithstanding section fifteen of this Act, continue in force within the district of a Trust after the date appointed under that section, until repealed within such district by regulations made under this Act, and shall until so repealed be deemed to be regulations made under this Act.

In the application thereof within a district after the date so appointed a reference to the Inspector-General of Police or to the council shall be deemed to refer to the Commissioner of Road Transport, and a reference to any officer shall be deemed to refer to such officer executing this Act, or the regulations thereunder, as the Commissioner of Road Transport may appoint in that behalf.

Seizure.

**214.** (1) Any authorised member of the police force or officer of the Trust may seize and take to any place to be held by the Trust any motor omnibus or other public vehicle the continued use of which would be dangerous to the public.

Inspections.

(2) Any member of the police force or officer of the Trust authorised in writing by the Commissioner may enter at any time between sunrise and sunset the premises of the holder of the registration certificate of any motor omnibus or other public vehicle to inspect such vehicle, and shall if so required, produce his authority to such holder.

The power conferred by this section shall be exercised only by such members of the police force or officers of the Trust as may be authorised in that behalf either generally or in a specific case by writing under the

the hand of the Commissioner, and any such authority shall be produced at the time of the seizure at the request of any person in charge of the vehicle. No. 18, 1930.

**215.** The Governor may, on the recommendation of the Trust apply, by proclamation published in the Gazette, all or any of the provisions of this Act to any vehicle or class of vehicles that the Trust certifies is in its opinion being used for the carriage of passengers for hire or reward and should in the public interest be controlled under the provisions of this Act. Extension of  
Act to other  
vehicles.

Any vehicle specified or within the class described in such proclamation shall, upon the publication of the proclamation, be deemed to be a motor omnibus for the purposes of the Motor Vehicles (Taxation) Act, 1924, and shall be affected by such provisions of this Act as are specified in the proclamation.

The Governor may from time to time alter, revoke, or vary any such proclamation.

The power conferred by this section may be exercised in relation to a vehicle or class of vehicles irrespective of the seating accommodation thereof.

---

## PART XVIII.

### PENALTIES, PROCEDURE, &C.

#### DIVISION 1.—*Offences generally.*

**216.** (1) If a candidate at an election, held in pursuance of this Act, or any other person, shall directly or indirectly by himself, or his agent, pay or give or offer to pay or give money, food, drink, or valuable consideration to induce any person to vote or to abstain from voting at the election, he shall be guilty of a misdemeanour. Offences

(2) The election of a candidate shall, upon his conviction for an offence under this section, be null and void.

**217.**

No. 18, 1930.

Bribery.

**217.** (1) Any person in any office or employment under this Act, or acting under the authority of the Commissioner or of a Trust who, without lawful authority, demands or receives from any person any payment, gratuity, or present in consideration of doing or of omitting to do any act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding two hundred pounds.

(2) Any person who, without lawful authority, offers, makes, or gives to any person in any office or employment under this Act any payment, gratuity, or present in consideration that the latter will do or omit to do some Act or thing pertaining to his office or employment shall be liable to imprisonment with or without hard labour for a term not exceeding two years or to a fine not exceeding two hundred pounds.

Destruction  
of docu-  
ments.

**218.** Any officer, workman, or other person who wilfully destroys any document of or belonging to the Commissioner or to a Trust shall be deemed guilty of a misdemeanour.

*DIVISION 2.—Offences relating to transport services.*

**219.** (1) Whosoever—

Offences.  
cf. No. 30,  
1912, s. 130.

- (a) travels or attempts to travel in any tramcar or vehicle employed on any transport service without paying his fare, and with intent to avoid payment thereof; or
- (b) having paid his fare for a certain distance knowingly and wilfully proceeds in any such tramcar or vehicle beyond such distance, without paying the additional fare for the additional distance, and with intent to avoid payment thereof; or
- (c) knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare, to quit such tramcar or vehicle; or
- (d) knowingly takes with him in any tramcar or vehicle employed on any transport service any goods, articles or things other than such as are prescribed

prescribed for carriage as free luggage with intent to avoid payment of any charges payable in respect thereof,

No. 18, 1930.

shall, for every such offence, be liable to a penalty not exceeding ten pounds.

(2) If any person is discovered either in the act of or after committing or attempting to commit any such offence, all officers and other persons on behalf of the Trust, and all constables and gaolers, may lawfully apprehend and detain such person until he can conveniently be taken before some justice, or until he is otherwise discharged in due course of law.

**220.** If any person sends by any transport service any aqua fortis, oil of vitriol, gunpowder, lucifer matches, or any other goods, prescribed in the regulations, which are of a dangerous nature, without distinctly marking the nature of such goods on the outside of the package containing the same, or otherwise giving notice in writing at the time of sending the same to the prescribed officer or the officer with whom the same are left, he shall be liable to a penalty not exceeding fifty pounds for every such offence.

Dangerous goods.

No. 30, 1912, s. 131.

**221.** If any person without reasonable excuse, proof whereof shall lie on him, does any of the following things, namely,—

Disobedience of person summoned as witness.

*Ibid.* s. 132.

(a) having been summoned and having had the expenses (if any) to which he is entitled tendered to him, fails to attend as a witness at any investigation held under this Act; or

(b) fails, when required at such investigation so to do, to make any answer or give any return, or to produce any document, or to make or sign any declaration; or

(c) prevents or impedes any such investigation, he shall, for every such offence, be liable to a penalty not exceeding ten pounds.

In the case of a failure to give any return or produce any document, he shall be liable to a penalty not exceeding ten pounds for every day that such failure continues.

**222.**



No. 18, 1930.

Employees  
guilty of  
misconduct.No. 30, 1912,  
s. 133.

**222.** (1) If any person employed upon a transport service or in repairing and maintaining the works of a transport service—

- (a) is found drunk whilst so employed upon the said transport service ; or
- (b) commits any offence against any of the regulations ; or
- (c) wilfully, maliciously or negligently does any act or is guilty of any omission of duty whereby the life or limb of any person passing along or being upon such transport service or the works thereof respectively, is or might be injured or endangered or whereby the passage of any tram or other vehicle of the Trust is or might be obstructed or impeded,

any officer or agent of the Trust or any special constable duly appointed, and all such persons as any of them may call to his assistance, may seize and detain such person so offending or any person counselling, aiding or assisting in such offence and convey him with all convenient despatch before any magistrate or two justices of the peace without any other warrant or authority than this Act to be dealt with according to law.

(2) Every person so offending as aforesaid, and every person counselling, aiding, or assisting therein, shall be liable upon summary conviction, to imprisonment for a term not exceeding six months, or to a penalty not exceeding fifty pounds.

Obstructions  
and tres-  
passes.*Ibid.* s. 134.

**223.** If any person—

- (a) wilfully obstructs any person acting under the authority of the Trust in the lawful exercise of its powers ; or
- (b) pulls up or removes any poles or stakes driven into the ground for the purpose of setting out any tramway, or defaces or destroys any marks made for the same purpose ; or
- (c) wilfully obstructs or impedes any officer or agent of the Trust in the execution of his duty upon or in connection with any transport service, or upon or in any of the depots, platforms, or other works or premises connected therewith ; or

(d)

- (d) wilfully trespasses upon any tramway or any of the depots or other works or premises connected with any transport service, No. 18, 1930.

such person, and all others aiding or assisting in the commission of any such offence, shall be liable to a penalty not exceeding twenty pounds for any such offence.

**224.** If any person—

- (a) places or throws any gravel, stones, or rubbish, Other  
obstructions,  
No. 30, 1912,  
s. 135.  
or any matter or thing upon any part of a tramway; or
- (b) does any other act, matter, or thing to obstruct any transport service, or any part thereof,

such person and all others aiding or assisting in the commission of any such offence, shall be liable to a penalty not exceeding fifty pounds for every such offence.

**225.** Every person who wilfully cuts or otherwise severs any wire or cable, or so interferes with any part of the works connected with any system of electric traction or supply under the control of the Trust as to break the electric circuit or to cause short circuit, leakage, or loss of current or interruption to the supply of current, shall be deemed guilty of a misdemeanour. Damaging  
works.  
*Ibid.* s. 54.

**226.** (1) Any person who wilfully breaks or injures the works or any part thereof shall be liable to a penalty not exceeding ten pounds. Wilful  
injury.  
*Ibid.* s. 54A.

(2) In this section “works” includes any building, posts, pillars, brackets, excavations, wires, cables, or other things in any way used in connection with electric traction on tramways, or the supply of electricity.

**227.** If any person pulls down or injures any notice board put up or affixed for the purpose of publishing any regulation, or penalty, or other matter, or obliterates any of the letters or figures thereon, he shall be liable for every such offence to a penalty not exceeding five pounds, and to defray the expenses attending the restoration of the board. Defacing  
notice boards.

**228.**

No. 18, 1930.

Power of officers to interfere on breach of Act or regulations.

No. 30, 1912, s. 68.

Arrest of offenders.

*Ibid.* s. 138.

Damage.

*Ibid.* s. 140.Damages, &c.  
Procedure.

**228.** Where the breach of any provision of this Act or the regulations would be attended with danger or annoyance to the public, or hindrance to any of the officers in the lawful use of any of the transport services, or of any pier, wharf, jetty, waiting room, depot, platform, yard, or building, such officers or any of them may summarily interfere to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the breach of such provision.

**229.** (1) Any officer of the Trust and all persons called by him to his assistance, may seize and detain any person who has committed any offence against this Act relating to a transport service, and whose name and residence are unknown to such officer and may convey him with all convenient despatch before some magistrate, or two justices of the peace, without any warrant or other authority than this Act; and such magistrate, or two justices of the peace, shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

(2) The provisions of this section shall also apply to any offence against any regulation to which the powers under this section are specially extended in such regulation.

**230.** If any person inflicts, through any act, neglect, or default whereby he has incurred any penalty imposed by this part of this Act, any damage upon any transport service or other property vested in the Trust, he shall be liable to pay such damage in addition to such penalty, and the amount of such damage shall be determined by the magistrate or justices.

**231.** (1) Where in this Act any question of compensation, expenses, charges, damages, or other matter is referred to the determination of the magistrate or two justices, any justice may, upon the application of either party, summon the other party to appear before a magistrate or two justices at a time and place to be named in such summons.

(2) Upon the appearance of such parties, or, in the absence of any of them, upon proof of due service of the summons, such magistrate or justices may hear and determine such question.

(3)

(3) The costs of every such inquiry shall be in the discretion of such magistrate or justices; and he or they shall determine the amount thereof. No. 18, 1930.

**232.** (1) Any summons, notice, writ, process, or document required to be served on the Commissioner, or on a Trust, pursuant to any Act or regulation, may be served upon the secretary to the Commissioner or other prescribed officer. Service. No. 30, 1912, s. 142.

(2) All actions against the Commissioner, or a Trust, or against any person for anything done or purporting to have been done under this Act shall be commenced within one year after the act complained of was committed. Limitation of action. Ibid. s. 143.

**233.** (1) No action shall be commenced against the Commissioner or any Trust or any person for anything done, or purporting to have been done, under this Act, until one month at least after a notice in writing of such intended action has been delivered or left at the office of the secretary to the Commissioner, by the party intending to commence such action, or by his attorney or agent. Notice of action. Ibid. s. 144.

(2) Such notice shall clearly and explicitly state the cause of action and the court in which the same is intended to be brought, and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the attorney or agent, if such notice was served by such attorney or agent.

(3) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the judge before whom the action is tried is of opinion that the defendant in the action has been prejudiced in his defence by such defect or inaccuracy.

(4) The defendant in every such action may plead the general issue, and at the trial thereof give this Act and the special matter in evidence.

**234.** In any action, either under the Compensation to Relatives Act of 1897 or otherwise, against a Trust as a carrier of passengers, in respect of injuries sustained by any person while being carried upon any transport service vested in the Trust, or while being in or upon or about any depot, yard, land, or premises used by the Trust, no larger sum than two thousand pounds shall be recoverable. Limit of compensation. Ibid. s. 145.

**235.**

No. 18, 1930.

Tender of  
amendsNo. 30, 1912,  
s. 146.

**235.** (1) If any person has committed any irregularity, trespass, or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof such person makes tender of sufficient amends to the person injured, such last-mentioned person shall not recover in any such action.

(2) If no such tender has been made, the defendant may, by leave of the court where such action is pending at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceeding shall be had as in other cases where defendants are allowed to pay money into court.

#### DIVISION 3.—*Offences relating to public vehicles.*

Carrying on  
unauthorised  
service.N.Z. Act  
No. 67, 1926,  
s. 5 (2).

**236.** (1) Every person who, contrary to the provisions of this Act, carries on any motor omnibus service shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding one hundred pounds, and to a further penalty not exceeding ten pounds for every day on which such offence is committed.

*Ibid.* s. 5 (3).

(2) If any company carries on any motor omnibus service contrary to the provisions of this Act, every director or other person acting in the management of the business shall, in addition to any penalty to which the company may be liable, be liable to a penalty not exceeding ten pounds for every day on which such service is so carried on.

Driving  
unregistered  
public  
vehicle.

**237.** Any person who being the owner of a public vehicle which is not registered pursuant to this Act allows the vehicle to be driven upon a public street shall be guilty of an offence against this Act, and shall for a first offence be liable to a penalty not exceeding one hundred pounds, and for a second offence (whether committed in respect of the same or another public vehicle) be liable to a penalty not exceeding one hundred and fifty pounds, and for a third or subsequent offence (whether committed in respect of the same or another public vehicle) of not more than two hundred pounds.

Driving or  
conducting  
unregistered  
public  
vehicle.

**238.** (1) Any person who—

(a) drives upon a public street a public vehicle which to his knowledge is not registered pursuant to this Act; or

(b)

- (b) acts as the conductor of a motor omnibus which to his knowledge is not registered pursuant to this Act,

No. 18, 1930.

shall be guilty of an offence against this Act and shall for a first offence be liable to a penalty not exceeding twenty pounds, and for a second or subsequent offence (whether committed in respect of the same or another vehicle) be liable to a penalty not exceeding fifty pounds.

(2) It shall be a defence to any charge under this section or section two hundred and thirty-seven if the person charged proves that the vehicle was being driven to a place appointed by the Trust for the purpose of being registered or of being tested by any officer prior to registration.

**239.** Any person who, unless exempted by the regulations,—

Unlicensed drivers, &c.  
cf. No. 5,  
1909, s. 6

- (a) employs or permits any person not licensed as a driver to drive a motor omnibus or other public vehicle; or
- (b) employs or permits any person not licensed as a conductor to conduct a motor omnibus; or
- (c) drives or causes or permits to be driven a motor omnibus or other public vehicle—
  - (i) not having the prescribed number or number-plate properly affixed thereto; or
  - (ii) having the number or number-plate obscured so that the number or numbers upon such plate are not clearly visible; or
  - (iii) having the original number or numbers upon the plate obliterated by paint or any other material; or
  - (iv) having the number-plate so damaged that the original numbers thereon are not complete and distinctly visible,

shall be guilty of an offence under this Act :

Provided that no person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident.

**240.**

No. 18, 1950.

False state-  
ments, &c.**240.** Any person who—

- (a) by any false statement or misrepresentation obtains or attempts to obtain a service or other license, registration certificate or permit under this Act; or
- (b) without lawful excuse has in his possession a service or other license, registration certificate, permit, badge or number-plate granted or issued under this Act or the regulations, or any document or article resembling such service or other license, registration certificate, permit, badge or number-plate, and calculated to deceive; or
- (c) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person any service or other license, registration certificate, permit, number-plate or badge or mark for identifying a motor omnibus or other public vehicle under this Act or the regulations; or
- (d) owns or drives in any public street any unregistered vehicle having on it—
  - (i) any printing or sign amounting to a representation that such vehicle is registered under this Act; or
  - (ii) any number-plate prescribed to be affixed to motor omnibuses or other public vehicles; or
  - (iii) any plate resembling such number-plate and calculated to deceive,
 shall be guilty of an offence against this Act.

Number-  
plates.

**241.** (1) Where the regulations provide for the issue of a number-plate in connection with the registration of any motor omnibus or other public vehicle, and a number-plate has been so issued, it shall be an offence for any person to use such number-plate without the approval of the Commissioner upon any vehicle other than that for which it is issued.

(2) It shall be an offence to own or drive upon a public street any motor omnibus or other public vehicle having upon it any number-plate other than that duly issued upon the registration of the motor omnibus or the public vehicle or other than a number-plate carried in pursuance of the regulations.

The

The use of any number or number-plate upon a motor omnibus or other public vehicle in a manner calculated to deceive shall also be an offence against this Act. No. 18, 1930.

(3) The owner or driver of any motor omnibus or other public vehicle in respect of which such an offence as aforesaid has been committed shall be held guilty of an offence against this Act.

**242.** The driver of any motor omnibus in respect of which a permit has been issued, if he does not carry on the motor omnibus such permit on the journey for which it is issued shall be guilty of an offence against this Act. Permits.

**243.** Any person using or travelling in or upon any motor omnibus or other public vehicle who— Using vehicles.

- (a) fraudulently evades the payment of the authorised fare; cf. No. 8, 1909, s. 9.
- (b) having failed or refused to pay such fare, either refuses to give his name and an address at which he can be found, or gives a false name or address;
- (c) forces himself upon any such vehicle already carrying the authorised complement of passengers or hired by another person;
- (d) misconducts himself whilst using any such vehicle;
- (e) damages any such vehicle,

shall be guilty of an offence against this Act; and in the case of any offence mentioned in this section may be removed from the vehicle by the driver, conductor, or any member of the police force, or any officer authorised generally in that behalf.

**244.** Any person guilty of an offence against this Act shall for every such offence for which a penalty is not provided by or under this Act be liable to a penalty of not more than one hundred pounds, and if the offence is a continuing offence such person shall be liable to an additional penalty of not more than five pounds for every day on which the offence continues. Penalty when not otherwise provided.

**245.** Every penalty imposed by or under this Act in the case of any person committing an offence shall extend and apply also to any person— Abettors, &c.

- (a) who causes the commission of the offence;

(b)



No. 18, 1930.

(b) by whose order or direction the offence is committed; or

(c) who aids, abets, counsels or procures, or by act or omission is directly or indirectly concerned in the commission of the offence.

Police to  
report  
offences.

**246.** (1) It shall be the duty of every member of the police force who finds any person committing an offence against this Act to demand from such person his name and place of abode, and to report the fact of such breach and the name and place of abode of such person as soon as conveniently may be to the Commissioner of Police or the Trust as the case may require.

Persons  
refusing  
name and  
address.

(2) Any person who refuses to state his name and place of abode when required so to do by a member of the police force, or by an officer, or who in the opinion of such member or officer states a false name or place of abode, may without any other warrant than this Act be apprehended by him and taken before any court of summary jurisdiction to be dealt with according to law.

(3) Any person who upon demand as aforesaid refuses to state his name and place of abode, or states a false name or place of abode, shall be liable to a penalty not exceeding ten pounds.

Arrest.

**247.** Any member of the police force who finds any person committing an offence against this Act or regulation thereunder may, without any other warrant than this Act, apprehend such person and take him before any court of summary jurisdiction, to be dealt with according to law.

Obstructing.

**248.** Every person who obstructs any member of the police force or officer in the execution of his duty under this Act or the regulations shall be guilty of an offence under this Act.

Offences.

**249.** (1) If any person in respect of any motor omnibus or other public vehicle contravenes any of the provisions of this Act or any regulation made under this Act or of any registration certificate or service or other license under this Act or of any consent or permit, such person and the owner of the motor omnibus or other public vehicle shall be guilty of an offence against this Act.

Breach of  
conditions.

(2) Any person to whom any service or other license, registration certificate or permit is granted shall, if he fails to observe any of the conditions in the service

or

or other license, registration certificate or permit issued to him, be guilty of an offence against this Act, and be liable to a penalty of not exceeding ten pounds in addition to any other penalty or disability imposed by this Act. No. 18, 1930.

(3) Where any act, matter or thing is by or under this Act or any regulation or any registration certificate or service or other license under this Act, or any consent or permit or any condition in the service or other license directed or forbidden to be done, and the act, matter or thing so directed to be done remains undone, or the act, matter or thing so forbidden to be done is done, in every such case every person offending the direction or prohibition shall be guilty of an offence against this Act. cf. No. 41,  
1919, s. 632.

#### DIVISION 4.—*Procedure, &c.*

**250.** (1) All penalties incurred under this Act, or any regulations made thereunder, and any fares authorised by the Trust and required to be paid, and all other sums made payable by this Act or the regulations, may be recovered in a summary way before a court of petty sessions. Recovery of  
fares, &c.

(2) An information for an offence against this Act or the regulations may be laid by any person and may be heard and determined in a summary way by such court.

(3) Any person aggrieved by any conviction, or order, may appeal therefrom in manner provided in the Justices Act, 1902.

(4) In any conviction under this Act or the regulations, the court of petty sessions may order such payment as compensation for loss of time or expense incurred in consequence of the offence of which the defendant was convicted, as it thinks fit; and shall, in the manner prescribed, note the conviction on any license under this Act held by the person so convicted, and may by order cancel or suspend his license, and may order the delivery of the license to some person to be named in the conviction. No. 9, 1900,  
s. 22.

(5) The court may also declare the person convicted disqualified for obtaining a license for such further

No. 18, 1930.

further time after the expiration of the license as the court thinks fit, and if the person convicted does not hold any license under this Act declare him disqualified to hold a license for such time as the court thinks fit.

(6) The court shall cause particulars of each conviction or order under this Act or the regulations to be forwarded to the Commissioner.

Information.

**251.** (1) Any information, complaint, or other legal proceeding under this Act, or the regulations, may be laid, made, and taken in the name of the Commissioner or of a Trust as the case may be, by the secretary for the time being of the Commissioner or of a Trust as the case may be, or by any other officer duly authorised in that behalf, either generally or in a particular case.

(2) The secretary or other officer shall, out of the Road Transport and Traffic Fund with regard to action taken in the name of the Commissioner or a Trust and out of the General Fund with regard to action taken in the name of the Trust in relation to its transport services be reimbursed all damages, costs, charges, and expenses to which he is put, or with which he becomes chargeable by reason of anything contained in the last preceding subsection.

Compensation.

**252.** Where an information or complaint is laid or made by any person other than the secretary or other authorised officer of the Commissioner or of a Trust, or by a member of the police force, for any offence punishable in pursuance of this Act or the regulations, or for the recovery of any fare, and the proceedings are dismissed or withdrawn, the court may, if it thinks fit, order that the said person pay to the defendant, in addition to any costs, such compensation for loss of time or otherwise as seems reasonable; and the court of appeal shall have like power in respect of any proceedings taken before such court.

Appropriation of penalties.

**253.** Any penalty imposed for the breach of any provision of this Act, or of any regulation or by-law made or continued thereunder relating to a transport service controlled by the Trust, shall be paid to the General Fund, and any other penalty shall be paid to the credit of the Consolidated Revenue Fund.

**254.**

**254.** (1) In any proceedings under this Act or the regulations—

No. 18, 1930.

Evidence.

cf. No. 8,  
1900, s. 25.

- (a) proof that a vehicle has not upon it a distinguishing number, as prescribed, shall be prima facie evidence that such vehicle is not registered under this Act;
- (b) proof that a registered motor omnibus is in a public street shall be prima facie evidence that it is being used on a motor omnibus service;
- (c) proof that a registered public vehicle, not being a motor omnibus or a vehicle used for the carriage of goods and merchandise only, is in a public street shall be prima facie evidence that it is plying or standing for hire;
- (d) proof that a person applied for and obtained a registration certificate for a motor omnibus or other public vehicle shall be prima facie evidence that such person is the owner of such motor omnibus or other public vehicle.

(2) It shall not be necessary in any legal proceeding to prove the appointment of the Commissioner, or the existence or constitution of a Trust, or of the Board, or of the appointment of any officer or servant of the Commissioner or of the Trust.

(3) All courts, judges, and persons acting judicially shall take judicial notice of the signature of the Commissioner affixed to any document or notice.

**255.** The particulars of service licenses, the registration of motor omnibuses or other public vehicles, the licenses of drivers and conductors, and the issue of permits shall be recorded in books or on cards kept for the purpose at the office of the Commissioner and an extract from or copy of any such entry contained in any such books or on any such cards purporting to be certified under the hand of a prescribed officer may, in all courts and upon all occasions whatsoever, be received as prima facie evidence of all particulars contained in such entry without requiring the production of such books or such cards or any service or other license, registration certificate, permit, requisition, notice or other document upon which any entry may be founded, and without proof of the signature of the officer so certifying.

Records and  
evidence.

cf. No. 5,  
1909, s. 12.

**256.**

No. 18, 1930.

Authorities.

**256.** An authority purporting to be under the hand of the Commissioner shall be sufficient evidence that the officer to whom the authority is addressed is authorised to act for and on behalf of a Trust or of the Commissioner within the scope of the matter referred to in the authority.

Proof.

**257.** In any proceedings for an offence against this Act the allegation in the information —

- (a) that a vehicle is a motor omnibus or public vehicle within the meaning of this Act;
- (b) that the place at which it is alleged that an offence was committed is within a portion of the State to which this Act applies;
- (c) that a motor omnibus or public vehicle is not registered within the meaning of this Act;
- (d) that any person is the owner of a motor omnibus or public vehicle in respect of which an offence is alleged to have been committed,

shall be deemed proved in the absence of proof to the contrary.

Service.

**258.** Wherever under this Act provision is made for notice to be given by a Trust or by the Commissioner to any person holding a service or other license, registration certificate, or permit under this Act, the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909-1930, or the Local Government Act, 1919, it shall be sufficient compliance with such requirement as to notice if a written notification is forwarded by registered post to the address given to the licensing authority at the time of the application for a service or other license, registration certificate, or permit, or to such subsequent address as may have been duly notified by the person concerned to such licensing authority.

Passengers  
for hire not  
to contract  
themselves  
out of  
benefits con-  
ferred by this  
Act.

**259.** In any action brought against the owner of a motor omnibus, or against an insurance company under or for the purposes of this Act in respect of an accident causing the death of or bodily injury to any person being at the time of the accident a passenger for hire in such vehicle, it shall not be a defence that the contract of carriage had excluded or modified the liability of the owner or of any other person to pay damages in respect of accidents due to the negligence or wilful default of the owner, his servants, or agents.

**260.**

**260.** If any driver of a motor omnibus or other public vehicle wilfully or negligently causes any damage to be done by driving such vehicle in a public street to any person or property, the owner of such vehicle as well as the driver of such vehicle shall be liable for the amount of such damage.

No. 18, 1930.

Negligent  
driving.

**261.** Nothing in this part of this Act shall affect any liability of any person by virtue of any statute or at common law.

Common law  
liability  
saved.

## PART XIX.

### REGULATIONS.

**262.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed to carry this Act into effect.

Regulations.

(2) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of such publication or from a later date to be specified in the regulations;
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) Any regulation may impose a penalty not exceeding fifty pounds for any breach thereof.

(4)

No. 18, 1930.

(4) A regulation may—

- (i) impose a penalty for any breach thereof, and also distinct penalties in case of successive breaches thereof but so that the total penalty shall not exceed in all fifty pounds ;
- (ii) impose also a daily penalty for any continuing breach thereof but so that the total penalty shall not exceed in all fifty pounds.

(5) A regulation may be made to apply or to have operation throughout the whole or any part of the areas to which this Act applies, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified class of subject-matter.

(6) Any regulation may confer on a Trust, the Board, or the Commissioner, or on any member of the police force or officer authorised by the Trust or the Commissioner any powers or authority required for the carrying into effect of all or any of the provisions of that or any other regulation.

(7) Where any by-law, ordinance, or regulation under any Act is inconsistent with any regulation made under this Act the provisions of the regulation made under this Act shall prevail, and the provisions of the first-mentioned by-law, ordinance, or regulation shall to the extent of the inconsistency have no force or effect.

(8) A regulation shall, save as therein otherwise expressly provided, be construed as if the Interpretation Act, 1897, applied, mutatis mutandis, to the interpretation thereof.

(9) Regulations relating to the election of members of a Trust may include provision for voting by way of preferential ballot, that ballot-papers may be issued and returned by post, or that voters shall personally cast the ballot-papers at an appointed polling-place, and different regulations may be made and applied to different constituencies.

Regulations  
to be made on  
recommendation  
of Board.

**263.** In pursuance of the power conferred by section two hundred and sixty-two and without limiting the generality of that power the Governor may, on the recommendation of the Board and with the concurrence of the Trusts, make regulations—

- (a) providing for the nomination or election of members of the Appeal Board ;
- (b)

- (b) prescribing the method of appealing, and the procedure of the Appeal Board ;
- (c) providing for the payment out of the General Fund of salary, fees, and allowances to the chairman and members ;
- (d) providing for the payment of witnesses' and other expenses ;
- (e) generally to carry out the purposes and provisions of, and to prescribe the procedure under Division 3 of Part XI of this Act ;
- (f) as to employment, examination, and promotion of officers employed in transport services, and the method of conducting a practical eye-sight test ;
- (g) for the general government and discipline of such officers, and for the holding of departmental inquiries into complaints or charges of misconduct against any such officers ;
- (h) for altering or repealing any by-laws, rules, or regulations made before the passing of this Act with regard to tramway employees ;
- (i) for fixing the ages at which officers shall retire in the different branches of the Trust's service ;
- (j) prescribing the deductions to be made from salaries and wages for superannuation benefits from any fund established by the Trust ;
- (k) providing for the establishment of a Staff Board or Boards, including provision for the representation of employees thereon, and prescribing the duties of such Boards.

**264.** (1) 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 : —

- (a) the maximum height, length and breadth of motor omnibuses and other public vehicles ;
- (b) the maximum weight of and the maximum load for motor omnibuses and other public vehicles ;
- (c) the prohibition of the use of tyres other than rubber tyres on motor omnibuses, and regulating the thickness and the condition of tyres used

Regulations to be made on recommendation of a Trust.

Motor omnibuses, &c.



used on motor omnibuses and other public vehicles, and regulating the type and description of the tyres to be used on motor omnibuses and other public vehicles;

- (d) the design and construction and condition of motor omnibuses and other public vehicles used, or proposed to be used, so as to secure the safety, comfort and convenience of passengers and the public, and to minimise damage to roads, and prescribing the authorities to issue certificates of fitness in respect of motor omnibuses or other public vehicles;
- (e) the maintenance and repair of motor omnibuses and other public vehicles;
- (f) the provision and regulation of efficient brakes, mechanical signals, and steering gear on motor omnibuses and other public vehicles;
- (g) the carrying of lights on motor omnibuses and other public vehicles and the use of bells, alarms, and other devices for the safety and comfort of passengers and public;
- (h) the regulation of the form and the manner of placing the numbers or number-plates on motor omnibuses and other public vehicles, and the issue, display and return of number-plates;
- (i) the seizure of number-plates unlawfully in the possession of any person;
- (j) the issue of smoke or fumes from the working of motor omnibuses, or other public vehicles, and means of minimising noise caused thereby;
- (k) the prohibition of the use of motor omnibuses or other public vehicles that, owing to construction or other cause, are unsuitable for safe use;
- (l) the prohibition or restriction of the use of motor omnibuses or other public vehicles upon any specified public street, or upon any portion of a public street, or within any specified area, either generally or within certain hours;
- (m) the ascertainment by measurement or otherwise of the weight of motor omnibuses or other public vehicles;

(n)

- (n) the impounding of motor omnibuses used in contravention of this Act ;
- (o) the sections and terminal points and stopping-places on motor omnibus routes ;
- (p) the establishment and regulation of stands for motor omnibuses or other public vehicles ;
- (q) the number of any class or description of public vehicle which may ply or stand for hire in any public street or streets, and which may be used or let for the conveyance of passengers or goods ;
- (r) the regulation or prohibition of smoking in motor omnibuses ;
- (s) the methods which may be adopted by the drivers of public motor vehicles plying for hire in any public street, and the regulation or prohibition of plying for hire in any particular street or part thereof ;
- (t) requirements as to service or other licenses, registration certificates, or permits under this Act including—  
Licenses, registration certificates, permits, &c.  
 (i) the form of and the terms, conditions, and particulars to be set out therein ;  
 (ii) the forms and conditions to be observed when submitting applications ;  
 (iii) matters relating to the granting, refusal, transfer, renewal, suspension, cancellation, or return ;  
 (iv) conditions governing the granting of duplicates ;  
 (v) conditions of service applicable to special circumstances.
- (u) the conditions to be inserted in service licenses and the certificates of registration of motor omnibuses or other public vehicles ;
- (v) the adjustment of payments and refunds in connection with fees or tax charged in respect of any motor omnibus or other public vehicle ;  
Fees and tax.
- (w) the fees to be paid under this Act ;
- (x) the conduct of passengers, drivers, and conductors on motor omnibuses or other public vehicles ;  
Drivers, conductors, and passengers.

(y)

No. 18, 1930.  
—

- (y) the duties of drivers and conductors of motor omnibuses or other public vehicles;
- (z) the authority of drivers or conductors of motor omnibuses or other public vehicles to eject persons guilty of any contravention of any regulation made under this Act;
- (aa) the licensing and qualification of drivers and conductors of motor omnibuses or other public vehicles;
- (ab) the ages of drivers and conductors of motor omnibuses or other public vehicles;
- (ac) the medical examination and test of competency of drivers and conductors of motor omnibuses or other public vehicles, and the issue of certificates relating thereto;
- (ad) the wearing of badges by drivers and conductors of motor omnibuses or other public vehicles, and the regulation of the form, description, and the issue, wearing, and return of such badges;
- (ae) the taking up or setting down of passengers or goods or other matters incidental to the transport of passengers or goods;
- (af) the carriage of passengers' luggage upon motor omnibuses and other public vehicles;
- (ag) the regulation or prohibition of the carriage of passengers standing in or upon any part of a motor omnibus;
- (ah) the publication and collection of fares of passengers on motor omnibuses, and the imposition of penalties for charging fares other than those fixed in the service license or the permit;
- (ai) the fixing, publication or collection of maximum and/or minimum fares for the hire or use of other public vehicles plying for hire, and the imposition of penalties for charging fares other than those fixed or prescribed;
- (aj) the imposition of penalties for the failure, neglect, or refusal by a passenger to pay any such fare and/or quitting the motor omnibus or other public vehicle before paying such fare;

Fares.

(ak)

- (ak) the pace or speed at which a public vehicle <sup>No. 18, 1930.</sup>  
hired by time shall travel ;
- (al) the publication of time-tables and fares whether <sup>Time-tables.</sup>  
by exhibition in motor omnibuses or otherwise ;
- (am) the more effective checking of time-tables and  
to secure that where an owner is the holder of  
a service license, motor omnibuses are not with-  
drawn from the ordinary route for special  
service under an omnibus permit unless the  
prior approval of the Trust is obtained ;
- (an) the compilation and observance of time-tables ;
- (ao) the conditions to be observed in connection <sup>Insurance.</sup>  
with the insurance of motor omnibuses, the  
risks to be covered, the extent of such cover,  
the procedure with regard to presentation of  
policies and premium receipts, the particulars  
to be furnished by persons desiring to be self-  
insurers and other matters relating to insurance ;
- (ap) the custody and return of property left in <sup>Lost</sup>  
motor omnibuses and other public vehicles, and <sup>Property.</sup>  
the payment of compensation for the same, and  
the disposal or sale of such property not claimed  
and the time of such disposal or sale ;
- (aq) the prohibition of advertisements on the out- <sup>General.</sup>  
side of motor omnibuses ;
- (ar) the regulation of advertisements within motor  
omnibuses ;
- (as) the declaration of the limit of speed not to be  
exceeded whether generally or in any specified  
locality or any specified public street or part  
thereof by motor omnibuses ;
- (at) the exhibition within or upon any motor  
omnibus or other public vehicle of such notices  
in the public interest as a Trust may deem  
necessary ;
- (au) the appointment of offices where motor  
omnibuses and other public vehicles may be  
registered, and the drivers and conductors  
thereof licensed ;
- (av) the erection and display of signs and notices  
for the guidance of the drivers and conductors  
of motor omnibuses and other public vehicles  
and the public ;

**M**

**(aw)**

- (aw) the furnishing to a Trust by owners of motor omnibuses of returns and other information ;
- (ax) the records and accounts to be kept by licensees and the manner of keeping the same ;
- (ay) the discontinuance of routes and all matters relating thereto ;
- (az) the prohibition of any person from touting or calling out or otherwise importuning any person to use a motor omnibus or other public vehicle ;
- (ba) generally as to the regulation and control of motor omnibuses and other public vehicles, the drivers and conductors thereof and passengers thereon ; and the description and fitness of any horse or harness used in connection with a public vehicle ;
- (bb) prescribing the routes upon which animals, goods and parcels will be carried on the transport services and the conditions upon which and the nature and description of goods or parcels which will be carried ;
- (bc) for fixing the amount of fares for the conveyance of passengers, and the charges for the carriage of animals, goods and parcels, and the circumstances and conditions, if any, under which the Trust will make special rates for the carriage of goods in quantities ;
- (bd) for preventing the commission of any nuisance in or upon the trams or vehicles used in transport services, or in any of the waiting rooms, depots, platforms, buildings, piers, wharfs, or jetties vested in the Trust ;
- (be) for preventing the emptying of sewage or drainage on to any of the tramways, or on to any lands, waiting rooms, depots, platforms, buildings, piers, wharfs or jetties vested in the Trust ;
- (bf) for regulating generally the travelling or traffic upon, or using or working of the transport services, and of the waiting rooms, platforms, buildings, piers, wharfs and jetties hereinbefore mentioned, and for the good government and maintenance of order thereon ;
- (bg)

- (bg) for specially regulating the conduct of the traffic during any reconstruction or repair of any tramway;
- (bh) for regulating the terms and conditions upon which special transport services will be run;
- (bi) for regulating the use of stamps or tickets as prepayment upon parcels;
- (bj) for regulating the sale of tickets at places other than tramway offices, and the conditions under which such tickets shall be sold;
- (bk) for fixing demurrage charges, where goods are to be loaded into or discharged from trucks by owners, consignors, or consignees;
- (bl) for fixing the charges for warehousing goods, and the charges to be paid in respect of parcels or luggage left for transit, or for care or custody, and the conditions upon which they respectively will be received;
- (bm) for regulating the disposal of unclaimed goods;
- (bn) for imposing conditions upon which passengers' luggage will be carried;
- (bo) for regulating the carriage of corpses, and for prohibiting the carriage or conveyance of the bodies of persons who have died from any contagious disease;
- (bp) for prohibiting the carriage or conveyance of diseased animals, and preventing them from coming upon any waiting room, platform, or premises;
- (bq) for preventing damage or injury to transport service depots, waiting-rooms, platforms, buildings, piers, wharfs, jetties, premises, carriages, gates, fences, or any property whatever;
- (br) for the issue of free passes on the tramways;
- (bs) for altering or repealing any by-laws made before the commencement of this Act with regard to the tramways;
- (bt) for regulating the manner in which public notices shall be advertised, and generally with regard to advertising in newspapers and elsewhere;

(bu)

No. 18, 1980.

- (bu) prescribing any forms for use in connection with the transport services, and any forms so prescribed or to the like effect varied as the circumstances require shall be sufficient in law;
- (bv) providing for the publication and display of any list of any fares and charges from time to time imposed; and
- (bw) providing for any other matter or thing relating to or connected with the transport services, or the construction and operation of any such service.

(2) In any regulation made under paragraphs (b) or (c) of subsection one of this section the limits of weight or loading prescribed shall not be in excess of nor shall the minimum thickness or width of tyres prescribed be less than the limits prescribed under any ordinance or regulation regarding such matters made in pursuance of the Local Government Act, 1919, the Main Roads Act, 1924-1929, the Metropolitan Traffic Act, 1900, or the Motor Traffic Act, 1909-1930.

(3) No regulation with regard to public vehicles made under or continued by this Act shall be construed to apply to private hire cars or tourist motor service vehicles unless some express provision is made applying the regulation thereto.

In this section—

“Private hire car” means a public motor vehicle which does not stand or ply for hire in a public street, but for which a contract is made for the exclusive hire of the vehicle for the carriage of persons prior to its hiring, not being a motor omnibus or taxi-cab; and

“Tourist motor service vehicle” means any public vehicle, other than a motor omnibus, taxi-cab, or private hire car, used for the conveyance of passengers in such circumstances and under such conditions as in the opinion of the Trust constitute a tourist service.

(4) Until a date appointed by the Governor and notified by proclamation published in the Gazette the

the owner of a private hire car or tourist motor service vehicle which is duly registered under the Motor Traffic Act, 1909, shall not be required to apply for the registration of the vehicle as a public motor vehicle.

No. 18, 1930.

(5) The Governor may by the regulations apply to a tourist motor service vehicle such conditions and requirements under this Act as apply to other public vehicles or classes of public vehicles, and may exempt such vehicles from any such conditions.

Tourist motor  
service  
vehicles.

In any such regulations provision may be made for the operation of "tourist motor service vehicles" without restriction to any definite route.

**265.** (1) The regulations may provide for the infliction and collection by prescribed officers of the Public Service of penalties for minor offences against the Metropolitan Traffic Act, 1900, the Motor Traffic Act, 1909-1930, the Motor Tax Management Act, 1914, or this Act or any regulations made under any of such Acts, and may prescribe the offences which may be regarded as such minor offences, and may prescribe—

Minor traffic  
offences.

- (a) cautions or modified penalties for first or subsequent offences; and
- (b) the procedure to be adopted;
- (c) power to require the attendance of any person charged or any witness;
- (d) the method of notifying persons charged of the breach complained of; and
- (e) the records to be kept and the manner of keeping such records.

(2) The regulations made in pursuance of this section shall preserve the right of any person charged with any breach to decline to be dealt with thereunder, may be made without the approval of any Trust, and shall have effect throughout the whole State or such parts thereof as may be specified in the regulations.



## PART XX.

## TRAFFIC ADVISORY COMMITTEE.

The  
committee.  
cf. London  
Traffic Act,  
1924, s. 1.

**266.** (1) With a view to facilitating and improving the regulation of traffic in the State, and particularly in the metropolitan district, there shall, for the purpose of giving advice and assistance in the manner provided by this Act to the Minister in connection with the exercise and performance of his powers and duties in relation to traffic, be constituted a committee to be called the Traffic Advisory Committee (in this Part referred to as the committee) consisting of a chairman and nine members constituted as follows:—

The Commissioner, who shall be chairman.

The President of the Main Roads Board.

A representative of the Municipal Council of Sydney.

Seven members to be appointed by the Minister:  
one a representative of local authorities;  
one a representative of motor traders; one  
a representative of users of the roads for  
commercial purposes; one a representative  
of the Master Carriers' Association; one a  
representative of private motorists; one a  
representative of tramway traffic employees;  
and one a representative of other road trans-  
port employees.

(2) The committee and the Minister shall respectively each have the power from time to time to co-opt an additional member to assist in the consideration of any special matter.

(3) Either the Commissioner or the President of the Main Roads Board if unable to be present at any meeting may appoint a representative to sit and act for him at the meeting.

(4) In the absence of the Commissioner his representative shall be chairman.

(5) The Governor may make regulations for the conduct of the business of the committee, and for regulating the procedure at any inquiry held by the committee,

committee, or by any members thereof, and for fixing the fees to be paid to members for their attendance at meetings or inquiries.

(6) The term of office of the appointed members of the committee shall be three years from date of appointment.

(7) The Governor for any sufficient reason may suspend or remove any member of the committee from his office.

(8) If any member of the committee without having received leave of absence from the Minister fails for a period of three months to attend duly summoned meetings of the committee or of a sub-committee on which he has been appointed to serve, his seat shall thereupon become vacant, and he shall not be eligible for reappointment to that vacancy.

(9) On a casual vacancy occurring on the committee by reason of death, resignation, or otherwise, the vacancy shall be filled by the appointment of a new member in like manner as the member in whose place he is appointed, and he shall hold office until the time when the member in whose place he is appointed would have gone out of office, and shall then go out of office.

(10) The proceedings of the committee shall not be invalidated by any vacancy in its number or any defect in the appointment of any member.

(11) The Commissioner may place at the disposal of the committee the services of any of his officers or servants.

**267.** It shall be the duty of the committee to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to traffic regulation or control. Functions of committee.

**268.** (1) At the request of the Minister or in any case where the committee thinks it desirable or expedient so to do, with the approval of the Minister, the committee may, before advising and reporting to him on any matter referred to it, hold a public inquiry into the matter. Public inquiry.

No. 18, 1930.

(2) The committee shall give public notice of the date and place at which the inquiry will be held and of the matters to be dealt with at the inquiry.

Any person may make representations in writing or may at the discretion of the committee be heard at the inquiry.

(3) The committee may at the request of any witness at any such inquiry take in camera his evidence relating to matters affecting his business or which have come to his knowledge in the course of his duty as a public officer.

(4) For the purposes of any inquiry under this Part the committee shall have the powers and immunities of a commissioner, and the chairman shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923, and the provisions of that Act with the exception of section thirteen and of Division 2 of Part II shall, mutatis mutandis, apply to any witness or person summoned by or appearing before the committee.

Amendment  
of regula-  
tions.

(5) The Minister may refer any proposals for making, altering, or repealing any regulations under the Metropolitan Traffic Act, 1900, or the Motor Traffic Act, 1909-1930, to the committee for its advice and report.

Expenses.

**269.** All costs and expenses incurred in connection with the execution of powers and duties under this Part by the committee or the members thereof (including the remuneration of any officers and servants placed at the disposal of the committee by the Commissioner, or such apportioned part of such remuneration as the Commissioner may determine to be proper) shall, subject to appropriation by Parliament, be defrayed by the Commissioner out of the Road Transport and Traffic Fund.

## PART XXI.

## TRANSPORT ADVISORY COMMITTEES.

**270.** (1) The Governor may appoint a Transport Advisory Committee or committees from time to time to inquire and report upon any of the following matters:—

- (a) the internal transport requirements of the State;
- (b) the economic advantages of various forms of transport in various parts of the State by alternative methods—rail, road, or water;
- (c) the prevention of wasteful competition in any particular part.
- (d) the adequacy or otherwise of taxation for the construction and maintenance of roads;
- (e) the charges and conditions of privately-conducted transport undertakings not under the control of a Trust formed under this Act;
- (f) the provision of by-pass roads or the adoption of other measures calculated to facilitate transport and relieve traffic congestion and the means available to meet the cost thereof; and
- (g) any other matter connected with the transport of goods or passengers which is referred to it by the Governor.

(2) The chairman of any committee or committees so formed shall be appointed by the Governor, and the members of any committee shall be paid such fees as may be fixed by the Governor.

(3) Such executive and clerical assistance as may be necessary shall be provided by the Commissioner.

(4) The expenses of such committees and of the inquiries and investigations to such amount as may be appropriated by Parliament shall be paid by the Commissioner from the Road Transport and Traffic Fund.

(5) The Governor may empower any such committee to require the attendance of any officer of any Government department or corporate body as a witness, and to call for the preparation and submission to the committee of reports, returns and other documentary evidence.

(6)

No. 18, 1930.

(6) For the purpose of any inquiry, the Minister, by instrument under his hand, may authorise any person appointed by him or by the committee for that purpose to make a personal inspection of books of account, documents or other records, or to enter upon the premises and inspect buildings, plant, machinery, working conditions and equipment of any transport undertaking for the conveyance of goods or passengers however so conveyed.

(7) At the request of the Minister, or in any case where the committee thinks it desirable or expedient so to do, with the approval of the Minister, the committee may, before advising and reporting to him on any matter referred to it, hold a public inquiry into the matter.

The committee shall give public notice of the date and place at which the inquiry will be held and of the matters to be dealt with at the inquiry.

(8) Any person may make representations in writing, or may, at the discretion of the committee, be heard at the inquiry.

(9) A committee may, at the request of any witness at any such inquiry, take in camera his evidence relating to matters affecting his business, or which have come to his knowledge in the course of his duty as a public officer.

(10) For the purposes of any inquiry or investigation under this Part, the committee shall have the powers and immunities of a commissioner, and the chairman shall have the powers of a chairman within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923, and the provisions of that Act, with the exception of section thirteen, and of Division 2 of Part II shall, *mutatis mutandis*, apply to any witness or person summoned by or appearing before the committee.

(11) The Governor may make regulations for the conduct of the business of any committees formed under this Part, for regulating the procedure at any inquiry or investigation held by a committee, and for such other matters as are necessary or convenient to be prescribed to carry this Part into effect.

## PART XXII.

## AMENDMENTS OF VARIOUS ACTS.

**271.** The Metropolitan Traffic Act, 1900, as amended Amendment of Act No. 8, 1900. by subsequent Acts, is further amended as follows:—

- (a) by omitting section two and by inserting in lieu Sec. 2. thereof the following new section:—

2. The provisions of this Act shall apply to Areas in which Act is in force. and be in force in the County of Cumberland and in such other district established under the Transport Act, 1930, as the Governor may by proclamation direct.

The County of Cumberland shall for the purposes of this Act be known as the Metropolitan Traffic Area, and any other district to which this Act is applied shall be known by the name accorded to it in the proclamation extending the application to it of this Act.

- (b) by inserting in section four, at the end of the Sec. 4. definition of “Public Vehicle,” the words “but does not include a motor omnibus registered under the Transport Act, 1930”;
- (c) by omitting from subsection one of section six Sec. 6 (1). the words “Colonial Secretary” and by inserting in lieu thereof the word “Minister”;
- (d) (i) by omitting from paragraph (p) of section Sec. 7. seven the words “footways of”;
- (ii) by inserting in the same paragraph after the word “streets” the words “and make provisions as to the appointment and marking of crossing-places for pedestrian traffic and special measures to be taken and precautions to be observed by drivers tending to the safety of pedestrians crossing the streets at such places and at the intersection or junction of streets or elsewhere”;
- (iii) by omitting from paragraph (q) of section seven the word “footways” and inserting in lieu thereof the words “public streets”;
- (e) by inserting at the end of paragraph (h) of Sec. 8. section eight the words: “Provided that the regulations made after the commencement of the

No. 18, 1930.

the Transport Act, 1930, shall be restricted to omnibuses and public passenger vehicles other than those registered under the said Act”;

- (f) by inserting at the end of the same section the following new subsection:—

(2) Where a license has been suspended under this section the court may authorise the Commissioner of Road Transport to grant a permit to drive for such period and subject to such conditions as to the court seems just.

Any such permit may be limited to certain hours or to a locality specified in the permit.

Any person who holds such a permit shall, if he fails to comply with any condition of the permit, be guilty of an offence against this Act and be liable to a penalty not exceeding twenty pounds, and upon conviction for such or for any other offence against the Act or the regulations the permit shall become null and of no effect.

Amendment  
of Act No. 5,  
1909,  
New. s. 3A.

**272.** (1) The Motor Traffic Act, 1909, is amended—

- (a) by inserting next after section three the following new section:—

3A. This Part shall, after the commencement of the Transport Act, 1930, cease to apply to the licensing of the drivers of motor vehicles registered under that Act.

Sec. 6.

- (b) by inserting at the end of section six the following proviso and new subsection:—

Provided further that for the purpose of this section the word “licensed” shall include “licensed under the Transport Act, 1930, or regulations made thereunder”; and the word “registered” shall include “registered under the Transport Act, 1930, or regulations made thereunder”; and “prescribed” shall include “prescribed by the Transport Act, 1930, or the regulations made thereunder.”

(2) This section shall, after the commencement of the Transport Act, 1930, cease to apply within the district of a Trust in respect of motor vehicles registered under that Act by that Trust.

(2)

(2) The amendments made by this section shall <sup>No. 18, 1930.</sup> not prejudice any proceedings taken or to be taken for the breach before the commencement of this Act of any of the regulations made under Part II of the Motor Traffic Act, 1909, or of the provisions of section six of that Act, and for the purpose of any such proceedings the said regulations and provisions shall be deemed to have continued in force.

**273.** The Government Railways Act, 1912–1928, is <sup>Amendment of Act No. 30, 1912.</sup> amended—

- (a) by inserting at the end of section fifty-five the <sup>Sec. 55.</sup> following words: “but no approval shall be given to run such motor omnibuses within a district established by or under the Transport Act, 1930, without the concurrence of the Transport Trust of such district”;
- (b) by omitting from section 41B the words “and <sup>Sec. 41B.</sup> Tramways” wherever occurring;
- (c) by omitting from section 41C the words “and <sup>Sec. 41C.</sup> Tramways” wherever occurring, also the words “or tramways”;
- (d) by omitting from section 41E the words “and <sup>Sec. 41E.</sup> Tramways” also the words “or tramway”;
- (e) by omitting from section 41F the words “and <sup>Sec. 41F.</sup> Tramways”;
- (f) by omitting from section 41G the words “and <sup>Sec. 41G.</sup> tramways” also the words “and tramway”;
- (g) by omitting from section 41H the words “and <sup>Sec. 41H.</sup> tramways”;
- (h) by omitting from subsection one of section <sup>Sec. 41J.</sup> 41J the words “and Tramways”;
- (i) by omitting from subsection one of section <sup>Sec. 41N.</sup> 41N the words “and tramways”;
- (j) by omitting from section nine the words “and <sup>Sec. 9</sup> Tramways”;
- (k) by omitting from section fourteen the words <sup>Sec. 14.</sup> “and Tramways”;
- (l) by omitting from section 14A the words “and <sup>Sec. 14A.</sup> tramways” wherever occurring;
- (m) by omitting from section seventeen the words <sup>Sec. 17.</sup> “or tramways” also the words “or tramway”;
- (n)



No. 18, 1930.

- (n) by inserting in section one hundred and ten after the words "tramway service" the words "transferred to the service of the Trust under the Transport Act, 1930";

Sec. 112.

- (o) by omitting from section one hundred and twelve the words "and Tramways";

Amendment of  
Act No. 41, 1919.

Sec. 492.

(Light lines  
of railways  
and tram-  
ways.)**274.** The Local Government Act, 1919, is amended—

- (a) by inserting at the end of section four hundred and ninety-two the following new subsection:—

(3) No authority shall be given in a case where the line of a tramway proposed to be constructed or acquired is wholly or partly within the district of a Trust established under the Transport Act, 1930, except with the concurrence of the Transport Trust of that district.

Sec. 507.

(Public  
vehicles.)

- (b) by inserting at the end of section five hundred and seven the following new subsection:—

(13) This section shall be read subject to the provisions of the Transport Act, 1930, and in any area within a transport district established by or under that Act the provisions of this section shall be deemed to be suspended in respect of any matter to which the provisions of that Act in force within such district relate.

Amendment  
of Act No. 24,  
1924.

Sec. 10.

(Cumberland  
Main Roads  
Fund.)**275.** (1) The Main Roads Act, 1924–1929, is amended—

- (a) (i) by omitting paragraph (a) of subsection one of section ten and by inserting in lieu thereof the following new paragraph:—

(a) one half of the proceeds of the taxes collected under the Motor Vehicles (Taxation) Act, 1924, as amended by subsequent Acts, on vehicles owned by persons resident in the said county, not being vehicles registered under the Transport Act, 1930, such amount, after deducting a sum fixed by the Treasurer, not exceeding five per centum thereof, for cost of collection (which shall be paid to Consolidated Revenue

Revenue Fund), to be paid into the fund by the Treasurer not less frequently than once in each three months. No. 18, 1930.

- (ii) by omitting paragraph (b) of the same section ;
- (b) by omitting subsections two, three, and four of the same section ;
- (c) (i) by omitting paragraph (a) of subsection one of section twenty and inserting in lieu thereof the following new paragraph :— Sec. 20.  
(Country  
Main Roads  
Fund.)
  - (a) one half of the proceeds of the taxes collected under the Motor Vehicles (Taxation) Act, 1924, as amended by subsequent Acts, on vehicles owned by persons resident in the County of Cumberland, not being vehicles registered under the Transport Act, 1930, and the whole of the proceeds of such taxes collected on vehicles owned by persons resident outside such county, not being vehicles registered under the Transport Act, 1930, such amounts, after deducting a sum fixed by the Treasurer, not exceeding five per centum thereof, to cover cost of collection (which shall be paid to Consolidated Revenue Fund), to be paid into the fund by the Treasurer not less frequently than once in each three months.
- (ii) by omitting subsections two and three of the same section ;

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and twenty-nine.

(3) The Main Roads Act, 1924-1929, is further amended by inserting next after subsection two of section forty-eight the following new subsections:— Sec. 48.  
(Various  
powers of  
Board.)

(2a) Publish for general information a periodic journal giving a statement of the Board's activities in connection with main and

No. 18, 1930.

and developmental roads, together with information of general interest in connection with individual projects, road finance, and methods of survey, design, maintenance, and construction, and sell such copies as the Board may think fit.

(2b) Include in such publication any matters of general interest authorised for publication by the Commissioner of Road Transport in connection with the administration of the Transport Act, 1930, and the activities of bodies formed under that Act.

Amendment  
of No. 51,  
1927, s. 2.  
(Consequential.)

(4) The Main Roads (Amendment) Act, 1927, is amended by omitting paragraphs (a), (b), and (c) of subsection one of section two.

Amendment  
of Act No.  
24, 1914.

**276.** The Motor Tax Management Act, 1914, as amended by subsequent Acts, is amended—

(a) by omitting section two, and by inserting in lieu thereof the following section:—

New s. 2.  
Interpre-  
tation.

**2.** In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Commissioner” means the Commissioner of Road Transport appointed under the Transport Act, 1930.

“Motor vehicle” means any motor car, motor carriage, motor cycle, or other vehicle propelled upon any public street, as defined by the Motor Traffic Act, 1903–1930, wholly or partly by any volatile spirit, steam, gas, oil, or electricity, or by any means other than human or animal power, and includes a trailer, but does not mean or include any vehicle used on a railway or tramway.

“Registered” in relation to a public motor vehicle to which the Transport Act, 1930, applies, means registered under that Act or the regulations thereunder and in relation to other motor vehicles

vehicles means registered under the Motor Traffic Act, 1909-1930, or the regulations thereunder, and registration has a corresponding meaning. No. 18, 1930.

“Registration certificate” means any registration certificate or renewal thereof under the Motor Traffic Act, 1909-1930, and in the case of a public motor vehicle to which the Transport Act, 1930, applies, any registration certificate or renewal thereof under that Act.

- (b) by omitting section five, and by inserting in lieu thereof the following section :— New s. 5.

5. The owner of any motor vehicle which is not registered, or upon which the prescribed tax has not been paid, who, unless exempted by the regulations, drives or causes or allows to be driven upon any public street such vehicle shall be liable to a fine not exceeding fifty pounds and, in addition to such penalty, be liable to pay the fee for the registration or renewal of the registration thereof together with the tax which would be due upon such registration or renewal for each year in any part of which the vehicle was so driven, caused or allowed to be driven had the same been registered. Unregistered vehicles.

- (c) (i) by inserting in subsection one of section six after the word “weight” the words “or other matter necessary to be ascertained to determine the amount of tax payable” ; Sec. 6 (1).
- (ii) by inserting in subsection two of the same section after the word “vehicle” the words “or other matter necessary to be ascertained to determine the amount of tax payable” ; Sec. 6 (2).
- (d) by inserting in section seven after the words “such motor vehicle” the words “or other matter necessary to be ascertained to determine the amount of tax payable.” Sec. 7.

No. 18, 1930.

Further  
amendment  
of Act No. 34,  
1914.

New s. 7A.

Power to seize  
unregistered  
vehicle.

**277.** The Motor Tax Management Act, 1914, is further amended—

- (a) by inserting next after section seven the following new section :—

7A. (1) Where—

- (a) any unregistered motor vehicle, not being a vehicle exempted from registration under the Motor Traffic Act, 1909–1930, or the regulations thereunder; or
  - (b) any motor vehicle having affixed thereto any prescribed number-plate, identification mark or device other than that actually issued in connection with a current registration certificate in respect of such vehicle; or
  - (c) any motor vehicle having affixed thereto a colourable imitation of a prescribed number-plate, identification mark or device save as permitted or required by the regulations made under any Act
- is used or driven upon a public street, any member of the police force or any officer of the Commissioner authorised so to do may seize such motor vehicle.

(2) Any police or stipendiary magistrate may upon application in the prescribed form, if he is satisfied that the vehicle is so used or driven by order forfeit the vehicle to His Majesty.

(3) Notice of the application for forfeiture shall be given to the person if any who appears by the records of the Commissioner to be the owner of the vehicle and to the person in whose possession it was at the time of the seizure if such person can be found.

(4) Where the vehicle is seized as being an unregistered motor vehicle no order for forfeiture shall be made if the owner of the vehicle satisfies the police or stipendiary magistrate that he omitted to register the vehicle without intent to evade the tax which would become payable upon the registration thereof.

(5)

(5) Any person aggrieved by an order of a police or stipendiary magistrate under this section may appeal therefrom in manner provided in the Justices Act, 1902.

(6) Any such forfeiture may be waived by the Commissioner upon payment of a fine equivalent to the tax at the rate prescribed for such a vehicle for each year in any part of which the vehicle was so used or driven together with a further fine of twenty per centum of such amount.

(7) If such fine is not paid within the time prescribed the vehicle may be disposed of in the prescribed manner and the proceeds of the sale paid to Consolidated Revenue Fund.

- (b) (i) by omitting from sections seven and eight the words "five pounds" and by inserting in lieu thereof the words "ten pounds";  
(ii) by inserting at the end of section eight the following new subsection:—

- (2) The regulations shall—  
(a) be published in the Gazette;  
(b) take effect from the date of publication, or from a later date specified in the regulations;  
(c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, the regulation or part shall thereupon cease to have effect.

- (c) (i) by inserting in section 8A after the words "any Act" the words "shall be a debt due to His Majesty and";

(ii)

No. 18, 1930.

(ii) by inserting after the word "sessions" the words "at any time or in any court of competent jurisdiction at the suit of the Commissioner or any officer authorised by him";

New section added.

(d) by inserting after section nine the following new sections:—

Evidence.

10. In any action or proceedings under the provisions of this Act the production by the Commissioner or on his behalf of a certificate purporting to be signed by him or by any prescribed officer certifying that tax upon any motor vehicle has become due and payable on a certain day shall be prima facie evidence of the fact so certified.

Refunds.

11. No refund or tax overpaid shall be made after the lapse of more than three years from the date of payment of such tax.

Refund of tax on surrender.

12. Where the registration certificate and number-plate of a motor vehicle are surrendered before the expiration of such registration the Commissioner may, subject to such conditions as are prescribed by regulation under this Act, grant to the person in whose name such registration certificate is issued, or in the case of a transferred certificate of registration to the person in whose name such certificate has been transferred, a refund of one-twelfth of the annual tax paid on such vehicle for each complete month in the unexpired period of such registration, less a cancellation fee to be prescribed by regulation under this Act.

Notice of alteration and additional tax.

13. (1) Where an alteration is made in the construction, equipment, use or ownership of a motor vehicle after registration of such a nature that tax or an increased amount of tax would be payable on the renewal of its registration the owner shall, before the vehicle is driven upon a public street, notify the Commissioner of the alteration in the prescribed manner, and pay tax or pay additional tax. Such tax or additional tax shall be calculated at

at the rate of one-twelfth of the difference between the amount of the tax paid at the time of registration (if any) and the amount of the prescribed tax at the rate appropriate to the vehicle after the alteration for each month or part thereof in the portion of the period for which the vehicle is registered unexpired at the date of the alteration.

(2) Any owner who fails to notify the Commissioner of any such alteration as is referred to in subsection one of this section shall be liable to a penalty not exceeding fifty pounds in addition to the tax or additional tax payable and to a further penalty of twenty pounds for each month during which the vehicle is used without notification of the alteration and payment of tax or additional tax as the case may be.



## SCHEDULES.

## SCHEDULE ONE.

Sec. 21 (5).

## METROPOLITAN DISTRICT.

Constituencies.	Area.	Number of Members to be Elected.
City of Sydney	City of Sydney ... ..	1
	Baulkham Hills Shire ... ..	
	Castlereagh ... ..	
	Dundas ... ..	
	Eastwood ... ..	
	Ermington and Rydalmere ... ..	
	Hunter's Hill ... ..	
Northern ...	Hornsby Shire ... ..	1
	Ku-ring-gai ... ..	
	Lane Cove ... ..	
	Manly ... ..	
	Mosman ... ..	
	North Sydney ... ..	
	Richmond ... ..	
	Ryde ... ..	
	Warringah Shire ... ..	
	Willoughby ... ..	
	Windsor ... ..	
	Bankstown ... ..	
	Bexley ... ..	
	*Bulli Shire ... ..	
Southern ...	Cabramatta and Canley Vale ... ..	1
	*Camden ... ..	
	Campbelltown ... ..	
	Canterbury ... ..	
	Darlington ... ..	
	Enfield... ..	
	Erskineville ... ..	
	Fairfield ... ..	
	Hurstville ... ..	
	Ingleburn ... ..	
	Kogarah ... ..	
	Liverpool ... ..	
	Marrickville ... ..	
	Nepean Shire ... ..	
	Newtown ... ..	
	Rockdale ... ..	
	St. Peters ... ..	
	Sutherland ... ..	
	*Wollondilly Shire ... ..	

\* Portion within County of Cumberland.

SCHEDULE

SCHEDULE ONE—*continued*.

No. 18, 1930.

METROPOLITAN DISTRICT—*continued*.

Constituencies.	Area.	Number of Members to be Elected.
Eastern ...	Alexandria ... ..	1
	Botany ... ..	
	Mascot ... ..	
	Paddington ... ..	
	Randwick ... ..	
	Redfern ... ..	
	Vaucluse ... ..	
	Waterloo ... ..	
	Waverley ... ..	
	Woollahra ... ..	
Western ...	Annandale ... ..	1
	Ashfield ... ..	
	Auburn ... ..	
	Balmain ... ..	
	Blacktown Shire ... ..	
	Burwood ... ..	
	Concord ... ..	
	Drummoyne ... ..	
	Glebe ... ..	
	Granville ... ..	
	Holroyd ... ..	
	Homebush ... ..	
	Leichhardt ... ..	
	Lidcombe ... ..	
	Parramatta ... ..	
	Penrith ... ..	
	Petersham ... ..	
	Strathfield ... ..	
	St. Mary's ... ..	

## SCHEDULE TWO.

## APPLICATION FEES.

Fee payable in respect of application for any—

- |   |     |     |     |   |
|---|-----|-----|-----|---|
| 1. Provisional service license  | ... | ... | ... | £1.   |
| 2. Service license  | ... | ... | ... | £3 per annum,<br>less any fee paid<br>in the same year<br>for a provisional<br>service license for<br>the same route.               |
| 3. Transfer of service license  | ... | ... | ... | £1.   |
| 4. Provisional registration certificate   | ... | ... | ... | £1.   |
| 5. Registration certificate or renewal thereof in<br>respect of any—  |     |     |     |   |
| (i) Motor omnibus   | ... | ... | ... | £2, less any fee<br>paid in the same<br>year for a pro-<br>visional registra-<br>tion certificate for<br>the same motor<br>omnibus. |
| (ii) Other public vehicle   | ... | ... | ... | £1.   |
| Other fees prescribed by regulation for matters<br>other than those abovementioned, not exceed-<br>ing in each case | ... | ... | ... | £1.   |