

Transport Bill.

EXPLANATORY NOTE.

The Bill aims at the more effective regulation and control of traffic and, for this purpose, a Board to be called the Transport Board of New South Wales is created. The administration of the provisions of the Bill will be vested in the Board. The Commissioner of Police and his officers will, however, still have the actual control and direction of traffic, including trams, in the streets.

The Bill, when passed, is to come into operation upon a date to be proclaimed, and is to be read and construed with the Metropolitan Traffic Act, and its main provisions will apply only in the places in which the Metropolitan Traffic Act is in force. Motor omnibuses will still be licensed under the Metropolitan Traffic Act as at present. The Metropolitan Traffic Act is amended to provide that it shall operate within the whole of the County of Cumberland and such other places outside that county as may be proclaimed. At present the Act only operates in certain areas within the County of Cumberland.

The Board may by regulation prescribe routes, sections, terminal points, stopping places, time-tables and fares for motor omnibuses and the number of omnibuses to be licensed to ply on any route. Before any route is prescribed, the Board shall confer with the Commissioner of Police and the Council of the Municipality concerned. The Board may authorise temporary deviation from routes, temporary alteration of stopping places, &c., and temporary plying for hire of motor omnibuses on a route either prescribed or not prescribed.

All licenses of motor omnibuses under the Metropolitan Traffic Act shall cease to have effect on the commencement of this Act, but credit in such cases will be given in respect of a proportionate amount of license fee and tax paid.

Certain provisions are laid down in regard to the licensing of motor omnibuses under the Metropolitan Traffic Regulations. These deal with "regular service" and "special service" licenses.

Wide powers will be given to the Board to make regulations dealing with the main details covered by the Bill, the general penalty for breach of such regulations being fixed at not exceeding £50.

The owner of a licensed motor omnibus is required to keep himself insured against liability in respect of injury to persons caused by such omnibus. The minimum of such insurance is fixed at £3,000 in respect of each omnibus, or an aggregate of £15,000 where an owner has more than five motor omnibuses. The owner is, however, given the alternative of undertaking the liability himself upon giving security as prescribed in the Bill.

In connection with overcrowding on motor omnibuses, the position has been laid down that the owner, and not the driver or conductor, will be liable to the penalty.

Greater powers are given to deal with persons driving motor vehicles while under the influence of intoxicating liquor. This provision will operate in every part of the State.

At present the Railway Commissioners have power to run motor omnibuses on certain roads. It is proposed now to give power to run such omnibuses on any roads and also to run motor lorries for the conveyance of goods.

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No. , 1927.

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.

[REPORTED :—After *pro formâ* committal.]

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, 1927."

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(2) This Act shall be read and construed with the Metropolitan Traffic Act, 1900.

Commencement.

(3) This Act shall come into operation upon a 10 day to be appointed by the Governor and notified by proclamation published in the Gazette.

Application of Act.

2. (1) This Act shall, except where otherwise expressly provided, apply only in the places in which the Metropolitan Traffic Act, 1900, is for the time 15 being in force.

Control of traffic.

(2) Nothing in this Act 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 actual control of traffic, which 20 control, including the control of tramway vehicles at the intersection of streets, is hereby expressly vested in the Commissioner of Police.

Interpretation.

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

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"Board" means the Transport Board of New South Wales constituted under this Act.

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

"Licensed" means licensed as a public vehicle 30 under the regulations made in pursuance of the Metropolitan Traffic Act, 1900, or licensed under the Local Government Act, 1919, or any ordinance made thereunder.

"Motor omnibus" means a motor vehicle licensed 35 as a public vehicle for the conveyance of passengers, and includes a motor vehicle used for the conveyance of passengers at separate fares, but does not include a taxi cab.

"Owner" of a motor omnibus includes every 40 person who is the owner, joint owner, or part owner.

owner of the motor omnibus, and any person who has the use of the motor omnibus under a hiring or hire-purchase agreement.

5 4. (1) For the purposes of this Act there shall be constituted a board to be called the Transport Board of New South Wales, which shall perform the duties, exercise the powers, and carry out the functions committed to it by this Act.

Appointment
and constitu-
tion of
Transport
Board.

10 (2) (a) The board shall consist of five members, who shall be appointed by the Governor.

(b) The provisions of the Public Service Act, 1902, shall not apply to the appointment nor to the members during their tenure of office :

15 Provided that nothing contained in this section shall affect the rights accrued or accruing under the Public Service Acts, or under the Superannuation Act, 1916, or any Act amending it, to any officer of the Public Service appointed a member of the board under this section ; and any officer of the Public Service so
20 appointed may continue to contribute to any fund or account, and shall be entitled to receive any payment, pension, or gratuity as if he were an officer or employee within the meaning of the Public Service Acts or the Superannuation Act, 1916, as the case may be.

25 (3) Each member of the board shall, subject to this section, hold office for a term of five years, but shall from time to time be eligible for reappointment for a further like term.

30 (4) The members to be so appointed shall be as follows :—

- One member, who shall be chairman, to be selected by the Governor ;
- one member who shall be representative of and nominated by the Railway Commissioners for
35 New South Wales ;
- one member who shall be the person for the time being holding the office of Superintendent of Police for Traffic ;
- one member who shall be representative of and
40 nominated by the Road Transport Workers' Union ;

one

one member who shall be selected by the Governor from three persons nominated by the executive committee of the Motor Traders Association of New South Wales.

(5) Each member of the board shall receive such remuneration and allowances as the Governor shall fix. 5

(6) The chairman shall not, save with the sanction of the Governor, engage in any business or employment other than the duties of his office as a member and chairman of the board. 10

(7) Any three members of the board shall form a quorum, and may, subject to the provisions of this Act, as a majority, exercise all or any powers of the board.

(8) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such proceeding or act was taken, done, or commenced there was a vacancy in the office of any one member. 15

(9) The Governor may remove or suspend any member for misbehaviour or incompetence, and appoint another person in his stead or in the place of any member vacating his office for any cause. Such an appointment shall only be made for the balance of the term of the member whose office is vacated.

(10) Without limiting the meaning of the last preceding subsection a member may be removed from office— 25

- (a) if, being the chairman, he shall engage during his term of office in any employment outside the duties of his office; 30
- (b) if he becomes bankrupt, compounds with his creditors, or assigns his estate for the benefit of his creditors;
- (c) if he becomes an insane person, an insane patient, or an incapable person within the meaning of the Lunacy Act, 1898; 35
- (d) if he is convicted of any felony or misdemeanour;
- (e) if, being the chairman, he shall absent himself from duty for a period of fourteen consecutive days, except on leave granted by the Minister 40 (which leave he is hereby authorised to grant).

(11)

(11) Any member of the board who at the date of his appointment is an officer of the Public Service shall, in the event of his office on the board being discontinued, or in the event of the dissolution of the board, be eligible
 5 on the recommendation of the Public Service Board to be appointed to some office in the Public Service corresponding in classification and salary to that which he held at the date of his appointment to the board.

5. (1) There shall also be appointed by the Governor, ^{Officers.}
 10 on the recommendation of the Public Service Board, such officers as the Governor thinks necessary, who shall hold office during the pleasure of the Governor. Such officers shall receive such remuneration and allowances as shall be fixed by the Public Service Board,
 15 and shall be subject to the provisions of the Public Service Acts during their tenure of office.

(2) For the purpose of carrying out the powers, duties, authorities, and obligations conferred or imposed upon the board by this Act the board, with the approval
 20 of the Minister of the department concerned, may make use of the services of any of the officers and employees of the Public Service.

6. Any person who upon any public street or road drives or suffers to be driven any motor vehicle con-
 25 structed and used for the conveyance of more than eight adult persons shall, unless the vehicle is licensed, be guilty of an offence against this Act, and be liable on summary conviction to a penalty not exceeding *fifty* pounds.

30 7. (1) The board 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;
 (c) time-tables to be observed by owners of motor omnibuses plying for hire on prescribed routes or sections thereof;
 40 (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)

Unlicensed motor omnibus.
Power of the Commission-ers to prescribe routes, time-tables, fares, and maximum number of motor omnibuses on prescribed routes.

(e) the maximum number of such motor omnibuses which may be licensed to ply for hire on any prescribed route.

(2) Before any route aforesaid is so prescribed the board—

(a) shall take into consideration the maximum number of motor omnibuses proposed to be prescribed for the route; 5

(b) shall confer with the Commissioner of Police and the council of any municipality concerned 10 and may confer with such other persons as the board thinks fit;

(c) shall be satisfied that the condition of the roads to be included in the route is such as to be capable of carrying motor omnibus 15 traffic thereon without unreasonable damage to the roads, and that there are not sufficient other facilities for the conveyance of passengers to, from, or within the district proposed to be served; and 20

(d) shall have regard to the competition of motor omnibuses with the railways and tramways of the Commissioners already serving the district for which a service of motor omnibuses is proposed. 25

Temporary deviations, &c.

(3) The board may in cases of emergency by order in writing authorise temporary deviations from 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 30 "regular service" or a "special service" license has been granted to ply for hire temporarily on any route whether a prescribed route or not, and every regulation or license shall take effect accordingly.

The board may either generally or in any particular 35 cases or classes of cases, and with the concurrence of the Commissioner of Police, delegate its powers under this subsection to the Commissioner of Police or the Superintendent of Police for Traffic and may in its discretion revoke any such delegation. 40

(4) Where, as a result of any decision of the board relating to routes, the right of any motor omnibus owner

owner who at the commencement of this Act has an established motor omnibus service over any route to continue such motor omnibus service is withdrawn or varied, such owner shall be entitled either to fair and

5 reasonable monetary compensation or to the right to continue such motor omnibus service over such route for such period as may be determined by the board, subject to appeal to the Land and Valuation Court in the manner prescribed by rules of that court.

10 Any such compensation shall be paid by the board out of moneys provided by Parliament for that purpose.

8. 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

Revocation of existing licenses.

15 have any further force or effect.

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

Refund of fees, &c.

20 a proportionate amount of the tax paid in respect of the motor omnibus to which the license refers :

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

25 Motor Vehicles Taxation Act, 1924, respectively, or, if he so applies, to a refund of such proportionate amounts.

The amount of the credit or refund shall be ascertained by dividing the amount of the fee or tax by twelve and

30 by multiplying the product by the number of complete months in the unexpired part of the period for which the license was granted or of the period in respect of which the tax was paid as the case may require.

9. (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—

“Regular service” and “Special service” licenses.

(a) such licenses shall be either “regular service” licenses or “special service” licenses; and a

40 “regular service” license and a “special service” license shall not both be granted for the same motor omnibus; (b)

- (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 in the license (including any authorised temporary deviation from such a route), except in cases where the board 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: 5 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 board) 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 of 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 35
- (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 40

the board 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.

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 ;

(g) a permit under a "special service" license shall not be granted unless the board is satisfied there are not other sufficient facilities for the conveyance of passengers ;

(h) any license, consent, or permit granted pursuant to this section may be granted subject to such further conditions (if any) as the board thinks fit ; and

(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.

(2) The board may, with the concurrence of the Commissioner of Police, 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 its discretion revoke any such delegation.

10. (1) Subject to this section the Commissioner of 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.

(2) Every such license granted for a substitute motor omnibus shall contain a condition to the effect that

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.

(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—

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

(4) 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—

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

Regulations. **11.** The board may make regulations for or with respect to—

- (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;
- (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) prohibiting the use of tyres other than rubber tyres on motor omnibuses, and regulating the thickness

- 5 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 ;
- 10 (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 ;
- 20 (f) the provision and regulation of efficient brakes, mechanical signals, and steering gear on motor omnibuses and motor vehicles licensed as public vehicles used for the conveyance of goods ;
- (g) the prohibition of advertisements on the outside of motor omnibuses ;
- 25 (h) the furnishing to the board by owners of motor omnibuses of such statistics as are prescribed ;
- 30 (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.

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

(2)

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 :

Provided that where more than five motor omnibuses are owned by one owner the maximum aggregate amount of insurance in respect of all such motor omnibuses shall be fifteen thousand pounds during the currency of the license therefor. 5

Self insurers. (3) Notwithstanding anything contained in the foregoing provisions of this section the board may authorise any owner of a motor omnibus who furnishes to the board such particulars as may be required by the board or are prescribed by regulations to undertake the liability to pay damages in respect of such motor omnibus in case of injury to persons, in lieu of insuring himself. 10 15

Review of authority. (4) The board may at any time upon notice to the owner concerned, and consideration of such evidence as he desires to submit, review and continue, suspend or terminate any such authority as it may deem expedient. 20

Deposit. (5) Every applicant for an authority under subsection three of this section shall deposit with the Colonial Treasurer a sum of money equal to the amount for which he would otherwise be required to insure under subsection two of this section. 25

Investment of deposits. (6) (a) Every sum of money so deposited with the Colonial Treasurer shall be invested and reinvested from time to time, as occasion requires, in New South Wales Stock of such currency and bearing interest at such rate as are in force for the time being in respect of such stock issued to ordinary investors. 30

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

(c) The investment and redemption shall be at par. 35

(7) (a) The requirements of subsection five of this section as to the deposit with the Colonial Treasurer of any specific sum of money may be satisfied in whole or in part by the deposit of securities of equal value issued by the State of New South Wales. 40

(b)

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

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

(d) Every reference in this section to the sum of money required to be deposited with the Colonial Treasurer shall be deemed to include, mutatis mutandis, a reference to any securities substituted in whole or in part therefor under the authority of this subsection, and the Colonial Treasurer may, if he thinks fit, convert any such securities into money by sale, hypothecation or otherwise, for the purpose of satisfying any such final judgment against the person making the deposit as is mentioned in subsection five of this section.

(8) (a) Subject to this section the Colonial Treasurer shall hold every sum of money deposited under this section upon trust for the payment and satisfaction of all final judgments given against the person making the deposit for damages in respect of a motor omnibus owned by him in case of injury to persons, which judgments are not otherwise satisfied.

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

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

(i) on the expiration of three months after service on the Colonial Treasurer of a notice in writing duly

Application
of deposits.

Return of
deposits.

duly signed by or on behalf of the person by whom the deposit was made stating that he has ceased to carry on such business in the State; and

(ii) on satisfying the Colonial Treasurer that he has not from the date of the service of the notice carried on such business in the State; and

(iii) on satisfying the Colonial Treasurer that all his liabilities in the State for damages in respect of a motor omnibus in case of injury to persons are fully liquidated or provided for.

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

(10) 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 together with a receipt for all premiums payable thereon during the currency of the license or in a case where the provisions of subsection five of this section have been availed of, produce to the said Commissioner a certificate signed by the Under Secretary of the Treasury that the provisions of this section in that regard have been fully complied with.

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

General provisions as to regulations.

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

(a) The regulations shall—

- (i) be submitted for the approval of the Governor;
- (ii) be published in the Gazette;
- (iii) take effect from the date of such publication or from a later date to be specified in the regulations;

(iv) 40

5 (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.

10 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.

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 or authority required for the carrying into effect of all or any of the provisions of that or any other regulation.

30 Before any such regulation is made, the concurrence of the Commissioner of Police shall be obtained.

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, and the provisions of the first-mentioned by-law, ordinance, or regulation shall to the extent of the inconsistency have
40 no force or effect.

(f)

- (f) The regulations shall provide that the owner of a motor omnibus and not the driver or conductor thereof shall be liable for any breach of any regulation made with regard to the maximum load for the omnibus. 5

Amendment
of Act No. 8,
1900, s. 2.
(Application
of Act.)

14. The Metropolitan Traffic Act, 1900, is amended—

- (a) by omitting from section two the words “Metropolitan Police District as defined in Gazette number seven hundred and thirty-10 one of the twelfth day of September, one thousand eight hundred and ninety-nine, and such other places within the county of Cumberland” and by inserting in lieu thereof the words “county of Cumberland and in such 15 other places”;
- (b) by omitting from the same section the words “and the area to which this Act applies” and by inserting in lieu thereof the words “The county of Cumberland”; 20
- (c) by inserting in the same section 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 25 of the name assigned to it in the proclamation”;
- (d) by inserting at the end of the same section the following new subsection:—
- (2) Where the power contained in sub-30 section one of this section is exercised the following provisions shall have effect:—
- (a) a license for a public vehicle granted by the council of any area authorising such vehicle to ply for hire within 35 such place shall continue in force until it expires unless it is sooner suspended or cancelled under a regulation made under this Act;
- (b) any ordinance made under the Local 40 Government Act, 1919, shall, except

so

so far as it is inconsistent with a regulation made under the Transport Act, 1927, remain in force within such place until the expiration of twelve months after the exercise of the power unless its operation within such place is sooner repealed by a regulation made under this Act;

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(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.

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

Amendment of Act No. 5, 1909.

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(a) by omitting subsection two of section five:

Sec. 5 (2).

(b) by inserting next after section five the following new section:—

New s. 5A.

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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, and shall be liable on summary conviction to imprisonment for a term not exceeding one month.

Intoxication of driver of vehicle.

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(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.

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— 5

(i) in the case of a first offence against the said subsection suspend such license for a period of not less than three 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 three months or during such longer period as the court thinks fit; 15

(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 convicted 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; 20

(iii) in the case of a third or subsequent offence against the said subsection suspend such license for a period of 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 during such longer period as the court thinks fit. 25 30

Disqualifi-
cation of
unlicensed
driver,

(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 35 40

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.

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

Penalty in case of delicensed driver driving a motor vehicle.

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

15 **16.** (1) The Government Railways Act, 1912, as amended by subsequent Acts, is further amended—

Amendment of Act No. 30, 1912.

20 (a) by omitting from section fifty-five the words "those roads which may be approved by the Governor" and by inserting in lieu thereof the words "any road";

Sec. 55.

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

25 (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.

(Motor lorries.)

30 (c) by inserting at the end of section fifty-six the words "and motor lorries."

Sec. 56.

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

