

STATE TRANSPORT (CO-ORDINATION) ACT.

Act No. 32, 1931.

George V,
No. 32, 1931.

An Act to provide for the improvement and for the co-ordination of means of and facilities for locomotion and transport; to constitute a Board of Commissioners for that purpose; to amend the Government Railways Acts, 1912-1930, and certain other Acts; and for purposes connected therewith. [Assented to, 17th August, 1931.]

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:—

Short title.

1. This Act may be cited as the "State Transport (Co-ordination) Act, 1931."

Commence-
ment.

2. This Act, save where otherwise expressly provided, shall commence on a day appointed by the Governor and notified by proclamation published in the Gazette.

Interpreta-
tion.

3. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,—

"Agent" includes any person who enters into an arrangement on behalf of another or who holds himself out as open to make or procure such an arrangement or who in any way invites or accepts an offer on behalf of another.

"Board" means the State Transport (Co-ordination) Board appointed under this Act.

"Chief Commissioner" means the chief State Transport (Co-ordination) Commissioner appointed under this Act.

"Commissioner"

- “Commissioner” means a State Transport (Co-ordination) Commissioner appointed under this Act.
- “Commissioner of Road Transport” means the Commissioner of Road Transport appointed under the Transport Act, 1930.
- “Driver” means any person driving or any person engaged or employed to drive.
- “Goods” includes livestock and commodities.
- “License” means a license granted under this Act.
- “Licensed” means licensed under this Act.
- “Main Roads Board” means the Main Roads Board of New South Wales.
- “Management Board” means the Management Board appointed under the Transport Act, 1930.
- “Motor vehicle” means any vehicle whatsoever propelled by mechanical means and includes a tractor or trailer and also includes aircraft, but does not include a vehicle used on a railway or tramway.
- “Officer” means any officer, clerk, servant, or other person employed or appointed by the board, and includes a member of the police force or any other person acting in pursuance of powers or duties conferred upon him by or under this Act, and also includes any person utilized by the board pursuant to section eleven or any other provision of this Act.
- “Operate” means carry or offer to carry passengers or goods for hire or for any consideration or in the course of any trade or business whatsoever.
- “Owner” when used with reference to a motor vehicle or a public motor 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 or a hiring agreement, but shall not include the lessor under any such agreement.
- “Prescribed” means prescribed by this Act or the regulations.

“Public

No. 32, 1931.

“Public motor vehicle” means a motor vehicle (as hereinbefore defined)—

(i) used or let or intended to be used or let for the conveyance of passengers or of goods for hire or for any consideration or in the course of any trade or business whatsoever, or

(ii) plying or travelling or standing in a public street for or in hire or in the course of any trade or business whatsoever.

“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, bridge, footpath, or place open to or used by the public on the payment of money or otherwise.

“Railway Commissioners” means the Railway Commissioners for New South Wales

“Receiving depot” means any place where any goods are received for carriage or conveyance.

“Regulations” means regulations made under this Act.

“Secretary” includes a person acting as secretary of the board for the time being.

“Store” includes any structure in which goods are stored or kept.

“This Act” includes the regulations made under this Act.

“Transport Trust” means any trust constituted under the Transport Act, 1930.

(2) This Act 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.

State
Transport
(Co-ordina-
tion) Board.

4. (1) For the purposes of the improvement and co-ordination of the means of and facilities for locomotion and transport, the Governor may appoint a board of four commissioners which shall, subject to the control of the

the Minister, carry into effect the objects and purposes of this Act and have and discharge the duties, powers, and functions thereby conferred and imposed on the board.

(2) One of such commissioners shall be appointed Chief Commissioner, and all or any of the other commissioners may, under their appointment, be required to give their or his whole time to the duties of their or his office or may be bound to be engaged in the office for part time only or for limited duties or functions.

(3) Subject to this Act a commissioner shall hold office for the term for which he is appointed; such term shall not exceed two years upon one appointment, but any commissioner appointed shall be eligible for reappointment for a further term not exceeding two years.

(4) The Governor may terminate the office of a commissioner at any time after the enactment of any law which vests the duties of the Railway Commissioners, the transport trusts, and the Main Roads Board in one corporate body.

(5) The salaries, fees, and allowances of the commissioners shall be fixed by the Governor and shall not be altered during their term of office, but shall be subject to any deduction provided by the Public Service (Salaries Reduction) Act, 1930, or any Act substituted for or amending that Act. Such salaries, fees, and allowances shall be payable out of the State Transport (Co-ordination) Fund.

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

(7) The board 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 bodies corporate may by law do and suffer. The corporate name of the board shall be "The State Transport (Co-ordination) Board."

(8)

No. 32, 1931.

Appointment
of deputy.

(8) In case of the illness, suspension, or absence of the Chief Commissioner or any other commissioner, a deputy may be appointed by the Governor to act for such commissioner during his illness, suspension, or absence; and every such deputy shall, during the time he acts as deputy, have all the powers and authority of such commissioner.

(9) On the occurrence of any vacancy in the office of a commissioner, the Governor shall appoint a person to the vacant office, whose term of office shall be for his predecessor's unexpired term of office.

cf. Public
Service Act,
1902, s. 8.

(10) A commissioner may be suspended or removed for misbehaviour or incompetence, as follows:—

- (a) A commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided: The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament be in session and actually sitting, and when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting;
- (b) a commissioner suspended under this section shall be restored to office unless each House of Parliament within twenty-one days from the time when such statement has been laid before it declares by resolution that the said commissioner ought to be removed from office, and if each House of Parliament within the said time does so declare, the said commissioner shall be removed by the Governor accordingly.

(11) A commissioner shall be deemed to have vacated his office if he—

- (a) engages in New South Wales during his term of office in any paid employment outside the duties of his office, except with the approval of the Governor;
- (b) becomes bankrupt, compounds with his creditors, or makes an assignment of his salary for their benefit;

(c)

- (c) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor ;
- (d) becomes incapable of performing his duties ;
- (e) resigns his office by writing under his hand :

No. 32, 1931.

Provided that if a commissioner is, under his appointment, bound to be engaged in his office for part time only or for limited duties or functions subparagraph (a) shall not apply to him and subparagraph (c) shall, in reference to him, be read as if the word "fourteen" were the words "twenty-eight," and shall apply to him accordingly.

(12) A commissioner, who at the date of his appointment was an officer of the Public Service or the Railway Commissioners, shall, in the event of his office as commissioner being discontinued or abolished, be eligible for and shall be appointed to an office in the Public Service or the Railway Service, as the case may be, not lower in classification and salary than that which he held at the date of his appointment as commissioner.

(13) Notwithstanding anything contained in any Act, nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, the Superannuation Act, 1916-1930, or the Government Railways Acts, 1912-1930, or any Act amending such Acts, to any person appointed a commissioner under this Act who is at the time of his appointment or has been at any time previously thereto an officer of the Public Service or of the Railway Commissioners.

(14) Any officer of the Public Service or the New South Wales Government Railways appointed a commissioner under this Act shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave, and any payment, pension, or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, the Superannuation Act, 1916-1930, or the Government Railways Acts, 1912-1930, as the case may be, and for such purposes his service as commissioner shall be deemed to be service for the purposes of such Acts. Any person so appointed as a commissioner who previously to such appointment had been an officer of the

the

No. 32, 1931.

the Public Service or Railway Service shall receive during his term of office any payment, pension, or gratuity to which he may be entitled under the said Acts.

Officers.

5. (1) The board may appoint or employ such officers and servants as it thinks necessary for the due execution of this Act.

(2) Such officers and servants shall hold office during the pleasure of the board.

(3) Regulations may be made under this Act in respect of the conditions and terms of employment and the duties and discipline of the officers and servants of the board.

(4) The Minister may authorise and direct the transfer to the service of the board of any officers or servants in the employ of the Railway Commissioners, a transport trust, the Management Board, or the Main Roads Board, deemed necessary for carrying out the provisions of this Act.

(5) Any officer or servant so transferred shall, in the event of his office as an officer or servant of the board being discontinued or abolished, be eligible for and shall be appointed to an office in the service from which he was transferred not lower in classification and salary than that which he held at the date of his appointment as an officer or servant of the board.

(6) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, the Superannuation Act, 1916-1930, or the Government Railways Acts, 1912-1930, or any Act amending such Acts, to any officer or servant appointed an officer or servant of the board.

(7) Any officer or servant so appointed shall continue to contribute to any fund or account, and shall be entitled to receive any deferred or extended leave, and any privileges, and any payment, pension, or gratuity as if he had remained an officer or employee within the meaning of the Public Service Act, 1902, the Superannuation Act, 1916-1930, the Government Railways Acts, 1912-1930, the Transport Act, 1930, or the Main Roads Act, 1924-1929, as the case may be, and for such purposes his service under the board shall be deemed to be service for the purposes of such Acts.

6. (1) The board may appoint any person to be the district representative of the board for the part of the State specified in the appointment. No. 32, 1931.
District representative.

(2) Any person so appointed may, subject to the terms of his appointment and to any limitations imposed at any time by the board, exercise and discharge within the part of the State for which he is appointed such of the powers, duties, and functions of the board as may be prescribed by the regulations or authorised by the board.

(3) Every appointment under this section shall be revocable at the will of the board, but any appointment shall not prevent the exercise of any power, duty, or function by the board.

7. (1) The powers, duties, and functions conferred or imposed by or under any Acts upon the Railway Commissioners, the Commissioner of Road Transport, any transport trust, the Management Board, or the Main Roads Board, shall after the commencement of this Act be exercised and performed subject to the control of the Minister, and the Minister's directions shall be carried into effect accordingly. Control by Minister of certain authorities.

(2) The Minister may direct the board to investigate the administration or operations or intended operations of the Railway Commissioners, any transport trust, the Commissioner of Road Transport, the Management Board, or the Main Roads Board, either generally or in any particular respect or case, and to report to him the result of the investigation.

8. (1) The Minister or the board may at any time, and from time to time, require the Railway Commissioners, the Commissioner of Road Transport, any transport trust, the Management Board, and the Main Roads Board to furnish to the Minister or to the board, as the case may be, all such information as he or it may require. Minister or board may require information.

(2) The Railway Commissioners, the Commissioner of Road Transport, every transport trust, the Management Board, and the Main Roads Board shall at any time allow the Minister and the board and every officer authorised by the Minister or the board to inspect all books, papers, documents, accounts, buildings, property, and places under their respective control. **9.**

No. 32, 1931.

Minister's
directions to
be complied
with.

9. (1) Notwithstanding anything contained in this or any other Act, the Minister may at his discretion direct the Railway Commissioners or the Main Roads Board or any transport trust or the Management Board or the Commissioner of Road Transport to do or to refrain from doing any act, matter, or thing whatsoever (including the acceptance and performance of a delegation from the board under section twenty-three of this Act, and the making or recommending of any rule, regulation, by-law, or ordinance), and every such authority to whom any such direction is given shall immediately give effect to the direction.

(2) Any such direction by the Minister may be general or limited to a particular case or class of cases.

Advice and
reports by
board.

10. (1) The board may advise the Minister on any matters relating to the transport of passengers and of goods and to traffic generally.

(2) The board shall, as soon as practicable after their appointment, furnish to the Minister a report setting out the steps which they consider should be taken to secure the co-ordination of the activities of the following services, namely, the Railway Commissioners, the transport trusts, Commissioner of Road Transport, the Management Board, and the Main Roads Board, and to provide for the administration and control of such services under one corporate body, together with a draft Bill for the legislation necessary to give effect to their report.

(3) For the purposes of this section the board shall be entitled to use the services of any officers or employees of or under the control of any of the said authorities.

Temporary
transfer and
utilization of
officers of
authorities.

11. (1) For the purposes of the administration of this Act the Minister may direct that any officer or servant of or under the control of the Railway Commissioners, the Main Roads Board, the Commissioner of Police, the Commissioner of Road Transport, any transport trust, or the Management Board, shall be transferred temporarily to the service of the board.

During the period of his temporary transfer the officer or servant shall be an officer of the board for the purposes of this Act, but his salary shall continue to be borne

borne by the authority from whose service he was transferred, or by the Crown as the case may be, and as between the officer or servant and such authority or the Crown, and as regards the Acts mentioned in subsection seven of section five, and the Police Regulation Act, 1899, and the Acts amending it, the officer or servant shall during his temporary transfer be taken to continue in the service from which he was so transferred.

(2) The Minister may give such directions as he considers necessary so that any officers or servants employed by or under the control of the Railway Commissioners, or any transport trust, the Management Board, the Main Roads Board, the Commissioner of Police, the Commissioner of Road Transport, or the Public Service Board, may be utilized by the board for the purpose of issuing licenses, collecting fees and revenue, or for any purpose necessary or desirable in connection with the administration of this Act.

(3) The board may engage, on such terms as to remuneration and otherwise as they think fit, the services of any person they may think necessary for the due administration of the Act.

12. (1) Any person who after a date appointed by the Governor and notified by proclamation published in the Gazette operates a public motor vehicle shall, unless such vehicle is licensed under this Act by the board and unless he is the holder of such license, be guilty of an offence against this Act: Provided that this subsection shall not apply to a public motor vehicle that is being operated under and in accordance with an exemption from the requirement of being licensed granted under section nineteen or a permit granted under section twenty-two of this Act.

(2) Any person who operates or uses or causes or permits to be operated or used a motor vehicle for the carriage or delivery of his goods (other than goods that are not intended for sale whether immediately or ultimately) or of goods sold by him shall be deemed to be thereby operating a public motor vehicle within the meaning of this Act and such vehicle shall be deemed to be a public motor vehicle.

In

No. 32, 1931.

In any prosecution the onus of establishing the exception that the goods are not intended for sale shall lie on the defendant.

Passengers or goods not to be sent by unlicensed vehicle.

13. Any person who after the date appointed under section twelve of this Act sends or causes to be sent or conveyed or agrees or offers to send or convey any passengers or any goods by any public motor vehicle which is not licensed under this Act by the board shall be guilty of an offence against this Act. In any prosecution for an offence under this section it shall be a sufficient defence if the person charged proves that he had reasonable grounds for believing, and did in fact believe, that the motor vehicle in respect of which the prosecution is taken, was at the time of the alleged offence licensed under this Act.

Licenses.

14. (1) Every person desiring to operate a public motor vehicle of which he is the owner shall in addition to any license or registration which by law he is required to hold or effect, apply to the board or to the prescribed person or authority for a license for such vehicle under this Act.

(2) The application for a license shall be made in the prescribed form and manner and shall contain the following particulars:—

- (a) the route or routes upon which it is intended that the vehicle sought to be licensed shall operate ;
- (b) a description of the vehicle in respect of which the application is made ;
- (c) the number of passengers or maximum weight of goods proposed to be carried on such vehicle ;
- (d) particulars of the registration of such vehicle under the Motor Traffic Act, 1909-1930, and the Transport Act, 1930, or under any Act of the Commonwealth ;
- (e) particulars of any license issued in respect of such vehicle under the Local Government Act, 1919, or the ordinances thereunder ;
- (f) such other particulars as are prescribed.

(3) The application shall be accompanied by the prescribed fee.

(4)

(4) The prescribed fee shall be payable in respect of every renewal of any such license: No. 32, 1931.

Provided that nothing in this Act shall require the insertion in the license of a public motor vehicle used for private hire or tourist service work of any condition as to the route or routes upon which it is intended that the vehicle sought to be licensed shall operate.

15. (1) A license for a public motor vehicle other than an aircraft may authorise the vehicle for which it is granted to operate only upon the routes or roads specified in the license or only within any area or district therein specified or referred to or may authorise the vehicle for which it is granted to operate on any route or road or within any area or district other than the route, road, area, or district, if any, specified or referred to in the license. Effect of license.

(2) A license for an aircraft may authorise the vehicle for which it is granted to operate on or in a route or district therein specified or referred to or on or in any route or district other than the route or district, if any, specified or referred to in the license.

(3) Any authority as mentioned in subsection one or subsection two of this section contained in or attached to a license shall be a condition of the license, and any person who commits a breach of such condition shall be guilty of an offence against this Act.

16. (1) A license shall not be issued under this Act for a public motor vehicle other than an aircraft, unless it is registered under the Motor Traffic Act, 1909-1930, or the Transport Act, 1930. Registration of license.

(2) A license issued for a public motor vehicle other than an aircraft, shall be for a period expiring on the date upon which the current registration of the vehicle under the Motor Traffic Act, 1909-1930, or the Transport Act, 1930, expires. Duration of license.

(3) A license issued under this Act for an aircraft shall expire on the anniversary of the date upon which it is issued.

(4) The provisions of this section shall apply in respect of renewals of licenses for public motor vehicles. The license shall expire on the anniversary of the date upon which it is issued.

(5)

No. 32, 1931.

(5) Notwithstanding anything in this Act a license for a public motor vehicle may be surrendered with the consent of the board.

(6) Where any such license is surrendered the board may, if it thinks fit, refund the whole or portion of the fee paid in respect of the license.

Certain con-
ditions of
license.

17. (1) Every license under this Act shall be subject to the performance and observance by the licensee of the provisions of this Act and the regulations that may relate to the license or to the public motor vehicle in respect of which it is issued, and of the provisions contained in or attaching to the license, and all such provisions shall be conditions of the license.

(2) The regulations may prescribe, or the board may determine in respect of any particular license, or of any class of licenses relating to any area, route, road, or district, or of any other class of licenses whatsoever, or generally what terms and conditions shall be applicable to or with respect to a license, including (but without in any way limiting the generality of the foregoing)—

(a) the fares, freights, or charges, or the maximum or minimum fares, freights, or charges to be made in respect of any services to be provided by means of the public motor vehicle referred to in the license;

(b) the use of such public motor vehicle as to whether passengers only or goods only or goods of a specified class or description only shall be thereby conveyed, and as to the circumstances in which such conveyance may be made or may not be made (including the limiting of the number of the passengers or the quantity, weight, or bulk of the goods that may be carried on the vehicle).

(3) In dealing with an application for a license the board shall consider all such matters as they may think necessary or desirable, and in particular (where applicable) shall have regard to—

(a) the suitability of the route or road on which a service may be provided under the license;

(b) the extent, if any, to which the needs of the proposed areas or districts, or any of them, are already adequately served;

(c)

- (c) the extent to which the proposed service is necessary or desirable in the public interest;
- (d) the needs of the district, area, or locality as a whole in relation to traffic, the elimination of unnecessary services, and the co-ordination of all forms of transport, including transport by rail or tram;
- (e) the condition of the roads to be traversed with regard to their capacity to carry proposed public vehicular traffic without unreasonable damage to such roads;
- (f) the suitability and fitness of applicant to hold the license applied for;
- (g) the construction and equipment of the vehicle and its fitness and suitability for a license:

Provided that a registration of aircraft under any Act of the Commonwealth or a registration of any motor vehicle other than aircraft under any other Act of the State may be accepted as sufficient evidence of suitability and fitness of the vehicle.

(1) The board shall have power to grant or refuse any application of any person for a license or in respect of any vehicle or of any area, route, road, or district.

(5) If the holder of any license of a public motor vehicle under this Act, or the owner of any public motor vehicle so licensed, fails to comply with or observe any of the terms or conditions of or attaching to such license he shall be guilty of an offence against this Act.

18. (1) Unless exempted by the Act or the regulations the holder of every license for a public motor vehicle under this Act shall in the prescribed manner—

- (a) keep the prescribed books and records in respect of the passengers and goods carried and to be carried (including the prescribed records of all journeys undertaken by each vehicle);
- (b) produce such books and records to the prescribed persons;
- (c) make at and for the prescribed times returns in the forms prescribed in respect of passengers and goods carried, freight and fares earned, contracts of carriage entered into and otherwise as prescribed;
- (d)

Certain obligations in respect of public motor vehicles.

No. 32, 1931.

- (d) verify such returns as prescribed ;
- (e) issue to passengers as prescribed tickets in the prescribed form ;
- (f) issue to consignors and consignees of goods as prescribed receipts and waybills in the prescribed form.

In addition to and without impairing the liabilities under this Act of other persons to perform such obligations, the regulations may require the conductor of the vehicle, or if there is no conductor, the driver thereof, to perform in respect of such vehicle, the obligations mentioned in paragraphs (e), and (f) of this subsection or any part thereof.

Any person who commits a breach of this subsection shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

(2) Subject to this Act and to any modification of this provision made by the regulations, the weight of a public motor vehicle or of goods carried or to be carried by a public motor vehicle shall be determined at a public weighbridge approved by the board or at a weighbridge of the Railway Commissioners and the certificates of the weighing shall be produced by the holder of the license for the vehicle to the board on demand.

(3) The regulations may provide that the weight of a public motor vehicle for the purposes of any other Act may be adopted for the purposes of this Act and that the weight of goods carried by any public motor vehicle may be calculated on the basis that a stated number of goods, or a stated number of packages of or a stated bulk of, goods of a certain class or description weighs a stated amount.

Payments to
be made in
respect of
passengers.

(4) The board may, in any license for a public motor vehicle to be issued under this Act that authorises the holder to carry passengers or passengers and goods in the vehicle, impose a condition that the licensee shall pay to them (in addition to any other sums payable under the following subsection and any other provision of this Act), for each and every passenger carried by the public motor vehicle along a public street a sum not exceeding one penny for each mile or part thereof of his journey or
(where

(where that sum is less than the following sum) a sum not exceeding one penny for each section or part thereof included in his journey and for such purposes the word "section" means a part of the route of the vehicle in respect of which a separate charge may for the time being be made against a passenger.

The board may determine that the sums to be paid to it under this subsection may be less than the sums hereinbefore mentioned and may be differently ascertained in respect of different licenses.

(5) The board may, in any license for a public motor vehicle to be issued under this Act that authorises the holder to carry goods or goods and passengers in the vehicle, impose a condition that the licensee shall pay to them (and in addition to any other sums payable under the preceding subsection and any other provision of this Act) such sums as shall be ascertained as the board may determine.

Payments to
be made if
vehicle
authorised to
carry goods.

The board may determine that the sum or sums so to be paid may be differently ascertained in respect of different licenses and may be ascertained on the basis of mileage travelled as hereinafter mentioned or may be ascertained in any other method or according to any other basis or system that may be prescribed by regulation made under this Act :

Provided that if the sum or sums so to be paid are to be ascertained according to mileage travelled they shall not exceed an amount calculated at the rate of threepence per ton or part thereof of the aggregate of the weight of the vehicle unladen and of the weight of loading the vehicle is capable of carrying (whether such weight is carried or not) for each mile or part thereof travelled by the vehicle along a public street (which mileage may be ascertained for such purposes as prescribed by the regulations or as determined by the board), and if the sum or sums so to be paid to the board are not to be ascertained according to mileage travelled then the board shall repay to the persons entitled thereto any moneys received by the board under this subsection in excess of the amount that would have been payable to the board calculated on the mileage basis in the foregoing manner during the period of the license.

For

No. 82, 1931.

For the purposes of this proviso the weight of the vehicle unladen and the weight of loading the vehicle is capable of carrying shall be as mentioned in the license or as determined by the board.

(6) The sums payable to the board under subsections four and five of this section shall be paid to the prescribed persons on behalf of the board as and when prescribed by the regulations and shall constitute a debt due to and recoverable by the board from the owner of the public motor vehicle and the licensee jointly and severally.

Security for
performances
of certain
conditions.

(7) The board may in their discretion require any applicant to give reasonable security in the prescribed form for due compliance with the conditions imposed or to be imposed in or attached to the license pursuant to subsections four and five of this section, in such amount as the board may require in the particular case.

Exemptions.

(8) Where a public motor vehicle is solely operated for the conveyance of passengers and/or goods on journeys, none of which exceeds twenty miles in length, the board may on such conditions as they think fit exempt the license for the vehicle from having inserted therein the conditions mentioned in subsections four and five of this section.

For the purposes of this subsection where goods are transhipped from one public motor vehicle to another or are carried by a public motor vehicle to a receiving depot, and are carried from the place of transhipment or from such depot by a public motor vehicle, the whole journey shall be regarded as one journey and each vehicle taking part in it shall be regarded as having undertaken the whole journey.

(9) (a) Where a public motor vehicle is solely operated in the carriage of goods on a journey to the nearest practicable railway station for the purposes of the carriage by railway of such goods the board shall exempt the license for the vehicle from having inserted therein the condition mentioned in subsection five of this section.

(b) Where a public motor vehicle carrying passengers and/or goods ought not, in the opinion of the board, to be subject to the condition mentioned in subsection

subsection five of this section, by reason of the state of the roads travelled by the vehicle, or the transport facilities in the area served by the vehicle or for any other reason, the board may, on such conditions as they think fit, exempt the license for the public motor vehicle from having inserted therein the condition mentioned in the said subsection.

(10) The board may in its discretion at any time revoke any exemption granted by it under subsection eight or subsection nine of this section, and may thereupon impose in respect of the license the conditions provided for by subsections four and five of this section.

(11) Where the board at any time thinks it desirable that any of the terms, conditions, and authorities in respect of any license for a public motor vehicle should be varied during the currency thereof, or that any new term, condition or authority should be attached to any such license during its currency, they may, subject to this Act and the regulations, vary the same or attach thereto such term, condition or authority accordingly, and the terms, conditions and authorities as so varied or added to as the case may be shall thereafter be the terms, conditions and authorities of the license.

(12) Any person who commits a breach of a condition of an exemption granted by the board under subsection eight or subsection nine of this section shall be guilty of an offence against this Act.

19. (1) The board may grant exemption from the requirements to be licensed under this Act in respect of any public motor vehicle or class of public motor vehicles in such cases and under such conditions as they think fit.

Exemptions from obligation to be licensed.

(2) The board may from time to time vary or revoke any such exemption.

(3) Any person who commits a breach of any condition imposed under this section shall be guilty of an offence against this Act.

20. (1) Any person who acts as or carries on or advertises or notifies that he acts as or carries on the business of—

Agents, &c., to be licensed.

(a) an agent for a person operating a public motor vehicle; or

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(b)

No. 32, 1931.

(b) an agent in respect of the carriage of persons or goods otherwise than by a ship; or

(c) a proprietor of a receiving depot, shall unless he is the holder of a license as agent, granted by the board under this Act, be guilty of an offence against this Act.

(2) Any person desirous of obtaining a license as agent shall apply therefor in the prescribed manner.

(3) There shall be payable in respect of every such license and every renewal thereof the prescribed fee.

(4) Such license shall, unless revoked by the board, remain in force for one year.

(5) The board may in its discretion grant or refuse any application for such license.

(6) Such license shall be subject to such conditions as are prescribed by the regulations or imposed by the board, and the board may at any time revoke any license.

(7) If any person commits a breach of any of the terms or conditions of any such license he shall be guilty of an offence against this Act.

Cancellation of license.

21. (1) Any license granted under this Act in respect of a public motor vehicle may be cancelled by the board if the holder fails to comply with or observe any of the provisions of this Act or of the regulations or any of the terms, conditions, or authorities of or attaching to the license or of or attaching to any exemption granted by the board under subsection eight or nine of section eighteen.

(2) Such cancellation shall be in addition to any penalty in which such failure may by any other provision of this Act or the regulations involve the holder or any other person.

(3) The license for a public motor vehicle other than an aircraft shall determine if the license of the vehicle under the Motor Traffic Act, 1909-1930, or the Transport Act, 1930, determines.

Permits to use vehicle for carriage of passengers.

22. (1) The board may, on payment of the prescribed fees, issue permits, for such period as it thinks fit and subject to any conditions that may be prescribed or imposed by the board, permitting the carrying on a motor vehicle of persons in or over specified districts or routes.

(2)

(2) Any such permit may be revoked or varied at any time by the board. No. 32, 1931.

(3) Any person who commits a breach of any of the conditions of a permit shall be guilty of an offence against this Act.

23. (1) The board may delegate to the Commissioner of Road Transport or to the Management Board or any transport trust or to the Railway Commissioners or to the Main Roads Board or to the Commissioner of Police or to any person or authority any of its powers, duties, functions, or authorities under this Act or the regulations, and the person, corporation, or authority to whom such delegation is made may exercise and discharge the powers, duties, functions, and authorities delegated as fully and effectually as the board could have exercised and discharged the same. Delegation.

(2) A delegation may be made in respect of any particular matter or of any class of matters or generally or may be limited to any part of the State and may be made subject to or on such terms and conditions as the board thinks fit.

(3) Every delegation under this section shall be revocable at the will of the board, but no delegation shall prevent the exercise of any power, duty, function, or authority by the board.

24. Any person who at the time of the coming into force of this Act is the holder of a license for a motor vehicle under the Motor Traffic Act, 1909-1930, or the Transport Act, 1930, and who shall at any time thereafter consider himself aggrieved by any decision of the board under section twenty-one may appeal to the Transport Appeal Court established under the Transport Act, 1930. Such appeal shall be prosecuted within a period to be fixed by rules of the Transport Appeal Court. The court may award costs to any party as in its discretion it shall see fit. Appeals.

25. All amounts payable to the board under sections four and five of section eighteen and under section thirty-seven, and all fees payable in respect of licenses and permits under this Act, shall be paid into the State Transport (Co-ordination) Fund established by this Act. Payments into State Transport (Co-ordination) Fund.

State Transport (Co-ordination) Act.

No. 32, 1931.

State Transport (Co-ordination) Fund.

26. (1) There shall be kept in the Treasury a fund to be called the State Transport (Co-ordination) Fund.

(2) There shall be placed to the credit of the said fund any moneys appropriated by Parliament for the purposes of this Act, and the moneys directed by this or any other Act to be paid into such fund.

(3) All moneys in the fund shall be vested in and expended by the board in accordance with this or any other Act.

(4) The provisions of the Audit Act, 1902, as amended by subsequent Acts shall, with such modifications as may be made by regulations under this Act, apply to the fund and to the board and to all officers.

(5) Out of the said fund there shall be paid the salaries and other costs of the administration of this Act, including any contribution under any Act in respect of superannuation of any commissioner or officer.

(6) For the purposes of the co-ordination of the facilities for transportation of passengers or goods, the board, with the approval of the Minister, may make from time to time, any payments out of the said fund as subsidies in respect of any public motor vehicles used for providing feeder services to railways or tramways.

(7) The board, with the approval of the Minister, may make from time to time any payments out of the said fund to the Government Railways Fund, established under the Government Railways Act, 1912-1930, or to the general fund of any transport trust, and moneys so paid shall form part of the fund into which they are paid.

(8) Subject to this Act, the moneys in the State Transport (Co-ordination) Fund may be applied to the purposes for which they are appropriated by Parliament.

(9) Section forty-six of the Constitution Act, 1902, shall apply in respect of any such appropriation.

Goods motor vehicle not to be used for passengers.

27. Any person driving or using any motor vehicle constructed primarily for the carriage of goods, who shall carry any person therein or thereupon, or permit any person to ride therein or thereupon unless—

(a) a license granted under this Act in respect of the vehicle expressly authorises the carriage of passengers therein; or

(b)

- (b) the person so carried is—
- (i) in the employ of the owner of the vehicle and is proceeding on his master's business; or
 - (ii) a member of the family of the owner of the vehicle;
- and in either of such cases is seated on the seat by the side of the driver; or
- (c) the owner of the vehicle is the holder of a permit granted under section twenty-two of this Act, and the person so carried is carried in conformity with the permit,

shall be liable on summary conviction to a penalty not exceeding ten pounds.

28. (1) No person shall drive or operate or cause or permit to be driven or operated as a public motor vehicle any motor vehicle—

- (a) in or upon any public street or place in or upon which the license in respect thereof does not authorise it to be so operated or driven; or
- (b) with a trailer attached thereto unless the motor vehicle is licensed as a public motor vehicle and unless such trailer is licensed as a public motor vehicle and is used in conformity with the license; or
- (c) on any occasion on which the same is not authorised by the license issued in respect thereof to be so operated or driven,

except in pursuance of a permit under this Act for that purpose or under an exemption granted or declared under this Act.

(2) Any person contravening the provisions of this section shall be guilty of an offence against this Act.

29. (1) No person shall advertise or publish or cause to be advertised or published in any newspaper or otherwise cause to be exhibited or exhibit any advertisement or notice directly or indirectly—

- (a) inviting persons to become passengers; or
- (b) intimating that any persons will be carried; or
- (c) soliciting the carriage of any goods; or
- (d) intimating that any goods will be carried,

unless

No. 32, 1931.

unless either—

- (i) the person requesting or requiring the advertisement or notice is the holder of a license to operate the public motor vehicle in which the passengers or goods are to be carried, and the advertisement or notice contains the name of such holder and the number of his license ; or
- (ii) such person is the holder of a license as agent under section twenty, and the advertisement or notice contains the name of such holder and the number of his license ; or
- (iii) such person is the holder of a permit under section twenty-two or of an exemption under section nineteen of this Act, and the advertisement or notice contains the name of such holder and the number of his permit or exemption ; or
- (iv) the passengers or goods are to be carried by a vehicle other than a motor vehicle, and the advertisement or notice contains a description of the vehicle to be employed.

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

Records to be kept at goods depot.

30. (1) Unless exempted by the regulations, the owner or proprietor of any bonded store, warehouse, shop, store, or receiving depot shall record in a book in the prescribed form, to be kept by him for the purpose, full and correct particulars of all goods carried or despatched by a public motor vehicle from such bonded store, warehouse, shop, store, or receiving depot, and shall produce such book for the purposes of inspection thereof on demand by any authorised officer.

(2) Nothing in subsection one of this section shall apply to a bonded store, warehouse, shop, or store (not being a receiving depot) if all the goods are carried or despatched therefrom on journeys none of which exceeds twenty miles in length : Provided that where goods are transhipped from one public motor vehicle to another or are carried by a public motor vehicle to a bonded store, warehouse, shop, or store from which they are carried (whether immediately or ultimately),

ultimately), for the purposes of this subsection the whole journey shall be regarded as one journey, and if it exceeds twenty miles this subsection shall not apply.

No. 32, 1331.

(3) The holder of a license as agent under section twenty (not being the proprietor of a receiving depot) shall record in a book in the prescribed form to be kept by him for the purpose, full and correct particulars of all bookings by him in respect of passengers and of goods, and shall produce such book for the purposes of inspection thereof on demand by any authorised officer.

Agents to keep records of passengers and goods.

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

31. Every person who obstructs any commissioner or officer or any other person or any authority in the execution of any power, duty, or function conferred or imposed on him or them by or under this Act or the regulations shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding fifty pounds for a first offence and to a penalty not exceeding two hundred pounds for the second or any subsequent offence.

Obstructing.

32. (1) Without impairing any obligation imposed by or under any other provision of this Act or the regulations on such or any other person, any servant or other person having the custody of any book or record required by or under this Act shall—

Freight and passenger book.

- (a) make fully and correctly all the prescribed entries therein; and
- (b) produce and deliver such book or record for examination to any authorised officer.

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

33. Any person required under this Act to furnish or supply any return or information or keep any books or records who shall furnish or supply a return or information, or produce any book or record which is false in any material particular, shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

False returns.

34.

State Transport (Co-ordination) Act.

No. 32, 1931.

Failure to
make returns.**34.** Any person who fails—

- (a) to supply any return which he is required by or under this Act to supply ; or
- (b) to give any information which may be required from him under this Act,

shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

Proof as to
passengers or
goods being
carried for
hire.

35. In any proceedings for contravention of any of the provisions of this Act or of the regulations, if it is shown that any persons or goods were carried on any motor vehicle, those persons shall be deemed to have been passengers carried for hire or goods carried for hire unless the defendant satisfies the court to the contrary.

General
penalty.

36. 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 not exceeding five hundred pounds, and if the offence is a continuing offence such person shall be liable to an additional penalty not exceeding fifty pounds for every day on which the offence continues.

Payments in
respect of
vehicle not
licensed.

37. (1) If any person operates any public motor vehicle in contravention of this Act the board may impose upon him an obligation to pay to them on demand such sums as the board determines, but such sums shall not exceed the sums that could have been made payable to the board under subsections four and five of section eighteen had the person operating the vehicle been the holder of a license to operate it and had the board imposed therein the conditions provided by such subsections.

(2) This section shall not relieve such person or any other person from the penalties for the offence.

Recovery and
appropriation
of penalties.

38. (1) Any penalty incurred for breach of any provision of this Act or the regulations may be recovered in a summary manner before two justices of the peace or a stipendiary or police magistrate.

(2) An information for an offence against this Act or the regulations may be laid by any person.

(3) Any penalty imposed for the breach of any provision of this Act or of any regulation shall be paid to the credit of the State Transport (Co-ordination) Fund aforesaid.

39.

39. (1) In addition to any other remedy of the board for the recovery thereof, any amount due in respect of the condition referred to in subsection four of section eighteen or in subsection five of section eighteen or any amount due under section thirty-seven may be recovered by the board or by any person authorised by the board or by an authorised officer in a summary manner before any two justices of the peace or a stipendiary or police magistrate.

No. 32, 1931
Recovery of
amounts due.

(2) Such amounts shall be recoverable in addition to the penalties for the offence.

40. Every person who acts in contravention of any of the provisions of this Act or any regulation thereunder shall for every such contravention be guilty of an offence against this Act.

Contra-
vention of
Act.

41. Every person who aids, abets, counsels, or procures or in any way is knowingly concerned in the commission of any offence against this Act or the regulations shall be deemed to have committed the offence.

Aiders and
abettors.

42. If two or more persons are liable in respect of the same offence each of such persons shall be guilty of the offence and the liability of each of them shall be independent of the liability of the others.

Joint
offenders.

43. If any person committing any offence against this Act is a company, the managing director or other manager in New South Wales of the company who is privy to the offence shall also be liable to the like punishment.

Companies.

44. In any proceedings for an offence against this Act or the regulations, or in any proceedings by or on behalf of the board or by an authorised officer for recovery of any money payable to the board, the allegation in the information, complaint, or claim to the effect that—

Prima facie
evidence.

- (a) a vehicle is a motor vehicle or a public motor vehicle within the meaning of this Act ;
- (b) a vehicle is not licensed under this Act for operation as a public motor vehicle ;
- (c) any person is not the holder of such a license in respect of any public motor vehicle ;
- (d) a vehicle is not the subject of an exemption under section nineteen or a permit under section twenty-two ;
- (e) any person is the owner of a motor vehicle or a public motor vehicle ;
- (f)

No. 32, 1931.

- (f) any person is the holder of a license under section twenty as agent;
- (g) any person is not the holder of such a license;
- (h) any place is a receiving depot;
- (i) any place is a public street within the meaning of this Act,

shall be deemed proved in the absence of proof to the contrary.

Production of certificate.

45. In any action or proceeding, the production by or on behalf of the board, or by or on behalf of an authorised officer of a certificate under the seal of the board, that a sum therein stated is the amount payable by any person under subsection four of section eighteen or under subsection five of that section or under section thirty-seven of this Act, and that such sum has been due and payable on the date or dates stated therein, shall be prima facie evidence of the facts so certified.

Further powers of board.

46. For any of the purposes of this Act the board may—

- (a) undertake the survey in such manner as it thinks best, of any vehicle, or of any area, route, road, or district;
- (b) inquire into the necessity of any proposed service or the transport requirements of any district or part of the State;
- (c) with the approval of the Minister, hold public inquiries into any matters whatsoever.

Authorised officer.

47. (1) Any reference to an authorised officer shall be construed to include any person authorised by the board or by the secretary of the board, any member of the police force authorised by the Commissioner for Police or the Commissioner of Road Transport, any officer or servant under the control of the last-mentioned commissioner authorised by him, any employee of a transport trust authorised by the Commissioner of Road Transport, or any employee of the Railway Commissioners authorised by the Secretary for Railways or person acting as such.

(2) An authorised officer may seize any motor vehicle or any books, records, or papers in respect of which he suspects that an offence has been or is being committed by any person against this Act, and may detain the same pending investigation and legal proceedings.

48.

48. (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 or to give effect to any power, function, duty, or authority of the board under this Act.

No. 32, 1931.
Regulations.

(2) The regulations 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;
- (c) 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 one hundred pounds for any breach thereof.

(4) A regulation may—

- (a) impose a penalty for any breach thereof, and also distinct penalties in cases of successive breaches thereof but so that the total penalty shall not exceed in all one hundred pounds;
- (b) impose also a daily penalty for any continuing breach thereof but so that the total penalty shall not exceed in all one hundred pounds.

(5) A regulation may be made to apply or to have operation throughout the whole or any part of the State, may be of general or specially limited application according to time, place, or circumstances, and may be general or restricted to any specified class or subject-matter.

(6) Any regulation may confer on the board, or on any member of the police force or on any authorised officer,

No. 32, 1931.

officer, any powers or authority required or convenient for the carrying into effect of all or any of the provisions of that or any other regulation or of this Act.

(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) In pursuance of the power conferred by subsection one of this section, and without limiting the generality of that power, the Governor may make regulations in respect of the following matters:—

(a) requirements as to licenses or permits under this Act including—

- (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, renewal, suspension, cancellation, or return;
- (iv) conditions governing the granting of duplicates;
- (v) conditions applicable to special circumstances;
- (vi) the fees payable and the manner of payment thereof;
- (vii) matters relating to transfers and so that no license or permit shall be transferable except in accordance with such regulations;

(b) the fixing, publication, or collection of fares, freights, or charges, and/or maximum and/or minimum fares, freights, or charges in respect of the carriage of passengers or goods by public motor vehicles and the imposition of penalties for breaches of such regulations;

(c) the duties, powers, and conduct of any person whomsoever upon or in relation to a public motor vehicle or in relation to the books, records, and other papers required by or under this Act;

(d)

- (d) providing for distinguishing words, letters, numbers, colours, or marks being or not being placed on or affixed to motor vehicles;
- (e) providing for the weighing on demand of any goods conveyed or tendered for conveyance on a public motor vehicle, and the furnishing of particulars of such goods together with their relative weights when required by any authorised officer;
- (f) providing for the inspection by an authorised officer of any books, records, tickets, bills, forms, and papers whether used or unused;
- (g) providing for the furnishing of information, books, documents, and evidence to the board or to an authorised officer;
- (h) providing for the admission, in any legal proceeding, as evidence by or on behalf of the board or an authorised officer, of any books, records, papers, evidence, or returns required to be kept or furnished by any person by or under this Act;
- (i) providing for inspection of and entry upon or in any public motor vehicle, building, or place by an authorised officer;
- (j) regulating the procedure to be followed in respect of any public inquiry by the board;
- (k) for the purpose of carrying out and giving effect to the Convention for the Regulation of Aerial Navigation, signed in Paris on the thirteenth day of October, one thousand nine hundred and nineteen, and the provisions of any amendment of such convention made under Article thirty-four thereof, and for the purpose of providing for the control of air navigation.

49. The provisions of the Schedule to this Act shall be deemed and taken to have the same force and effect as if contained herein. The Schedule incorporated.

50. The board shall make an annual report of their proceedings to the Minister which shall be laid before Parliament. Report.

No. 32, 1931.

THE SCHEDULE.

Sec. 49.

BUSINESS AND RULES.

- Quorum. 1. (1) The Chief Commissioner or any two of the other commissioners shall form a quorum of the board and shall have and may exercise and perform the powers, authorities, functions, and duties which by any Act or means whatsoever are vested in or imposed upon the board.
- Validity of proceedings and acts. (2) No proceeding or act of the board shall be invalidated or illegal in consequence only of there being any vacancy in the number of commissioners at the time of such proceeding or act.
- Chief Commissioner to preside at meetings. 2. (1) At any meeting of the board the Chief Commissioner, if present, shall preside.
- Senior Commissioner in absence of Chief Commissioner. (2) When the Chief Commissioner is not present at any meeting, the commissioner who is the senior by virtue of his appointment shall preside at such meeting.
- (3) The commissioner presiding at a meeting shall, in the event of an equal division of votes thereat, have a second or casting vote.
- Casting vote. (4) At any meeting of the board at which all the commissioners are present, the decision of a majority of the commissioners shall be the decision of the board, and if the commissioners are equally divided the Chief Commissioner shall have a casting vote as aforesaid and the matter shall be determined accordingly.
- Minutes. 3. The board shall keep minutes of all their proceedings in such manner and form as the Governor directs.
- Minister to have reports, &c., from the board. 4. The board shall furnish the Minister with—
- (a) all such reports, documents, papers, and minutes as are required by Parliament pursuant to any Act or pursuant to any order of either House of Parliament; and
 - (b) full information on all business of the board which the Minister may require.

CONTRACTS.

- Mode of determining disputes, &c. 5. Every contract made by the board may, if they so think fit, specify the person to whose satisfaction the same is to be completed and the mode of determining any dispute which arises concerning or in consequence of such contract.
- Mode of entering into contracts. 6. The powers granted to the board to make contracts may be exercised as follows:—
- Any contract which if made between private persons would be by law required to be in writing and under seal the board may make in writing in their corporate name under their common seal, and in the same manner may vary or discharge the same.
- Any contract which if made between private persons would be by law required to be in writing and signed by the parties thereto the board may make in writing in their corporate name to be signed by the Chief Commissioner or by any two of the other commissioners, and in like manner may vary or discharge the same.

Any

Any contract which if made between private persons would be by law valid, although made by parol only and not reduced into writing, the commissioners or the Chief Commissioner or any two of the other commissioners on behalf of the board may make by parol only without writing, and in like manner may vary or discharge the same. No. 32, 1931.

7. Subject to this Act, all contracts so made and (where written) duly executed by the parties thereto respectively shall be effectual in law and binding on the board and all other parties thereto, their successors, heirs, executors, or administrators (as the case may be). In case of default in the execution of any such contract either by the board or by any other party thereto, such actions or suits may be instituted either by or against the board in their corporate name or by or against the other parties failing in the execution thereof and such damages and costs recovered as might be instituted and recovered had the like contract been made between private persons. Effect of contracts, &c.

8. No contract made by the board the consideration for which exceeds one thousand pounds or the performance of which may extend over a period exceeding one year shall have any force or effect unless sanctioned by the Governor. Sanction of Governor for certain contracts.

9. The board may compound and agree with any person who has entered into any contract with them, 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 recompense as the board think proper. Power to compound for breach of contracts.

LEGAL PROCEEDINGS, EVIDENCE, &c.

10. All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the board affixed to any deed or instrument, and shall presume that such seal was properly affixed thereto. Judicial notice of common seal.

11. Any notice, summons, writ, or other proceeding required to be served upon the board may be served by being given personally to the secretary at the office of the board. Service of notices and legal proceedings.

12. Every notice, order, summons, or other document requiring authentication by the board may be sufficiently authenticated without the seal of the board if signed by the secretary. Documents how authenticated.

13. The board may order either generally or in any particular case that proceedings may be taken for the recovery of any money payable to them or for the recovery of any penalties incurred under or for the punishment of any persons offending against this Act or under or against any regulation. Power to direct prosecutions.

14. In all proceedings before any court of petty sessions any officer of the board appointed by the Chief Commissioner in writing under his hand for that purpose may represent the board or any authorised officer in all respects as though such officer was the party concerned. Power of officer to represent commissioners in petty sessions.

No. 32, 1931.

Proof of certain matters not required.

15. (1) In any prosecution or legal proceeding by or under the direction or authority of the board or by an authorised officer no proof shall be required (until evidence is given to the contrary) of--

- (a) the constitution of the board ;
- (b) any order of the board ;
- (c) the particular or general appointment of the secretary or any other officer of the board or of an authorised officer to take proceedings against any person ;
- (d) the powers of the said secretary or other officer to prosecute or take proceedings ;
- (e) the appointment of the Chief Commissioner or of any commissioner or of the secretary or other officer of the board, or of an authorised officer ; or
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the board.

Evidence of regulations, &c.

(2) The production of--

- (a) a copy of the Gazette containing any regulation, rule, order, or notice purporting to have been made or given under any of the provisions of this Act or the regulations, or
- (b) a copy purporting to be a true copy of any such regulation, rule, order, or notice certified as such under the hand of the secretary of the board

shall be evidence until the contrary is proved of the due making existence, confirmation, approval, and giving of such regulation, rule, order, or notice, and of all preliminary steps necessary to give full force and effect to the same.

Evidence of documents issued by the commissioners.

16. All documents whatever purporting to be issued or written by or under the direction of the board, and purporting to be signed by the secretary, shall be received as evidence in all courts and before all persons acting judicially within New South Wales, and shall without proof be deemed to have been issued or written by or under the direction of the board until the contrary is shown.

Protection of commissioners, officers, &c.

17. No matter or thing done by any commissioner or by any officer or other person appointed or employed by the board or by an authorised officer if done bona fide in the exercise of his powers or in the performance of his duties under this or any other Act shall subject such commissioner, officer, or other person to any personal liability in respect thereof.

Powers of the commissioners in conducting investigations.

18. The board for the purposes of any appeal or proceedings for the settlement of questions, differences, or disputes under this Act or of conducting any investigation or inquiry authorised to be made by or under this Act shall have all the powers and immunities of a commissioner, and the Chief Commissioner or the senior of the other commissioners 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 board.

DESERTED