

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1931.

A BILL

To provide for the co-ordination of means of and facilities for locomotion and transport within the State; 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.

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 :—

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

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.

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

“Area” has the meaning ascribed thereto in the Local Government Act, 1919, and includes the city of Sydney.

“Board” means the State Transport (Co-ordination) Commission appointed under this Act.

“Commissioner” means a State Transport (Co-ordination) Commissioner appointed under this Act.

“Court” means a court of petty sessions holden before a stipendiary or police magistrate.

“Driver” means any person engaged or employed to drive.

“Goods” includes livestock.

“License” means a license granted pursuant to this Act in respect of a vehicle used for the conveyance of passengers or goods.

“Licensed” means licensed under this Act or the regulations made thereunder.

“Magistrate” means stipendiary or police magistrate.

“Officer” means any officer, clerk, servant, or other person employed or appointed by the board, and includes a member of the police force when acting in pursuance of powers conferred upon him by or under this Act.

“Operate” means carry passengers or goods for hire or reward or in the course of trade.

“Owner” when used with reference to a public vehicle includes every person who is the owner, joint owner, or part owner of the vehicle, and any person who has the use of the vehicle under a hire-purchase agreement.

“Prescribed” means prescribed by this Act or the regulations.

“Public

- “Public vehicle” means vehicle plying or standing in a public street for hire or used or let for the conveyance for hire or for any consideration of passengers or of goods, and include air craft which carry passengers or goods for hire or consideration either on a regular service or route or otherwise.
- “Public motor vehicle” means any public vehicle propelled by mechanical means, and includes a tractor or trailer, but does not include a vehicle used on a railway or tramway.
- “Public Service” means the service under the Crown regulated by or under the provisions of the Public Service Act, 1902, as amended by subsequent Acts.
- “Public streets” means any street, road, lane, thoroughfare, 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 depot where parcels, goods, merchandise, or things are received for carriage or conveyance.
- “Regulations” means regulations made under this Act.
- “Vehicle” includes any description of vehicle upon wheels however drawn or propelled, and includes aircraft, but does not include a vehicle used on a railway or tramway.

(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.

4. (1) The Governor shall appoint a board of three commissioners for the purposes of the improvement and State
Transport
Co-ordination
Board.

and co-ordination of means of and facilities for locomotion and transport and subject to the control of the Minister for the carrying into effect of the objects and purposes of this Act.

Subject to this Act a commissioner shall hold office for the term for which he is appointed; but no person shall be appointed for a term exceeding seven years upon one appointment, but any commissioner appointed shall be eligible for reappointment for a further term not exceeding seven years.

The Governor may terminate the office of a commissioner at any time after the enactment of any law which vests the administrative duties of the Railway Commissioners, the Transport Trusts, and the Main Roads Board of New South Wales in one corporate body.

The salaries and allowances of the commissioners shall be fixed by the Governor and be payable out of the State Transport (Co-ordination) Fund.

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

(2) 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.

(3) One of the commissioners shall by his commission be appointed Chief Commissioner, and the others shall rank in seniority in accordance with the terms of their commissions.

(4) In case of the illness, suspension, or absence of a 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.

(5)

(5) 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.

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

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

(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 member ought to be removed from office, and if each House of Parliament within the said time does so declare, the said member shall be removed by the Governor accordingly.

(7) 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) absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor, or becomes incapable of performing his duties;

(d) resigns his office, by writing under his hand, addressed to the Governor.

(8)

(8) 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 service of the Railway Commissioners, as the case may be, not lower in classification and salary than that which he held at the date of his appointment as commissioner.

(9) 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 of the Public Service or the Railway Commissioners appointed a commissioner under this Act.

(10) Any officer of the Public Service or the New South Wales Government Railways so appointed shall continue to contribute to any fund or account, and shall be entitled to receive any deferred and extended leave, payment, pension, or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, the Superannuation Act, 1916-1930, or the Government Railways Acts, 1912-1930, as the case may be.

5. (1) The Minister may authorise the transfer of **Officers.** any officers and servants in the employ of the Railway Commissioners, a Transport Trust, or the Main Roads Board, deemed necessary for carrying out the provisions of this Act.

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

(3) 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

Government Railways Acts, 1912-1930, or any Act amending such Acts, to any officer or servant appointed an officer or servant of the commissioners.

(4) Any officer or servant so appointed shall continue to contribute to any fund or account, and shall be entitled to receive any deferred and extended leave, payment, pension, or gratuity as if he had remained 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.

6. The Governor may, on the recommendation of the commissioners, appoint any person to be the district representative of the commissioners for the part of the State specified in the appointment. District representative of Commissioners.

Any person so appointed may, subject to the terms of his appointment and to any limitations imposed at any time by the commissioners, exercise such of the powers of the commissioners as are prescribed by the regulations within the part of the State for which he is appointed.

7. (1) The powers, duties, and functions conferred or imposed by any Acts upon the Railway Commissioners, the Commissioner of Road Transport, or the Main Roads Board of New South Wales shall after the commencement of this Act be exercised and performed subject to such control of the Minister as the Governor from time to time directs. Control by Minister of certain bodies.

(2) The Minister may direct the commissioners to investigate the administration or operation of the Railway Commissioners, any Transport Trust, 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. The Minister may at any time, from time to time, require the Railway Commissioners, the Commissioner of Road Transport and the Main Roads Board of New South Wales, their officers and employees, to afford to him or to the commissioners all such information as the Minister or the commissioners may require. Minister may require information, and control works, &c.

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The Railway Commissioners, the Commissioner of Road Transport, and the Main Roads Board of New South Wales shall when so required allow the commissioners to inspect all books, papers, documents, accounts, buildings, property, and places under their control.

9. The Minister may at his discretion direct the commissioners, or the Railway Commissioners, or the Main Roads Board of New South Wales, or any Transport Trust to carry out any work or matter connected with their administration, or to refrain from proceeding with any such work or matter.

Minister's directions to be complied with.

Upon receipt of the Minister's written direction the commissioners, or the Railway Commissioners, or the Main Roads Board of New South Wales, or the Transport Trust, as the case may be, shall proceed with the work or matter, or refrain from proceeding with the work or matter, as the case may be.

10. The commissioners 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, 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. For this purpose the commissioners shall be entitled to use the services of any officer or officers of the departments specified.

Report as to co-ordination, &c.

11. For the purpose of bringing this Act into operation the following provisions shall have effect:—

Provisions for bringing Act into operation.

(a) The Minister may arrange with the Railway Commissioners, or with the Main Roads Board, or the Commissioner of Road Transport that any officer may be transferred temporarily to the department of the Minister;

During the period of his temporary transfer the salary of an officer shall continue to be borne by the authority from which he was transferred;

(b)

(b) the Minister may arrange with the Railway Commissioners, or with any Transport Trust, the Main Roads Board, the Commissioner of Police, the Commissioner of Road Transport, or the Public Service Board to utilise such staff under their control as may be necessary for the purpose of issuing licenses, collecting fees and revenue, or for any purpose necessary under the administration of this Act.

12. 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 commissioners, be guilty of an offence against this Act. Public motor vehicle not to be operated unless vehicle licensed.

13. Any person who after the date appointed under section twelve of this Act sends or causes to be sent or conveyed any goods by any public motor vehicle which to his knowledge is not licensed under this Act by the commissioners shall be guilty of an offence against this Act. Goods not to be sent by unlicensed vehicle.

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

(2) The application for a license 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 type of 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, or the Transport Act, 1930;
- (e) particulars of any license issued in respect of such vehicle under the Local Government Act, 1919, or the ordinances thereunder;

(f)

(f) such other particulars as are prescribed.

(3) The application shall be accompanied by the prescribed fee in accordance with the First Schedule.

15. 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 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 in the license. Effect of license.

A license for an aircraft may authorise the vehicle for which it is granted to operate on a specified route or on any route other than a specified route.

16. A license issued under this Act for a public motor vehicle other than an aircraft shall expire on the date upon which the current registration of the public motor vehicle under the Motor Traffic Act, 1909-1930, expires. In the case of the first issue of a license the amount of the fee payable shall be reduced by five-pence for each complete month of the period of such registration which has elapsed. Duration of license.

A license issued to an aircraft shall expire on the anniversary of the date upon which it is issued.

17. (1) The commissioners shall—

- Functions of commissioners.
- (a) determine in respect of any particular license or class of licenses relating to any area, route, road, or district, what special conditions, if any, shall be imposed ;
 - (b) determine, where it may seem desirable to do so, the maximum or minimum fares, freights, or charges to be allowed in respect of any services to be provided under any particular license or class of licenses in relation to any particular area, route, road, or district ;
 - (c) determine whether any, and, if any, what amount in respect of the fares or freights shall be paid to the commissioners ; and
 - (d)

(d) advise the Minister on all matters relating to the internal transport of the State and to traffic generally.

(2) The commissioners shall consider all such matters as they may think necessary or desirable, and in particular 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) 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.

(3) The commissioners shall have discretionary power to grant or refuse any application of any person or in respect of any area, route, road, or district.

(4) For all or any of the purposes aforesaid the commissioners may—

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

18. (1) The commissioners may in their discretion require any applicant to give security in the prescribed form for the due compliance by him with the conditions imposed in the license in such amount as the commissioners may require in the particular case.

Condition in license and security for performance.

(2) The commissioners may impose in a license in relation to the carriage of goods conditions requiring—

- (a) the payment to the commissioners of the amount in respect of the freight earned in accordance with a scale set out in the license;
- (b) the issue of waybills in the prescribed form;
- (c) the keeping of freight books or records in the prescribed form, and the production thereof to the prescribed persons;
- (d) the periodical returns to be made by the holder of the license as to freight earned, weight of goods carried and contracts of carriage made by him, and the verification of such returns; and
- (e) any other prescribed conditions.

(3) The commissioners may impose in a license in relation to the carriage of passengers conditions requiring—

- (a) the payment to the commissioners of the amount in respect of the fares taken in accordance with a scale set out in the license;
- (b) the keeping of passenger books or records in the prescribed form, and the production thereof to prescribed persons;
- (c) the periodical returns to be made by the holder of the license of the number of passengers and the amount of fares received, and the certification of such returns;
- (d) the issue of tickets in the prescribed form;
- (e) any other prescribed conditions.

(4) The condition set out in paragraph (a) of subsection two of this section shall not be imposed in respect of—

- (a) the carriage of goods on a journey no part of which is to a point more than ten miles from the

the hirer's residence or place of business or the owners place of business from which such vehicle is ordinarily used;

- (b) the carriage of goods on a journey to the nearest railway station for carriage by railway or to any other railway station within twenty miles of such nearest railway station for carriage by railway;
- (c) the carriage of goods within an area or district or upon a route or road or portion thereof leading to any area or district where the carriage of goods within such area or district or upon such route or road or portion thereof does not, in the opinion of the commissioners, involve competition with the railway facilities already provided.

Where goods are transhipped from one public vehicle to another or carried to a depot for transshipment, then for the purposes of paragraph (a) of this subsection the whole journey shall be regarded as one journey, and the condition set out in paragraph (a) of subsection two of this section shall be applicable and be performed by the owner of the vehicle in which the journey of the goods is commenced.

(5) The condition set out in paragraph (a) of subsection three of this section shall not be imposed in respect of a taxi-cab.

(6) Where the commissioners at any time think it desirable that any conditions in respect of any license should be varied during the currency thereof, they may, at the request of or with the concurrence of the licensee, vary the same accordingly, and the licensee shall thereafter comply with and observe the conditions as so varied.

(7) Any condition referred to in paragraph (a) of subsection two of this section imposed in a license shall not be construed to extend to freight earned in the course of interstate trade or commerce.

(8) Any condition referred to in paragraph (a) of subsection three of this section imposed in a license shall not be construed to extend to fares taken in the course of interstate trade, commerce, or intercourse.

19. The commissioners may grant exemption in respect of any vehicle or prescribed class of vehicle in prescribed cases from the requirements to be licensed under this Act or from the payment of any amount in respect of freights or fares payable under the conditions of the license. Exemptions.

20. (1) Every person who operates a public vehicle shall, under a license subject to the conditions set out in paragraph (a) of subsection two of section eighteen or paragraph (a) of subsection three of section eighteen, keep such accounts, records, and books in relation to the freights and fares earned by the vehicle as may be prescribed. Books, &c., to be kept in certain cases.

(2) The driver of any public vehicle in respect of which a freight record is required by the license to be kept shall enter in such record all such entries as are prescribed.

(3) The conductor, or if there is no conductor the driver of any public vehicle in respect of which a passenger record is required by the license to be kept, shall enter in such record all such entries as are prescribed.

21. (1) If the holder of any license under this Act fails to comply with or observe any conditions or restrictions imposed in relation to such license or to any business or service thereby authorised, then, in addition to any penalty which such failure may by any other provision of this Act or the regulations involve the holder, such license shall be liable to cancellation under this section. Cancellation.

(2) The commissioners may apply to a stipendiary or police magistrate upon complaint for the cancellation of the license upon the ground specified in such complaint.

(3) The magistrate upon the hearing of such complaint may—

- (a) order that the license shall be cancelled; or
- (b) impose a penalty not exceeding *fifty* pounds on the licensee; or
- (c) dismiss the complaint and order that the license be restored.

22.

369

22. The commissioners may grant and issue permits subject to any conditions that may be prescribed permitting the carrying of persons in or over specified districts or routes on vehicles constructed primarily for the carriage of goods, and any such vehicle shall not be used for the carriage of persons unless the owner of the vehicle has been granted such permit.

Permits to use goods vehicle for carriage of passengers.

23. The commissioners may delegate to the Commissioner of Road Transport the issue of licenses and permits under this Act or any regulation made thereunder, and the collection of the amounts set out or referred to in the First Schedule of this Act for the issue of such licenses or permits, and the amounts so collected shall be paid by the Commissioner of Road Transport into the Road Transport and Traffic Fund established by section two hundred and two of the Transport Act, 1930, for appropriation in the manner provided by that Act.

Delegation of issue of licenses.

24. The commissioners may in the license delegate the collection of amounts in respect of freights and of fare taken by public vehicles payable under the condition referred to in paragraph (a) of subsection two of section eighteen or in paragraph (a) of subsection three of that section where such condition is imposed in a license to the Railway Commissioners and/or the Commissioner of Road Transport, and the Railway Commissioners and the Commissioner of Road Transport shall be charged with the duty of such collection in accordance with the delegation.

Delegation of certain collections to Railway Commissioners and Commissioner of Road Transport.

The Railway Commissioners shall pay such amounts so collected by them into the Government Railways and Tramways Fund, and the Commissioner of Road Transport shall pay any such amount so collected by him into either the Metropolitan Transport Trust's Fund or the Newcastle and District Transport Trust's General Fund, or into such other funds as may be directed by the commissioners.

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

State Transport (Co-ordination) Fund.

There shall be placed to the credit of the said fund any moneys appropriated by Parliament for the purpose of the administration of this Act.

Out

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

26. Any person driving or using a 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—

Goods motor vehicle not to be used for passengers.

- (a) such vehicle is licensed for that purpose ; or
- (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 under this Act for that purpose,

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

27. (1) No person, except in a case of emergency occasioned by accident or breakdown, shall drive or use or cause or permit to be driven or used as a public vehicle any vehicle—

Unlicensed vehicle.

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

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

28. (1) No person shall advertise or publish in any newspaper or otherwise exhibit any advertisement or notice— **Advertisements.**

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

in any vehicle unless such person is the holder of a license in respect of a public vehicle, and such advertisement or notice contains the name and address of such holder and the number of the license in respect 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.

29. (1) The owner of any bonded store, warehouse, shop, store, or receiving depot for goods shall record in a book in the prescribed form kept for the purpose the full particulars of all goods despatched from such bonded store, warehouse, shop, store, or receiving depot for goods, and shall produce such book for the purposes of inspection thereof on demand by any officer authorised in writing in that behalf. **Records to be kept at goods depot.**

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

30. (1) Every owner of a public vehicle shall keep or cause to be kept a true and proper record of all journeys operated in accordance with any licenses issued and held under the provisions of this Act in the prescribed form, and such record shall be produced by the owner on demand for the purposes of inspection thereof to any officer authorised in writing in that behalf. **Passenger record.**

(2) Any person who contravenes the provisions of this section shall be liable on summary conviction to

a penalty not exceeding *twenty* pounds for a first offence and to a penalty not exceeding *fifty* pounds for the second or any subsequent offence.

31. (1) Any person having the custody of a freight and passenger book required by or under this Act shall—

Freight and passenger book.

- (a) make all the prescribed entries therein ; and
- (b) produce and deliver such book for examination to any officer authorised in writing in that behalf.

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

32. Any person required under this Act to furnish or supply any return or information who shall furnish or supply a return or information which to his knowledge is false in any material particular shall be liable on summary conviction to a penalty not exceeding *one hundred* pounds.

False returns.

33. Any person being the owner or driver of a public vehicle or carrying on the business of operating public vehicles who fails—

Failure to make returns.

- (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 *twenty* pounds.

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

Proof as to passengers or goods being carried for hire.

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

General penalty.

36.

36. (1) Any penalty incurred for breach of any provision of this Act or the regulations, and any amount due in respect of the condition referred to in paragraph (a) of subsection two of section eighteen or in paragraph (a) of subsection three of section eighteen may be recovered in a summary manner before two justices of the peace or a stipendiary or police magistrate. Recovery and appropriation of penalties.

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

(3) Any person aggrieved by any conviction or order including any order made in pursuance of section twenty-one may appeal therefrom in manner provided in the Justices Act, 1902.

(4) Any penalty imposed for the breach of any provision of this Act or of any regulation shall be paid to the credit of the Consolidated Revenue Fund.

37. Any reference to an officer authorised in writing shall be construed to include an officer of police authorised in writing by the Commissioner for Police or the Commissioner of Road Transport, an officer of a Transport Trust authorised in writing by the Commissioner of Road Transport, an officer of the Railway Commissioners authorised in writing by the Secretary for Railways, or an officer of the Public Service authorised in writing by the secretary of the commissioners appointed under this Act. Authorities.

38. (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, duty, or authority of the Commissioners under this Act. 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

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) Any regulation may impose a penalty not exceeding *fifty* pounds for any breach thereof.

(4) 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 *fifty* pounds;
- (b) impose also a daily penalty for any continuing breach thereof but so that the total penalty shall not exceed in all *fifty* pounds.

(5) A regulation may be made to apply or to have operation throughout the whole or any part of the 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 of subject matter.

(6) Any regulation may confer on the commissioners, or on any member of the police force or officer authorised in writing, any powers or authority required for the carrying into effect of all or any of the provisions of that or any other regulation.

(7) Where any by-law, ordinance, or regulation under any Act is inconsistent with any regulation made under this Act the provisions of the regulation made under this Act shall prevail, and the provisions of the first-mentioned by-law, ordinance, or regulation shall to the extent of the inconsistency have no force or effect.

(8) 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)

- (ii) the forms and conditions to be observed when submitting applications;
- (iii) matters relating to the granting, refusal, cancellation, or return;
- (iv) conditions governing the granting of duplicates;
- (v) conditions applicable to special circumstances;
- (b) the fixing, publication, or collection of maximum and/or minimum fares for the hire or use of other public vehicles plying for hire, and the imposition of penalties for charging fares other than those fixed or prescribed;
- (c) providing for the weighing on demand of any goods conveyed or tendered for conveyance on a public vehicle, and the furnishing of particulars of such goods together with their relative weights when required by any officer authorised in writing;
- (d) regulating the procedure to be followed in respect of any public inquiry by the commissioners;
- (e) requiring any specified person or classes of persons when called upon by the commissioners to produce books or documents or information to the commissioners relating to any inquiry or matter on which the commissioners may be engaged.

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

40. (1) A motor vehicle which is operated by the owner for the delivery of goods sold by him to a distance exceeding fifteen miles from the place of business of the owner shall, for the purposes of this Act, be deemed to be a public vehicle, and shall be subject to all of the provisions of this Act. Delivery of parcels.

In the license the commissioners may impose a condition that an amount according to the prescribed scale shall be paid to the commissioners if in the opinion of the

the commissioners the operation of the vehicle is in direct competition with the facilities provided by the Government Railways or by any transport trust.

(2) This section shall commence on a date to be appointed by the Governor after the date appointed in pursuance of section twelve and notified by proclamation published in the Gazette.

SCHEDULES.

FIRST SCHEDULE.

Sec. 14 (3).

Fee payable in respect of the issue or renewal of licenses for any public motor vehicle, including aircraft, and for the issue of any permit:—

	s.	d.
For a license	5	0
For a permit	2	6
For a duplicate license in lieu of a defaced, erased, destroyed, stolen, or lost license...	2	6

SECOND SCHEDULE.

Sec. 39.

BUSINESS AND RULES.

1. (1) Any two commissioners shall form a quorum and shall have and may exercise and perform the powers, authorities, and duties which by any Act or means whatsoever are vested in or imposed upon the Board. Quorum.

(2) No proceeding or act of the Board shall (if there is a quorum) 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. Validity of proceedings and Acts.

2. (1) At any meeting of the Board the chairman, if present, shall preside. Chairman to preside at meetings.

(2) When only two commissioners, neither of them being the chairman, are present at any meeting, the commissioner who is the senior by virtue of his appointment shall preside at such meeting. Senior commissioner in absence of chairman.

(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.

3. The Board shall keep minutes of all their proceedings in such manner and form as the Governor directs. **Minutes.**

4. (1) The Board shall furnish the Minister with— **Minister to have reports, &c., and assistance of officers and employees under the commission-ers.**
(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 to enable answers to be made to all questions asked in Parliament concerning the Board or to enable the Minister to furnish any returns required by Parliament or which he himself requires.

(2) For the proper conduct of his public business the Minister shall be entitled at all times to put himself into direct communication with all officers and employees of the Board and also to see all documents, papers, and minutes which he requires either for Parliament or himself, and to be supplied with copies thereof, and also to avail himself of the services and assistance of any officer or employee.

5. The Board may make rules for or with respect to— **Rules as to procedure and as to officers and employees.**
(a) the regulation of their procedure ;
(b) the powers and duties, and the control, supervision, and guidance, and the regulation and discipline of their officers and employees.

CONTRACTS.

6. 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 determining disputes, &c.**

7. The powers granted to the Board to make contracts may be exercised as follows :— **Mode of entering into contracts.**

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 signed by any two commissioners, and in like manner may vary or discharge the same.

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 any two of the commissioners, of whom the chairman shall be one, acting by direction and on behalf of the Board may make by parol only without writing, and in like manner may vary or discharge the same.

8. All contracts so made and 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 **Effect of contracts so made, &c.**
actions

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.

9. No contract made by the Board the consideration of which exceeds five hundred 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.

10. The Board, at a meeting specially called for that purpose, 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.

11. All courts, judges, and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any deed, and shall presume that such seal was properly affixed thereto.

Judicial notice of common seal.

12. Any notice, summons, writ, or other proceeding required to be served upon the Board may be served by being given personally to the chairman or the secretary.

Service of notices and legal proceedings.

13. 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.

14. The Board may order either generally or in any particular case that proceedings be taken 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 or rules.

Power to direct prosecutions.

15. In all proceedings before any court of petty sessions any officer of the Board appointed by the chairman in writing under his hand for that purpose may represent the Board in all respects as though such officer was the party concerned.

Power of officer to represent commissioners in petty sessions.

16. (1) In any prosecution or legal proceeding under the provisions of this Act or the regulations or rules instituted by or under the direction of the Board no proof shall be required (until evidence is given to the contrary) of—

Proof of certain matters not required.

- (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 to take proceedings against any person ;
- (d) the powers of the said secretary or other officer to prosecute ;
- (e) the appointment of the chairman or of any commissioner or of the secretary or other officer of the Board ; or
- (f) the presence of a quorum at any meeting at which any order is made or any act is done by the Board.

(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
- (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

Evidence of regulations, &c.

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.

17. 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.

Evidence of documents issued by the commissioners.

18. No matter or thing done by any commissioner or by any officer or other person appointed or employed by the Board 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.

Protection of commissioners, officers, &c.

19. 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 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.

Powers of the commissioners in conducting investigations.

