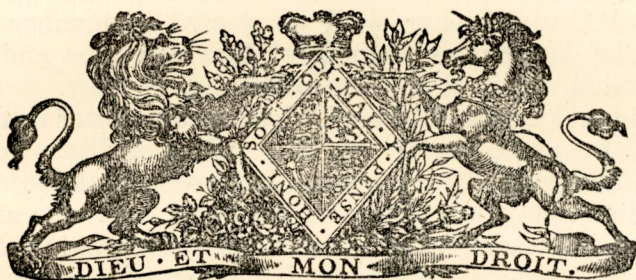


New South Wales.



ANNO TRICESIMO SEXTO

VICTORIÆ REGINÆ.

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No. XIV.

An Act to regulate Public Vehicles in the City and Police District of Sydney. [Assented to, 3rd April, 1873.]

BE it enacted by the Queen's Most Excellent Majesty by and with Preamble. 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 shall come into force on the first day of April Commencement and short title of Act. in the year one thousand eight hundred and seventy-three and may be cited as the "Public Vehicles Regulation Act of 1873."

2. The several Acts and parts of Acts to the extent set forth in Repeal clause. Schedule A are hereby repealed Provided always that all licenses Proviso. granted under any of the said repealed enactments and all lawful proceedings acts matters and things done or commenced thereunder and all offences against the same or any by-laws or regulations made thereunder and all penalties fines and forfeitures incurred before the passing of this Act shall be respectively as valid and effectual and be prosecuted and recovered in pursuance of the provisions of the said enactments as if this Act had not been passed.

3. In the construction of this Act unless the context shall Interpretation clause. otherwise indicate the following terms in inverted commas shall bear the

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the meanings and include the things hereinafter severally assigned to or set against them—

“Governor”—Governor with the advice of the Executive Council

“Commissioners”—The Board of Commissioners hereinafter designated the “Metropolitan Transit Commissioners” empowered and elected under the provisions of this Act

“Public Vehicles”—Any stage carriage or omnibus as defined by any by-law made under this Act hackney carriage coach car cabriolet or other vehicle plying for hire in any public street or place and every wain waggon cart van or dray plying for hire and drawn by one or more horses or other animals.

Three Commissioners to carry out provisions of Act.

4. There shall be a Board of three Commissioners empowered to carry out the provisions of this Act of whom two viz. the Mayor of the City of Sydney and the Inspector General of Police for the time-being shall be Commissioners by virtue of their respective offices and the third Commissioner shall be elected in manner hereinafter directed by the Municipal Councils of the Boroughs and Municipal Districts situated within the Police District of Sydney.

Incorporation of Commissioners.

5. The said Board of Commissioners constituted shall be a body corporate by the name or style of the “Metropolitan Transit Commissioners” and shall by that name have perpetual succession and a common seal and may enter into contracts and may sue and be sued plead and be impleaded answer and be answered unto defend and be defended in all Courts whatsoever and may exercise all such corporate functions and do and suffer all such acts and things as are by law incident to a body corporate.

Mayor to be chairman and two to be a quorum.

6. The Mayor of Sydney shall be the Chairman of the said Board of Commissioners but in his absence or other disability the elected Commissioner shall be the Chairman at meetings of the said Board And any two Commissioners shall form a quorum And in the event of any equality of votes the Chairman shall have a casting besides his original vote.

Term of office of elective Commissioner.

7. The Commissioner elected in pursuance of the provisions of this Act shall hold office for the term of one year but shall be competent at the expiration of that period to be re-elected.

First election of Commissioner.

8. The first election of a Commissioner shall be held in manner following within fourteen days after the passing of this Act The Mayor of Sydney by notice in the *Government Gazette* and advertisement in some newspaper published in the Police District of Sydney shall convene a meeting of the several Councils under the Municipalities Act of 1867 situate wholly or in part within the boundaries of the said district to be holden at such place and time in the City of Sydney not being more than fourteen days from the date of such notice and advertisement as he shall think most convenient And at such meeting the said Mayor shall be the Presiding Officer And the Mayors and Aldermen of the said Municipalities present at such meeting shall by open voting elect a person qualified under section thirty-two and not being disqualified under section thirty-three of the Municipalities Act of 1867 (which said sections for the purposes of such electing only shall be deemed to be incorporated herewith) to be a Commissioner And for the purposes of this Act every such Mayor and Alderman shall be deemed to be an elector And the person who shall at such meeting receive the greatest number of votes shall be the elected Commissioner Provided that in every case of an equality of votes being recorded at such meeting in favor of any two or more persons the presiding officer shall but in that case only have a casting vote And the said presiding officer shall preserve order and regulate in pursuance of the provisions of this Act the conduct

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conduct of the election and the voting at such meeting and certify to the Colonial Secretary by writing under his hand the result of such election. And the person so elected (if any) shall together with the Commissioners appointed as hereinbefore provided be the Board of Commissioners for carrying out the provisions of this Act.

9. The mode of conducting elections of Commissioners after the holding of the first election under this Act shall be as follows:—The Mayor of the City of Sydney for the time being shall be the presiding officer and shall give notice of the time and place for holding every such election in like manner in all respects as is hereinbefore directed and shall in the case of an equality of votes have a casting vote. Provided that every meeting for the holding of such election shall be convened by notice and advertisement published as hereinbefore provided at least fourteen clear days before the expiration of the term of office of the outgoing Commissioner and the said Mayor shall certify the result of every such election in like manner to the Colonial Secretary and to the Registrar. And the said Mayor within fourteen days after the occurrence of any extraordinary vacancy by the death resignation insolvency lunacy or continued absence from the meetings of the "Commissioners" for more than three calendar months of the elected Commissioner shall convene a meeting for the election of a Commissioner according to the mode hereinbefore prescribed. And at such meeting the said Mayor shall be the presiding officer and in case of an equality of votes he shall have a casting vote. And for the purposes of every such election whether in the case of an ordinary or extraordinary vacancy the qualifications of electors and candidates shall be those mentioned in section eight of this Act. And the mode of notifying the time and place for the holding of such election and of certifying the results thereof and the mode of conducting such election shall as far as possible be the same respectively as have been hereinbefore prescribed. Provided that every extraordinary vacancy of the office of Commissioner shall be notified within forty-eight hours after its occurrence to the Council of every Borough or Municipal District within the aforesaid district.

10. If from any cause whatsoever the members of the said Municipal Councils shall whether on the occasion of the first or any subsequent election fail to elect a Commissioner it shall be lawful for the Governor to appoint such Commissioner who shall upon such appointment hold office for the term of one year and possess and exercise the same powers and be subject to the same obligations as if elected under the provisions of this Act.

11. If any Mayor or the Registrar or the Auditors for the City of Sydney or either of them shall be guilty of any wilful act of commission or omission contrary to any of the provisions herein contained he shall upon conviction forfeit and pay for every such offence a penalty not exceeding one hundred pounds.

12. The Commissioners shall be each entitled to receive out of the "Metropolitan Transit Fund" hereinafter described for each attendance at a duly convened meeting of the Board the sum of two pounds. Provided further that no such Commissioner shall be remunerated for more than one meeting in any one week.

13. It shall be lawful for the said Commissioners to appoint and occupy as the "Metropolitan Transit Office" such convenient and central premises in the City of Sydney as they may select and to appoint a registrar inspector timekeepers and such other officers and servants for the effective administration of this Act as they may deem requisite and may fix and determine the amount of the salary or other remuneration to be paid from time to time to every such officer.

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Meetings.

Ordinary.

Extraordinary.

14. The ordinary meetings of the said Commissioners shall be held at their said office at weekly intervals at such hours as they shall appoint and of which public notice shall be given by the Registrar Provided that in cases of urgency the said Commissioners may meet for the conduct of business at any hour and day of which at least twenty-four hours notice in writing shall have been given to each Commissioner by the said Registrar and for the purposes of this section notice of an extraordinary meeting shall be deemed to have been duly served if it shall be delivered personally to a Commissioner or transmitted to his usual place of abode or business at least twenty-four hours before the time appointed for the holding of such meeting.

Powers &amp;c. of Commissioners.

15. It shall be lawful for the Commissioners from time to time to make by-laws regulating the mode of licensing and controlling public vehicles and the drivers and conductors thereof and for appointing and regulating public stands for the same within the Police District of Sydney Provided that no license fee whatsoever under this Act shall exceed the respective sums specified in Schedule B and provided further that such by-laws shall have the force of law when confirmed by the Governor and published in the *Gazette* but not sooner or otherwise All by-laws and all alterations and repeals thereof made hereunder shall within fourteen days of the confirmation thereof by the Governor be laid before both Houses of Parliament if then in Session and if not then within the first fourteen days of the next ensuing Session thereof.

Further power.

16. It shall be lawful for the said Commissioners in such by-laws to fix and appoint the hours within which owners drivers and conductors respectively shall exercise their calling the ages at which drivers and conductors may be employed the badges (if any) clothing or uniform to be worn by such drivers and conductors respectively the number description equipment furniture and gear of such vehicles the number of persons to be carried in the same the size and dimensions of stage carriages omnibuses and cars the number and position of public stands the amount to be paid for fares for time or distance for the use of such vehicles the safe custody of any property which may be accidentally or otherwise left in such vehicles also to prescribe the punishment of any misconduct of the drivers and conductors and other persons attending to or managing such vehicles respectively whether by demanding or receiving more than the authorized fares or otherwise or for not performing stated journeys in the appointed time and to regulate all other matters and things connected with the good government and regulation of vehicles plying for hire as hereinbefore mentioned.

May fix penalties for breach of by-laws &amp;c.

17. The said Commissioners are further empowered in and by such by-laws to fix the amount of fines and penalties to be imposed on the owners drivers and conductors of public vehicles plying for hire for demanding or receiving more than the authorized fare or otherwise and on persons hiring such vehicles for fraudulently evading the payment of such fares or for the breach of any other by-law which the said Commissioners may make in respect to such vehicles the owners drivers conductors and managers thereof Provided always that no such penalty shall exceed for any one offence the sum of ten pounds.

Registrar to keep accounts.

18. The Registrar shall in books to be kept for that purpose and in such manner as the Commissioners shall direct enter true accounts of all moneys received and paid and shall keep separate accounts of the moneys received on account of omnibuses and other vehicles on each line of road on hackney carriages and cabs and on carts drays and vans licensed to ply for hire within the City of Sydney and any of the suburbs thereof respectively and such books shall at all times be open to the inspection of the said Commissioners and all

accounts

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accounts with all vouchers and papers relating thereto shall in the month of January in every year be submitted to the inspection of the City Auditors for the purpose of being examined and audited from the first day of January to the thirty-first day of December inclusively in every year and if the said accounts shall be found correct the Auditors shall sign the same and certify to their correctness receiving for their services the sum of five pounds and after such accounts shall have been so examined and audited in the month of January in every year the Registrar shall make out in writing and submit to the Commissioners a full abstract of his accounts for the preceding year in such form as the Commissioners may direct and the said Commissioners shall forthwith cause the same to be printed and a copy thereof shall be open to the inspection of all persons and copies thereof shall be delivered to all persons applying for the same on payment of one shilling for each copy and a copy of the said abstract shall in the month of February in every year be published in the *Government Gazette*.

19. All salaries shall be paid in regular monthly instalments on the first Monday of each month and all accounts for work performed for and articles supplied to the said Commissioners in carrying into effect the provisions of this Act on being duly certified by the proper officer and passed by the said Commissioners at any duly convened meeting of the said Commissioners shall be forthwith paid by the Registrar on an order signed by at least two of the said Commissioners. Payments of salaries accounts &c.

20. All moneys received by the Registrar on account of the said Commissioners shall be lodged on the same day or as soon thereafter as practicable to the credit of the said Commissioners to be called "The Metropolitan Transit Fund" in some Bank in the City of Sydney to be selected by the said Commissioners and all payments made on account of the said Commissioners shall be by cheques on the said Bank signed by the said Registrar and by two at least of the said Commissioners. Lodgment of moneys received.

21. The Commissioners shall apply the moneys received under this Act in the following manner (that is to say) in the payment of all authorized expenses and charges incurred in carrying into effect the provisions of this Act. Application of moneys.

22. All fines penalties and forfeitures incurred under this Act or under any by-laws made hereunder may be recovered in a summary way before any two Justices according to the provisions of the Act fourteenth Victoria number forty-three and the Acts therein adopted or any Act amending the same and shall be paid to the Registrar and by him be carried to the credit of the "Metropolitan Transit Fund." Recovery of penalties &c.

23. All fines penalties and forfeitures recovered or received under this Act and under any by-laws made hereunder and also all sums of money received for licensing public vehicles and all other income from whatever source arising shall be paid to the Registrar who shall keep separate accounts of the amounts received on account of public vehicles. Application of penalties &c.

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## SCHEDULES.

## SCHEDULE A.

Section 2.

No. of Act.	Title of Act.	Extent of Repeal.
6 Wm. IV No. 2 ...	An Act for regulating Stage Carriages in New South Wales. ....	The whole Act so far as it is applicable to Stage Carriages the licensed termini of which are both within the Police District of Sydney.
11 Vict. No. 21 .....	An Act to enable the Council of the City of Sydney to make by-laws for the licensing and regulating Hackney Carriages within the City of Sydney and its vicinity and the conduct of the owners and drivers thereof .....	
18 Vict. No. 28 .....	An Act for the licensing and regulation of Carters plying for hire within the City of Sydney.....	The whole Act.
19 Vict. No. 23 .....	An Act to amend certain Acts relative to the powers and duties of the Commissioners for the City of Sydney and their officers. ....	The whole Act.
31 Vict. No. 12 .....	An Act to establish Municipalities .....	Section 9.  Section 129 so far as it affects Municipalities situated wholly or partially within the Police District of Sydney and section 153 so far as it provides for the regulation of public carriers or carters and vehicles plying for hire in Municipalities situated wholly or partially within the Police District of Sydney.

## SCHEDULE B.

*Licenses.*

Section 16.

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

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1873.