

Act No. 23, 1899.

An Act to consolidate the Acts for the Regulation of Public Vehicles in the City and Police District of Sydney. [23rd November, 1899.]

PUBLIC VEHICLES.

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

PART I.

Preliminary.

1. This Act may be cited as the "Public Vehicles Act, 1899," Short title. and is divided into Parts as follows:—

PART I.—*Preliminary.*—ss. 1-4.

PART II.—*Constitution and election of commissioners.*—ss. 5-16.

PART III.—*Powers of the commissioners.*—ss. 17-23.

PART IV.—*General provisions.*—ss. 24-30.

PART V.—*Penalties.*—ss. 31-34.

2. The Acts mentioned in the First Schedule are to the extent therein expressed hereby repealed.

3. (1) All commissioners, officers, and persons appointed or elected under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall remain in office as if this Act had been in force at the time they were appointed or elected and they had been appointed or elected hereunder, and this Act shall apply to them accordingly.

(2) All regulations and by-laws made, and all licenses granted, under the authority of the Acts hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made or granted under the authority of this Act; and references in any such regulations and by-laws to the provisions of any Act hereby repealed shall be construed as references to the corresponding provisions of this Act.

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

"Commissioners" means the Metropolitan Transit Commissioners hereinafter mentioned:

"Council clerk" includes a person acting as such:

"Public

Interpretation.
36 Vic. No. 14, s. 3.

Persons elected or appointed under repealed Acts.

By-laws and licenses under repealed Acts.

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“Public vehicles” includes any stage-carriage or omnibus as defined by any by-law under this Act, and every hackney-carriage, coach, car, cab or other vehicle plying for hire in any public street, and every wain waggon, cart, van or dray plying for hire and drawn by one or more horses or other animals:

50 Vic. No. 14, s. 1.

“Prescribed” means prescribed by by-laws under this Act:

“License” means a license under this Act and includes a renewal of a license.

PART II.

Constitution and election of commissioners.

Four commissioners.

36 Vic. No. 14, s. 4.

50 Vic. No. 14, s. 2.

5. The provisions of this Act shall be carried out by a board of four commissioners, consisting of the mayor of Sydney and the inspector general of police, who shall be commissioners by virtue of their respective offices, and a municipal commissioner and a licensees' commissioner, who shall be elected as hereinafter directed.

Incorporation.

36 Vic. No. 14, s. 5.

6. The said board of commissioners shall be a body corporate by the name or style of the “Metropolitan Transit Commissioners,” and shall by that name have perpetual succession and a common seal, and may enter into contracts and sue and be sued in all Courts whatsoever, and exercise all such corporate functions and do and suffer all such acts and things as are by law incident to a body corporate.

Term of office.

Ibid. s. 7.

7. The elected commissioners shall hold office till the next annual elections only, but shall be eligible for re-election.

Chairman.

Ibid. s. 6.

50 Vic. No. 14, s. 4.

54 Vic. No. 18, s. 10.

8. (1) The mayor of Sydney shall be the chairman at meetings of the said board of commissioners, but, in his absence or other disability, the municipal commissioner shall act as chairman.

Quorum and casting vote.

(2) Three commissioners shall form a quorum, and in case of an equality of votes the chairman at any meetings shall have a casting vote besides his original vote.

Commissioners' roll.

54 Vic. No. 18, s. 5.

9. A roll, hereinafter called the commissioners' roll, shall be made in the manner following:—

(a) The council clerk of every borough and municipal district within the police district of Sydney shall deliver to the registrar, on or before the fourteenth day of March in each year, a correct list of the names and addresses of the aldermen of such borough or municipal district, and shall certify such list to be correct.

(b) The registrar shall, on or before the fourteenth day of March in each year, make and sign the commissioners' roll from the names of the aldermen contained in the lists delivered as aforesaid.

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10. (1) A roll, hereinafter called the licensees' roll, shall be made up by the registrar from the names of the persons who have taken out licenses on or before the first day of March in each year, and whose licenses are valid and unexpired. Licensees' roll. 54 Vic. No. 18, ss. 3, 6.

(2) The registrar shall complete and sign the licensees' roll on or before the fourteenth day of March in each year.

11. (1) The municipal commissioner and licensees' commissioner shall be elected at elections held on or before the fourteenth day of April in each year. Elections. Ibid. s. 6.

(2) The aldermen named on the commissioners' roll, and no others, shall be entitled to vote at elections of a municipal commissioner. Ibid. s. 4.

(3) The licensees named in the licensees' roll whose licenses are not at the time of voting suspended for misconduct or other cause, and no others, shall be entitled to vote at elections of a licensees' commissioner.

12. In the event of an extraordinary election of a municipal commissioner the name of any alderman elected after the fourteenth day of March preceding shall be added to the commissioners' roll upon the production by such alderman to the registrar of a certificate from the council clerk that such alderman has been so elected; but no alderman named on such roll shall be entitled to vote if he has ceased to hold office before such extraordinary election. Extraordinary election of a municipal commissioner. Ibid. s. 5.

13. (1) The mayor of Sydney for the time being shall be the presiding officer at every election. Presiding officer. 36 Vic. No. 14, s. 9.

(2) The said mayor may by writing under his hand nominate any person as his deputy to exercise at any election all powers and authorities which he himself could exercise. Deputy. 54 Vic. No. 18, s. 8.

(3) The said mayor shall by writing under his hand certify to the Colonial Secretary and to the registrar the result of every election. Result to be certified. 36 Vic. No. 14, ss. 8, 9.

14. (1) The said mayor shall upon the occurrence of any extraordinary vacancy by the death, resignation, or lunacy of any elected commissioner, or by his continued absence for more than three months from the meetings of the commissioners, appoint a day for the holding of an election to supply such vacancy, and such day shall be within fourteen days of the occurrence of such vacancy. Extraordinary vacancies. Ibid. s. 9.

(2) If such vacancy is in the office of municipal commissioner, notice thereof shall within forty-eight hours be sent to the council of every borough and municipal district situate wholly or in part within the police district of Sydney. Ibid.

(3) The provisions of this Act relating to ordinary elections shall apply and extend to elections under this section. Ibid.

15. The mode of voting at every election of commissioners shall be by ballot. Every such election shall be conducted in accordance with the rules contained in the Second Schedule, and such rules shall be of the same force and effect as if they had been embodied in this Act. Mode of voting and conduct of election. 54 Vic. No. 18, s. 7.

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Governor may
appoint in default of
election.

36 Vic. No. 14, s. 10.
50 Vic. No. 14, s. 2.

16. If from any cause whatever the aldermen or licensees fail to elect a commissioner for any vacancy, the Governor may appoint a commissioner, who shall, upon such appointment, hold office and possess and exercise the same powers and be subject to the same obligations, and to whom the provisions of this Act shall apply, as if he had been elected under this Act.

PART III.

Powers of the commissioners.

Appointment of office
and officers.

36 Vic. No. 14, s. 13.
50 Vic. No. 14, s. 8.

17. The commissioners may appoint and occupy as the Metropolitan Transit Office such convenient and central premises in Sydney as they may select, and may appoint a registrar, inspector, timekeepers, clerks, and such other officers and servants as they may deem requisite for the effective administration of this Act, and may define the duties to be performed by, and fix and determine the salary or other remuneration to be paid to, any person so appointed.

Meetings of
commissioners.

36 Vic. No. 14, s. 14.

18. (1) The ordinary meetings of the commissioners shall be held at the Metropolitan Transit Office at weekly intervals, at such hours as they shall appoint, and of which public notice shall be given by the registrar, and, in cases of urgency, the commissioners may meet for the conduct of business at any hour and day of which at least twenty-four hours' notice in writing shall have been given by the registrar to each commissioner.

Notice of meeting.

Ibid.

(2) Notice of any extraordinary meeting shall be deemed to have been duly given if it has been delivered personally to a commissioner, or transmitted to his usual place of abode or business at least twenty-four hours before the time appointed for holding such meeting.

Power to make
by-laws.

Ibid. s. 15.

19. (1) The commissioners may make by-laws regulating the mode of licensing and controlling public vehicles, and the drivers and conductors thereof, and for appointing and regulating public stands for the same within the Police District of Sydney, but no license fees under this Act shall exceed the sums specified in the Third Schedule.

Confirmation.

Ibid.

(2) Such by-laws shall have the force of law when confirmed by the Governor and published in the Gazette, but not sooner or otherwise.

To be laid before
Parliament.

Ibid.

(3) All by-laws, and all alterations and repeals of by-laws made hereunder shall, within fourteen days of the confirmation thereof by the Governor, be laid before both Houses of Parliament if then in session, and if not, then within the first fourteen days of the next session.

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- 20.** The commissioners may in such by-laws—
- (1) fix and appoint—
 - (a) the hours within which owners, drivers, and conductors respectively shall exercise their calling;
 - (b) the ages at which drivers and conductors may be employed;
 - (c) the badges, if any, or clothing, or uniform to be worn by such drivers or conductors;
 - (d) the number, description, equipment, furniture, and gear of public vehicles;
 - (e) the number of persons to be carried in public vehicles;
 - (f) the size and dimensions of stage-carriages, omnibuses, and cars;
 - (g) the number and position of public stands;
 - (h) the amount to be paid for fares for time or distance for the use of such vehicles; and
 - (i) the safe custody of any property which may be left in such vehicles; and
 - (2) prescribe the punishment of any misconduct of the drivers, and conductors, and other persons attending to or managing such vehicles, whether by demanding or receiving more than the authorised fares or otherwise, or for not performing stated journeys in the appointed time; and
 - (3) regulate all other matters and things connected with the good government and regulation of vehicles plying for hire as hereinbefore mentioned.

Subject-matter of by-laws.
36 Vic. No. 14, s. 16.

- 21.** (1) The commissioners may in and by such by-laws fix the amount of fines and penalties to be imposed—
- (a) on the owners, drivers, and conductors of public vehicles plying for hire for demanding or receiving more than the authorised fare or otherwise; and
 - (b) on persons hiring such vehicles for fraudulently evading the payment of such fares; and
 - (c) for the breach of any other by-law which the commissioners may make in respect of such vehicles, or the owners, drivers, conductors, and managers of such vehicles.

Penalties in by-laws.
Ibid. s. 17.

(2) No such penalty for any one offence shall exceed the sum of ten pounds.

Maximum penalty.
Ibid.

- 22.** (1) The commissioners may also make by-laws providing for the sale after the prescribed notice, and subject to the prescribed conditions, of any unclaimed articles found in public vehicles.

Power to sell unclaimed articles.
50 Vic. No. 14, s. 6.

(2) No such sale shall take place until after the expiration of three months from the time of the finding of such unclaimed articles.

(3) The proceeds of any such sale shall be carried to the credit of the Metropolitan Transit Fund.

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Power to deal with
licenses.
50 Vic. No. 14, s. 5.

23. The commissioners may suspend or cancel any license granted under this Act or the Acts hereby repealed, if in their opinion the conduct of the licensee has been such as to render him unfit to hold such license and ply under it. Every person whose license is so suspended or cancelled, shall for all purposes of this Act and the by-laws hereunder, be deemed to be an unlicensed person.

PART IV.

General provisions.

Registrar to receive
fines and income.
36 Vic. No. 14, s. 23.

24. (1) All fines and penalties recovered or received under this Act or any by-law made hereunder, and all sums of money received for licensing public vehicles, and all other income from whatever source arising shall be paid to the registrar.

Registrar to keep
accounts.
Ibid. ss. 18, 23.

(2) The registrar shall, in books to be kept for that purpose and in such manner as the commissioners direct, enter true accounts of all moneys received and paid, and keep separate accounts of the moneys received on account of omnibuses and other vehicles on each line of road, and on account of hackney-carriages and cabs, and on account of drays and vans licensed to ply for hire within the city of Sydney or its suburbs respectively.

Inspection and audit.
Ibid. s. 18.

(3) Such books shall at all times be open to the inspection of the commissioners, and all accounts, with all vouchers and papers relating thereto shall, in January in every year, be submitted to the inspection of the city auditors for the purpose of being examined and audited for the preceding year ending on the thirty-first day of December.

Certificate.
Ibid.

(4) If the said accounts are found correct the auditors shall sign the same and certify to their correctness. The auditors shall receive for their services the sum of five pounds.

Abstract of accounts.
Ibid.

(5) After the said accounts have been so examined the registrar shall make out in writing, and submit to the commissioners, a full abstract of his accounts for such preceding year, in such form as the commissioners direct, and the commissioners shall forthwith cause the same to be printed. A copy of such abstract shall be open to the inspection of all persons, and copies thereof shall be delivered to all persons applying for the same on payment of one shilling for each copy, and a copy of the said abstract shall, in February in every year, be published in the Gazette.

Payment of salaries
and accounts.
Ibid. s. 19.

25. All salaries shall be paid in regular monthly instalments on the first Monday of each month, and all accounts for work performed for, and articles supplied to, the commissioners in carrying
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into effect the provisions of this Act, on being duly certified by the proper officer and passed by the commissioners at any duly convened meeting, shall be forthwith paid by the registrar on an order signed by two or more of the commissioners.

26. All moneys received by the registrar on account of the commissioners shall be lodged, as soon as practicable, to the credit of the commissioners in an account to be called "The Metropolitan Transit Fund," in some bank in Sydney to be selected by the commissioners, and all payments made on account of the commissioners shall be by cheques on the said bank signed by the registrar and two or more of the commissioners.

Receipts and
payments.
36 Vic. No. 14, s. 20.

27. The commissioners shall apply the moneys received under this Act in the payment of all authorised expenses and charges incurred in carrying into effect the provisions of this Act, and may apply any unexpended balance remaining to the credit of the Metropolitan Transit Fund at the end of the month of December in any year, after they have defrayed all current expenditure for the year, in the construction or improvement of waiting-rooms, shelter-sheds, or places of convenience, in cleaning stands, and any conveniences connected therewith, or for any purpose which the commissioners may consider desirable in connection with the improvement and regulation of public vehicles, or stands, or the public convenience.

Application of
moneys.
Ibid. s. 21.
50 Vic. No. 14, s. 7.

28. The commissioners shall each be entitled to receive out of the metropolitan transit fund for each attendance at a duly convened meeting of the board the sum of two pounds, but no commissioner shall be remunerated for more than one meeting in any one week.

Remuneration of
commissioners.
36 Vic. No. 14, s. 12.
50 Vic. No. 14, s. 2.

29. No person shall place, or allow to remain, on any vehicle in use, or plying for hire, any distinguishing number as required by any by-law under this Act, unless he is at the time the holder of a license to ply such vehicle.

Penalty for placing
distinguishing
number on unlicensed
vehicle.
Ibid. s. 9.

30. No owner of any licensed vehicle shall allow the same to be plied or driven for hire by any person except a servant of such owner.

Driver of public
vehicle.
54 Vic. No. 18, s. 9.

PART V.

Penalties.

31. Any mayor, or the registrar, or any city auditor who is guilty of any wilful act of commission or omission contrary to any of the provisions of this Act shall be liable for every such offence to a penalty not exceeding one hundred pounds.

Penalty for wilful
Act.
36 Vic. No. 14, s. 11

32. Any council clerk neglecting to deliver to the registrar the certified list mentioned in section nine on or before the said fourteenth day of March, or furnishing an incorrect list, shall be liable to a penalty not exceeding ten pounds.

Penalty under
section 9.
54 Vic. No. 18,

33.

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General penalty.

50 Vic. No. 14, s. 9.

54 Vic. No. 18, s. 11.

Recovery of penalties.

36 Vic. No. 14, s. 22.

33. Any person who is guilty of any act contrary to any of the provisions of this Act shall, unless any other penalty is specified, be liable to a penalty not exceeding ten pounds.

34. All fines and penalties incurred under this Act or under any by-laws hereunder may be recovered in a summary way before any two justices according to the provisions of the Acts in force for the time being regulating summary proceedings before justices.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
36 Vic. No. 14 ...	Public Vehicles Regulation Act of 1873 ...	The whole.
50 Vic. No. 14 ...	Public Vehicles Regulation Act Amendment Act of 1886.	The whole.
54 Vic. No. 18 ...	Public Vehicles Regulation Act Amendment Act of 1890.	The whole.

Section 15.

SECOND SCHEDULE.

Rules for the conduct of elections.

1. Every candidate must, at least ten days before the day of election, be nominated in writing by at least two qualified voters, and such writing must be delivered to the presiding officer or the registrar at the Metropolitan Transit Office within the like period of ten days.

2. The place or places, and time for holding the election, shall be notified by the presiding officer in some newspaper published in Sydney, and also in the Gazette, at least seven days before the day of election.

3. If only one candidate is nominated, the presiding officer shall declare him elected; but if more than one candidate is nominated, the presiding officer shall notify in some newspaper published in Sydney and in the Gazette the names of the candidates, the day of taking the poll, and the polling-place or polling-places, but any candidate may any time before the polling-day withdraw his candidature.

4. The voting shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day.

5. The presiding officer may appoint such polling-clerks as may be required for taking the poll, and may make and enforce all necessary regulations, and provide proper and convenient rooms or booths for polling.

6. Every candidate, or in his absence any one of the voters by whom he has been nominated, may appoint one person at each polling-place to be scrutineer.

7. The presiding officer shall have power and authority to maintain and enforce order and keep the peace at the election or polling held by him, and for that purpose and without any other authority to cause to be arrested and taken before a justice any person reasonably suspected of knowingly and wilfully making a false answer to any of the questions hereinafter mentioned, or of personating or attempting to personate any voter, or of attempting unlawfully to vote more than once, or wilfully entering or remaining in a polling-room or compartment, or who shall cause a disturbance. Also to cause

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cause any person to be removed who shall obstruct the approaches to any polling-room, or shall conduct himself in a disorderly manner. And all constables and peace officers shall aid and assist such presiding officer in the performance of his duties.

8. At every polling-place there shall be provided and set apart a separate ballot-room or compartment, into or in which no person may enter or remain except voters while preparing their ballot-papers as hereinafter provided, but no longer, and the polling-clerk shall cause pencils, or pens ink, and blotting-paper to be placed in the said room or compartment.

9. Before and in time for each and every election by ballot, each presiding officer shall cause to be printed or written a sufficient number of ballot-papers, to be initialled by him on the back thereof, which shall be available at each polling-place.

10. At the election of a municipal commissioner and licensees' commissioner the presiding officer or officers shall provide for each polling-place separate ballot-boxes, the fronts of which shall be of glass, and on the top of which there shall be an opening sufficient to receive the ballot-papers folded as hereinafter mentioned. And such box being previously locked by each presiding officer with a key which shall be kept by himself, and of which it shall be unlawful for any other person to possess a counterpart, shall be placed on a table before each presiding officer. And every voter, on applying in person, shall receive one of the ballot-papers signed as aforesaid, and shall in the ballot-room aforesaid, without leaving the same, strike through the names of all persons named in such ballot-paper, except the name of the person for whom he intends to vote, and shall then fold up the paper so as to conceal the interior, and shall then return to the polling-table, and there openly in the presence of the presiding officer, poll-clerk, and scrutineers deposit such ballot-paper in the ballot-box: Provided that in the case of any elector who is blind, or cannot read, the presiding officer shall, in the presence of such scrutineers as may then be in attendance, strike through upon such ballot-paper the names of all persons so nominated except such as the voter shall declare his intention of voting for: Provided also that before any ballot-paper shall be deposited in the box the presiding officer or poll-clerk shall, upon a certified copy of the roll, write his initials against the name of the person then voting, which initial shall be prima facie evidence of the identity of such voter with the person whose name shall be so initialled on such roll, and of the fact of his having voted at such election.

11. If any voter shall on his ballot-paper leave any two names not struck out, the vote given on and by such paper shall be void and of no effect.

12. The presiding officer shall give a vote only in the case of any two or more candidates polling an equal number of votes, and in that case he shall declare in writing which candidate shall be declared elected.

13. No inquiry shall be permitted to be put to any person applying to vote, except by the presiding officer at the request of a scrutineer, and such inquiry shall be limited to the questions following:—

- (1) Are you the person whose name appears as A.B., number —, in the "Licensees'" or "Municipal" Roll (as the case may be)?
- (2) Are you still an alderman or a licensee (as the case may be)?
- (3) Have you already voted at the present election?

No person who shall refuse to answer the first and second of such questions in the affirmative, and the third in the negative, shall be permitted to vote. And all persons making false answers to such questions, or to either of them, shall be deemed guilty of perjury, and shall be dealt with accordingly.

14. The presiding officer, or one of his deputies, shall, immediately on the close of the poll, in the presence of the scrutineers, open the ballot-boxes and examine the voting-papers, and thereby ascertain the result of the election, and he shall then publicly announce the state of the poll: Provided that if it shall be found impossible to examine the ballot-papers and ascertain the result of the election on the same day that the poll has been taken, he may adjourn such examination until some hour on the next following day. And such ballot-boxes and sealed up documents shall remain until the time of such examination in the custody of the presiding officer, or in such custody as he may appoint.

Stage-carriages.

Section 19.

THIRD SCHEDULE.

Licenses.

Proprietors of	On and after	On and after	On and after	On and after
	1st January in each year.	1st April in each year.	1st July in each year.	1st October in each year.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Omnibuses . . . each	6 0 0	4 10 0	3 0 0	1 10 0
Omnibus Cars . . . „	5 0 0	3 15 0	2 10 0	1 5 0
Cars „	4 0 0	3 0 0	2 0 0	1 0 0
Hackney Carriages . . . „	3 0 0	2 5 0	1 10 0	0 15 0
Cabs „	2 0 0	1 0 0	0 15 0
Drays, Carts, and Vans „	2 0 0	1 0 0
Drivers „		Yearly 10/-		
Conductors „		Yearly 5/-		