

Legislative Council.

37^o VICTORIÆ, 1874.

A BILL

To amend the "Public Vehicles Regulation Act of 1873."

[MR. ALEXANDER CAMPBELL ;—25 February, 1874.]

WHEREAS it is expedient to amend the "Public Vehicles Regulation Act of 1873" Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the "Public Vehicles Regulation Act of 1873 Amendment Act" and shall be read as forming part of the "Public Vehicles Regulation Act of 1873" hereinafter termed the "Principal Act."

2. Justices of the Peace adjudicating in any cases heard by them under and by virtue of this Act or the Principal Act shall have power to order payment to any owners drivers or conductors of public vehicles of fares due by hirers and to any hirers of such vehicles payment of overcharges by owner driver or conductor and also to order payment to any persons seeking to recover such fares or overcharges such sums as they may think proper as compensation for loss of time or otherwise.

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3.

Property found in vehicles and unclaimed to be sold.

3. Any property left in any licensed vehicle and not claimed by the owner thereof within seven days next after it shall have been delivered to the Registrar shall be advertised in one or more of the newspapers circulating in the City of Sydney and if not claimed within one calendar month after such advertisement it shall be disposed of by public auction and the proceeds after payment of all expenses and such rewards as the Commissioners shall determine shall be paid to the Registrar and carried by him to the credit of the Metropolitan Transit Fund And if such property shall be claimed within one month from the date of such advertisement the Commissioners shall cause the same to be delivered to the owner thereof on being paid any expenses incurred by the said Commissioners or reward awarded by them And unless such expenses and rewards shall be paid within one week after such property shall have been claimed the Commissioners may sell the same in manner provided in case of unclaimed property.

No distinguishing numbers to be on unlicensed vehicles.

4. No person shall place or allow to remain in any vehicle distinguishing numbers as required by any by-laws now in force or hereafter to be passed by the Commissioners unless he shall at the time be the holder of a license for such vehicle.

Offenders may be detained.

5. It shall be lawful for any officer of the Commissioners or for any police officer to seize and detain any person whose name and residence is unknown to any such officer who shall commit any offence against this Act or the Principal Act or against any by-laws made or to be made thereunder and to convey him before any two Justices of the Peace without any other warrant than this Act for so doing and such Justices are hereby empowered to proceed immediately to hear and adjudicate on such charge as may be preferred against such person so offending.

Officers of Commissioners to have powers of police constables.

6. For the purposes of carrying out and enforcing the provisions of this Act and of the Principal Act all officers appointed under the said Act by the Commissioners shall have the same powers as those conferred on police constables under and by virtue of any laws now in force in the Colony of New South Wales.

Time-tables and stands may be altered.

7. The Commissioners shall have power from time to time to alter and vary scales of fees and time-tables and to add to or reduce the number of or change the positions of any public stands now made or appointed or hereafter to be made or appointed by them such alterations variations or additions to come into operation on publication of notice thereof by the Commissioners in the *Government Gazette* and one other newspaper to be published in Sydney.

By-laws to be proved by production of *Gazette*.

8. The production of the *Government Gazette* purporting to contain a copy of any by-laws made or to be made by the Commissioners shall in any suit or proceeding whatsoever before any Court be *prima facie* evidence that such by-laws were made confirmed and published as by the Principal Act required and authorized.

Suspension of license.

9. Any holder of a license who after the issue thereof shall have been convicted of any felony or misdemeanor or of having been intoxicated while in charge of a licensed vehicle or against whom there shall have been two convictions under this or the Principal Act or any by-law made or to be made thereunder obtained within a period of six months shall be liable to have his license suspended by the Commissioners.

Licensed vehicle not to be withdrawn from plying.

10. No owner of any licensed vehicle shall withdraw the same from hire for two consecutive days or for any two days in one week without leave from the Commissioners Provided that any owner may obtain such leave to withdraw his vehicle on giving five days notice in writing to the Registrar of his desire so to do.

11. No vehicle except a dray wain waggon cart or van shall be drawn through any part of the city or Police District of Sydney at a walking pace except as provided by the Principal Act or any by-law made or to be made thereunder or on Sunday when all shall be so drawn when passing places of public worship during divine service nor at a pace faster than that of a trot which shall not be at a rate of less than six miles an hour.

Paces at which vehicles to be driven.

12. No person suffering from an infectious or contagious disorder shall ride in or upon any licensed vehicle and no driver or conductor shall knowingly carry or permit to be carried any such person or (except to some police office or watch-house) any corpse or any person in a state of intoxication or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace and no passenger shall carry inside any vehicle except a dray any animal or any substance of an offensive character or that might soil or damage the vehicle or the apparel of other passengers and no driver or conductor shall sleep in or upon any licensed vehicle or use the same for eating his meals therein.

Persons suffering from contagious diseases not to be carried.

13. Any person committing a breach of any provision of this Act or of the Principal Act or of any by-law made or to be made thereunder shall when no specific penalty shall have been provided for such offence be liable to a penalty not exceeding *ten* pounds and not less than *five* shillings and all fees penalties fines and forfeitures inflicted for such breach may be proceeded for and in case of non-payment recovered in the same manner as any fees penalties fines and forfeitures inflicted or imposed under the provisions of the said Principal Act.

Penalties for breach of Acts or by-laws.

14. No owner driver or conductor of any omnibus shall demand or receive from any passenger a larger fare than shall be shown in large immovable figures in some conspicuous place both inside and outside the omnibus as the fare for which such omnibus plies provided that no fare shall be increased except between the hours of ten o'clock at night and five o'clock in the morning And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room and to whom no reasonable objection can be made under these by-laws nor except in cases of accident or other unavoidable cause shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage way.

Taking illegal fare.

Pro-Increase of fares.

Not to refuse passengers.

15. No owner driver or conductor shall ply any vehicle for hire on two consecutive Sundays and the owner thereof shall withdraw it and the driver and conductor (if any) thereof from traffic on every alternate Sunday in the order to be shown on a table to be exhibited in the office of the Inspector or on receiving direction from the Inspector or any other officer of the Commissioners to do so in accordance with such time-table.

Not to ply on two consecutive Sundays.

16. No owner of any licensed vehicle shall employ any driver or conductor for more than twelve hours in each day and no driver or conductor shall drive or conduct any vehicle for more than twelve hours in each day.

Not to work more than twelve hours.

17. For the purposes of any proceeding matter or thing to be instituted or done under this or the Principal Act or under any by-law now or hereafter to be made thereunder the temporary use or employment by any person for hire of any public vehicle as hereinafter defined within the limits of the City or Police District of Sydney shall be deemed to be a plying for hire in a public street or place by such vehicle within the meaning of this or of the Principal Act and of any by-law now made or hereafter to be made thereunder.

Evidence of plying for hire.

Interpretation of
term "public
vehicle."

18. In the construction of this and the Principal Act and of any By-law made or to be made thereunder the expression "public vehicle" shall mean and include any stage-carriage or omnibus hackney-carriage coach cab cabriolet wain waggon cart van or dray or conveyance drawn by animal power for the temporary use or hire whereof within the limits of the City and Police District of Sydney the owner driver or conductor thereof or any person on his behalf shall receive or be entitled to receive payment. 5

Repeal of sec. 112 of
14 Vic. No. 41.

19. So much of the one hundred and twelfth section of the Act fourteenth Victoria number forty-one as relates to the regulation and government of carters and drivers and for the conduct of the proprietors and drivers of hackney-carriages is hereby repealed. 10