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[CONFIDENTIAL.]

No. , 1926.

A BILL

To further regulate and control traffic; to confer upon the Railway Commissioners for New South Wales certain powers and duties with regard thereto; to require the insurance of passengers in public vehicles; to enable the Governor to further extend the operation of the Metropolitan Traffic Act, 1900; to make more adequate provision for the punishment of intoxicated drivers of vehicles or motor vehicles; to amend the Motor Traffic Act, 1909, and certain other Acts; and for purposes connected therewith.

[MR. LAZZARINI;— *November*, 1926.]

	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. (1) This Act may be cited as the "Transport Act, 1926."	5
	(2) This Act shall be read and construed with the Metropolitan Traffic Act, 1900.	
Commencement.	(3) This Act shall come into operation upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.	10
Application of Act.	2. This Act shall, except where otherwise expressly provided, apply only in the places in which the Metropolitan Traffic Act, 1900, is for the time being in force.	15
Interpretation.	3. In this Act, unless the context or subject-matter otherwise indicates or requires,—	
	"Commissioners" means the Railway Commissioners for New South Wales.	20
	"Licensed" means licensed as a public vehicle under the regulations made in pursuance of the Metropolitan Traffic Act, 1900.	
	"Motor omnibus" means a public vehicle licensed for the conveyance of passengers, and includes a vehicle used for the conveyance of passengers at separate fares, but does not include a taxi cab.	25
	"Owner" of a motor omnibus includes every person who is the owner, joint owner, or part owner of the motor omnibus, and any person who has the use of the motor omnibus under a hiring or hire-purchase agreement.	30
Power of the Commissioners to prescribe routes, timetables, fares, and maximum number of motor omnibuses on prescribed routes.	4. (1) The Commissioners may by regulations prescribe—	
	(a) the routes within the areas to which this Act applies along which motor omnibuses for which "regular service" licenses are granted may ply for hire;	35
	(b) sections and terminal points of and stopping-places on such routes;	40
	(c)	

- (c) time-tables to be observed by owners of motor omnibuses plying for hire on prescribed routes or sections thereof ;
- 5 (d) the fares (including maximum and minimum fares for prescribed routes or sections thereof) to be charged for passengers carried by such motor omnibuses ; and
- (e) the maximum number of such motor omnibuses which may be licensed to ply for hire on
- 10 any prescribed route.
- (2) Before any route aforesaid is so prescribed the Commissioners—
- (a) shall take into consideration the maximum number of motor omnibuses proposed to be
- 15 prescribed for the route ;
- (b) shall confer with the Commissioner of Police and the council of any municipality concerned and may confer with such other persons as they think fit ;
- 20 (c) shall satisfy themselves that the condition of the roads to be included in the route is such as to be capable of carrying motor omnibus traffic thereon without unreasonable damage to the roads, and that there are not sufficient
- 25 other facilities for the conveyance of passengers to, from, or within the district proposed to be served ; and
- (d) shall have regard to the competition of motor omnibuses with the railways and tramways of
- 30 the Commissioners already serving the district for which a service of motor omnibuses is proposed.
- (3) The Commissioners may in cases of emergency Temporary deviations, &c. by order in writing authorise temporary deviations from
- 35 prescribed routes and temporary alterations of any sections or terminal points thereof or of stopping-places thereon or authorise any motor omnibus for which a “regular service” or a “special service” license has been granted to ply for hire temporarily on any route
- 40 whether a prescribed route or not, and every regulation or license shall take effect accordingly.

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The Commissioners may either generally or in any particular cases or classes of cases, and with the concurrence of the Commissioner of Police, delegate their powers under this subsection to the Commissioner of Police or the Superintendent of Police for Traffic and may in their discretion revoke any such delegation. 5

Revocation
of existing
licenses.

5. All licenses of motor omnibuses granted under the Metropolitan Traffic Act, 1900, and in force immediately before the commencement of this Act, shall cease to have any further force or effect. 10

Refund of
fees, &c.

Any person who holds such a license shall be entitled to a credit of a proportionate amount of any fee paid by him for any license which by the operation of this section becomes of no force or effect and to a credit of a proportionate amount of the tax paid in respect of the motor omnibus to which the license refers: 15

Such credits shall be applied towards payment of the fee to be paid by him for a license for the motor omnibus issued after the commencement of this Act, and towards payment of the tax then payable under the Motor Vehicles Taxation Act, 1924, respectively, or, if he so applies, to a refund of such proportionate amounts, which refund shall be paid by the Commissioner of Police out of any fees received by him for licenses granted after the commencement of this Act or tax collected under the said Motor Vehicles Taxation Act, 1924, as the case may require. 20

“Regular
service” and
“Special
service”
licenses.

6. (1) The following provisions shall have effect with regard to the licensing of motor omnibuses under the regulations made in pursuance of the Metropolitan Traffic Act, 1900— 30

- (a) such licenses shall be either “regular service” licenses or “special service” licenses; and a “regular service” license and a “special service” license shall not both be granted for the same motor omnibus; 35
- (b) a “regular service” license shall authorise the motor omnibus for which it is granted to ply for hire within any area to which this Act applies for the purpose only of maintaining a regular service upon any prescribed route specified 40

5 specified in the license (including any authorised temporary deviation from such a route), except in cases where the Commissioners may consent in writing to such motor omnibus plying for hire for the purpose only of maintaining a regular service on such other prescribed route, and for such periods as are specified in the consent :

10 Where such a consent is granted the motor omnibus shall not ply for hire during the period so specified on any route other than the prescribed route specified in the consent ;

15 (c) a "regular service" license shall not be granted and a consent under such a license shall not be granted in respect of any prescribed route for any motor omnibus in excess of the number of motor omnibuses prescribed for that route ;

20 (d) the owner of a motor omnibus for which a "regular service" license is granted shall (except with the authority in writing of the Commissioners) maintain a regular service in accordance with the license unless the failure to maintain the service is due to circumstances which could not reasonably have been avoided by him, and, save as hereinbefore in this section provided, where any such owner fails to maintain a regular service as aforesaid the Commissioner for Police without affecting any other liability of such owner may cancel the license and thereupon the license shall cease to have any further force or effect ;

25 30 (e) a "special service" license shall authorise the motor omnibus for which it is granted to ply for hire within the area to which this Act applies in accordance only with permits in writing to be issued from time to time by the Commissioners permitting the motor omnibus to ply for hire to or from such places of public resort or recreation and on such special occasions and on such dates and at such minimum fares as are specified in the permit.

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No

No such permit shall be granted more than twenty-one days before the date of the special occasion for which it is granted ;

- (f) a license shall not be granted for any motor omnibus unless the provisions of this Act or the regulations thereunder so far as they apply to such motor omnibus have been complied with ; **5**
- (g) a permit under a "special service" license shall not be granted unless the Commissioners are satisfied there are not other sufficient facilities for the conveyance of passengers ; **10**
- (h) any license, consent, or permit granted pursuant to this section may be granted subject to such further conditions (if any) as the Commissioners think fit ; and **15**
- (i) any person to whom a license or permit is so granted shall, if he fails to observe any of the conditions in the license or permit, be guilty of an offence against this Act. **20**

(2) The Commissioners may delegate either generally or in particular cases or classes of cases to the Commissioner of Police or the Superintendent of Police for Traffic any of the powers or discretions conferred by subsection one of this section and may in their discretion revoke any such delegation. **25**

Substitute
motor
omnibuses.

7. (1) Subject to this section the Commissioner for Police may grant in accordance with regulations made under the Metropolitan Traffic Act, 1900, a "regular service" license for any motor omnibus as a substitute motor omnibus. **30**

(2) Every such license granted for a substitute motor omnibus shall contain a condition to the effect that the motor omnibus shall not be used otherwise than in the place of another motor omnibus of the same owner for which a "regular service" license is in force. **35**

(3) The number of licenses for substitute motor omnibuses that may be granted under this section to any one owner of motor omnibuses for which other "regular service" licenses are in force shall be— **40**

- (a) if the number of such lastmentioned motor omnibuses does not exceed four—one license ;
- (b)

(b) if the number of such lastmentioned motor omnibuses exceeds four and does not exceed eight—one additional license—
 and so on for each additional series of four such last-
 5 mentioned motor omnibuses.

(4) The owner of any substitute motor omnibus shall affix and keep affixed thereto in such manner as is required by the Commissioner for Police and so as to be easily distinguishable, whether by day or night, an
 10 identification plate indicating that the motor omnibus is a substitute motor omnibus; and such identification plate shall be of such size, shape, and character and shall contain such words or marks as are required by the Commissioner for Police.

15 (5) If any substitute motor omnibus is used in contravention of any of the provisions of the license therefor, or of this section, the owner shall be guilty of an offence against this Act and on conviction—

20 (a) shall be liable to a penalty of not less than *fifty* pounds and not more than *one hundred* pounds; and

25 (b) the license of such substitute motor omnibus as a public vehicle shall thereupon cease to have any further force or effect, and during the period of twelve months next following the date of the conviction the owner shall not be granted for the same a license of any kind.

8. (1) The said Commissioners may make regula- Regulations.
 tions for or with respect to—

30 (a) the maximum height, length, and breadth of motor omnibuses and motor vehicles licensed as public vehicles for the conveyance of goods or trailers so used in connection therewith;

35 (b) the maximum weight of and the maximum load for motor omnibuses and motor vehicles licensed as public vehicles for the conveyance of goods, or trailers so used in connection therewith, and the height to which such load may extend;

(c)

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- (c) prohibiting the use of tyres other than rubber tyres on motor omnibuses, and regulating the thickness and the condition of tyres used on motor omnibuses, and regulating the type and description of the tyres to be used on motor omnibuses and motor vehicles licensed as public vehicles used for the conveyance of goods or trailers so used in connection therewith ; 5
- (d) the design and construction of motor omnibuses and motor vehicles licensed as public vehicles for the conveyance of goods or trailers so used in connection therewith so as to secure the safety, comfort, and convenience of passengers and the public, and to minimise damage to roads ; 15
- (e) the maintenance and repair of motor omnibuses and motor vehicles licensed as public vehicles used for the conveyance of goods or trailers so used in connection therewith ;
- (f) the provision and regulation of efficient brakes and steering gear on motor omnibuses and motor vehicles licensed as public vehicles used for the conveyance of goods ; 20
- (g) the prohibition of advertisements on the outside of motor omnibuses ; 25
- (h) the furnishing to the Commissioners by owners of motor omnibuses of such statistics as are prescribed ;
- (i) declaring what limit of speed (not exceeding twenty miles per hour for motor omnibuses) shall not be exceeded whether generally or in any specified locality or any specified street or road or part thereof by motor omnibuses and motor vehicles licensed as public vehicles used for the conveyance of goods ; and 35
- (j) generally, all such matters and things as are authorised or permitted to be prescribed or are necessary or convenient to be prescribed for carrying this Act into effect.

(2) Nothing in this section shall be deemed to affect the provisions of the Metropolitan Traffic Act, 1900, or the Motor Traffic Act, 1909, or the regulations thereunder, relating to the control of traffic.

5 **9.** (1) The owner of any motor omnibus shall insure himself, and at all times keep himself insured in some approved insurance company during the currency of the license therefor against all sums for which he may become liable by way of damages in respect of such
10 motor omnibus in case of injury to persons.

Insurance by owners of licensed motor omnibuses.

(2) The minimum aggregate amount of insurance against such liability in respect of every motor omnibus shall be three thousand pounds during the currency of the license therefor :

15 Provided that where more than five motor omnibuses are owned by one owner the minimum aggregate amount of insurance in respect of all such motor omnibuses shall be fifteen thousand pounds during the currency of the license therefor.

20 (3) Before or on the granting or the renewal of any license for a motor omnibus and forthwith after any further insurance is effected during the currency of the license the owner of the motor omnibus shall deposit with the Commissioner of Police the policy of insurance
25 together with a receipt for all premiums payable thereon during the currency of the license.

(4) In this section "motor omnibus" includes a public vehicle licensed under the Local Government Act, 1919, for the conveyance of passengers or a vehicle
30 used for the conveyance of passengers at separate fares but does not include a taxi cab.

(5) This section shall apply throughout the State of New South Wales.

10. The following provisions shall have effect with
35 respect to regulations made under this Act:—

General provisions as to regulations.

(a) The regulations shall—

(i) be submitted for the approval of the Governor ;

(ii) be published in the Gazette ;

(iii)

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- (iii) take effect from the date of such publication or from a later date to be specified in the regulations;
 - (iv) 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. **5**

If either House of Parliament passes **10** 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. **15**

- (b) Any regulations may impose a penalty not exceeding *fifty* pounds, to be recovered in a summary manner, for any breach thereof or of any provisions of this Act for which no penalty is provided. **20**
- (c) Any regulation may be made to apply or to have operation throughout the whole or any part of the area to which this Act applies, and may be of general or specially limited application according to time, place, or circumstances. **25**
- (d) Any regulation may confer on the Commissioner of Police, the Superintendent of Police for Traffic, or any officer of police any power **30** or authority required for the carrying into effect of all or any of the provisions of that or any other regulation.

Before any such regulation is made, the Commissioner of Police shall be consulted. **35**

- (e) 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,

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.

5 **11.** (1) The Metropolitan Traffic Act, 1900, is amended— Amendment of Act No. 8, 1900, s. 2. (Application of Act.)

(a) (i) by omitting from section two the words "within the county of Cumberland";

10 (ii) by omitting from the same section the words "and the area" and by inserting in lieu thereof the words "The area within the county of Cumberland";

15 (iii) by inserting after the words "Metropolitan Traffic District" the words "and any place outside that county which is so appointed shall be known for the purposes of this Act as a traffic district of the name assigned to it in the proclamation";

20 (iv) by inserting at the end of the same section the following new subsection:—

(2) Where the power contained in subsection one of this section is exercised the following provisions shall have effect:—

25 (a) a license for a public vehicle granted by the council of any area authorising such vehicle to ply for hire within such place shall continue in force until it expires unless it is sooner suspended or cancelled under the regulations made under this Act;

30 (b) any ordinance made under the Local Government Act, 1919, shall, except so far as it is inconsistent with a regulation made under the Transport Act, 1926, remain in force until the expiration of twelve months after the commencement of this Act unless sooner repealed by the regulations;

35 (c) any reference in any such ordinance to a council or the officer of a council shall be deemed to refer to the Commissioner of Police or an officer of police. (2)

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New s. 13A.

(2) The Metropolitan Traffic Act, 1900, is further amended by inserting next after section thirteen the following new section:—

Drivers under influence of intoxicating liquor.

13A. Any person who drives any vehicle other than a motor vehicle within the meaning of the Motor Traffic Act, 1909, whilst under the influence of intoxicating liquor shall be guilty of an offence against this Act. 5

Repeal of Act No. 4, 1913, s. 9.
Amendment of Act No. 5, 1909, Sec. 5 (2).
New s. 5A.

(3) Section nine of the Metropolitan Traffic (Amendment) Act, 1913, is hereby repealed. 10

12. (1) The Motor Traffic Act, 1909, is amended—

- (a) by omitting subsection two of section five:
(b) by inserting next after section five the following new section:—

Intoxication of driver of vehicle.

5A. (1) Any person who shall operate or attempt to operate a motor vehicle, or drive or have charge of any vehicle whilst under the influence of intoxicating liquor, shall be guilty of an offence against this Act. 15

(2) Any member of the police force may without warrant apprehend any such person as aforesaid and any person who has charge of or is driving or attempting to drive any vehicle and who is in the opinion of such member incapable of driving the same with safety to the public or any persons therein, and may take charge of and remove such vehicle to any convenient place for safe keeping, and the costs, charges, and expenses of such removal and safe keeping may, if the court adjudicating is of opinion that there was reasonable cause for such taking charge, removal, and safe keeping be recovered from such person in a summary way. 25 30

Suspension of license.

(3) Where any person being the holder of a license to drive a motor vehicle under this Act is convicted of an offence against subsection one of this section as the driver of a motor vehicle, the court before whom such person is convicted shall— 35 40

- (i) in the case of a first offence against the said subsection suspend such license for

a

5 a period of not less than three months
 or until the sooner expiration of the
 license, and declare the person so con-
 victed to be disqualified for obtaining a
 renewal of such license during such
 period of three months or during such
 longer period as the court thinks fit;

10 (ii) in the case of a second offence against
 the said subsection suspend such license
 for a period of not less than six months
 or until the sooner expiration of the
 license, and declare the person so con-
 victed to be disqualified for obtaining a
 renewal of such license during such
 period of six months or during such
 longer period as the court thinks fit;

15 (iii) in the case of a third or subsequent
 offence against the said subsection
 suspend such license for a period of
 20 twelve months or until the sooner
 expiration of the license, and declare the
 person so convicted to be disqualified
 for obtaining a renewal of such license
 during such period of twelve months or
 25 during such longer period as the court
 thinks fit.

30 (4) Where any person not being the holder of a license to drive a motor vehicle under this Act is convicted of an offence against subsection one of this section as the driver of a motor vehicle the court before whom such person is convicted shall in addition to imposing upon him any other penalty for an offence against this Act declare such person to be disqualified for obtaining a license to drive a motor vehicle for such period being not less than twelve months as the court thinks fit.

Disqualifi-
 cation of
 unlicensed
 driver.

35 • (5) If any person whose license to drive a motor vehicle under this Act has been suspended under subsection one of this section, and who while such license is suspended or
 40 while

Penalty in
 case of
 delicensed
 driver
 driving a
 motor
 vehicle.

while he is disqualified for obtaining a renewal of such license drives a motor vehicle upon any public street, such person shall be liable to imprisonment for not less than *seven* days nor more than *three* months.

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(2) The amendments made by this section shall apply throughout the State of New South Wales.

Amendment
of Act No. 30,
1912.

Sec. 55.

(Motor
lorries.)

Sec. 56.

14. (1) The Government Railways Act, 1912, as amended by subsequent Acts, is further amended—

(a) by inserting at the end of section fifty-five the following new subsection:—

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(2) The Commissioners may construct, purchase, or lease motor lorries, and may use or hire such lorries for the conveyance of goods at rates to be prescribed.

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(b) by inserting at the end of section fifty-six the words “and motor lorries.”

(2) The amendments made by this section shall apply throughout the State of New South Wales.