

(c) the marking or stamping by the inspector who passed it were—

- (i) branding as prescribed within the meaning of subsection (5) of section two hundred and fifty-three of that Act; and
- (ii) stamping as required by Part XV of that Act; and

(d) subsection (3) of section two hundred and fifty-two of that Act had not been enacted,

and need not be wrapped or covered in any way until sale to a consumer.

“(9) The Governor may repeal any municipal by-law made after the commencement of this subsection so far as it creates any greater impediment to the sale of meat passed under subsection (3) than to the sale of any other meat of the same quality.

“(10) The Governor may make regulations for the inspection and handling of meat slaughtered at abattoirs established, operated, or maintained by a board pursuant to this Act.”

METROPOLITAN TRANSPORT.

No. 77 of 1954.

AN ACT to constitute a Metropolitan Transport Trust and prescribe its powers, functions, and duties, and to provide for the vesting in the Trust of certain tramway undertakings, and for the transfer to the Trust of certain property, rights, and liabilities relating to those undertakings, and for matters incidental thereto.
[21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

1 This Act may be cited as the *Metropolitan Transport Act 1954*.

Short title.
Cf., 10 & 11
Geo. VI,
c. 49 (Imp.).
11 & 12 Geo.
VI No. 78
(Tas.).
13 Geo. V
No. 14 (Q'ld.).
No. 2225 of
1935 (S.A.).

- 2—(1)** In this Act, unless the contrary intention appears—
- “additional loans” means all payments by the Treasurer to the Trust that, by virtue of section thirty-two, are deemed to be loans by the State to the Trust;
- “chairman” means the chairman of the Trust, and includes the deputy chairman when acting in the place of the chairman during his absence or during any vacancy in the office of chairman;
- “Hobart metropolitan area” means the city of Hobart, together with such parts of the municipalities of Glenorchy, Clarence, and Kingborough as are situated within a radius of seven miles from the general post-office at Hobart;
- “industrial award” means—
- (a) an order or award under the *Conciliation and Arbitration Act 1904-1951* of the Commonwealth and an agreement under that Act having the force of an order or award; and
 - (b) a determination under the *Wages Boards Act 1920*;
- “Launceston metropolitan area” means the city of Launceston, together with such parts of the municipalities of St. Leonards, Lilydale, Evandale, Westbury, and Beaconsfield as are situated within a radius of seven miles from the principal post office at Launceston;
- “liability” includes an obligation;
- “member” means a member of the Trust, and includes the chairman;
- “metropolitan area” means—
- (a) the Hobart metropolitan area; or
 - (b) the Launceston metropolitan area,
- or both of those areas, according to the context;
- “municipal corporation” means—
- (a) the Lord Mayor, Aldermen, and Citizens of the city of Hobart; and
 - (b) the Mayor, Aldermen, and Citizens of the city of Launceston,
- and, in Division III of Part II and in section forty-seven, includes the Warden, Councillors, and Electors of a municipality constituted under the *Local Government Act 1906*;
- “principal loan” means the sum that is debited to the Trust in the books of the Treasury pursuant to section thirty-one;
- “securities” includes inscribed stock, debentures, bonds, mortgages, charges, and other securities of a like nature;

Interpretation.
Imp., s. 125.
Tas., s. 242.

“ State rate ”, used in relation to the payment of interest, means the State rate as defined in section twenty-four of the *Hydro-Electric Commission Act 1944*;

“ tram ” includes a rail-less tram or trolley-bus;

“ tramway undertaking ” includes all trams, motor vehicles, rolling stock, works, buildings, lands, and property of any description used or held for the purposes of, or in connection with, the carrying on of a tramway undertaking;

“ Trust ” means the Metropolitan Transport Trust constituted under this Act;

“ vesting date ”, used in relation to the tramway undertaking of a municipal corporation, means the date specified in an order under section twenty-seven as the date on which the undertaking vests in the Trust.

(2) Without prejudice to the generality of the provisions of the *Rules Publication Act 1953*—

(a) a notice under—

(i) subsection (5) of section twenty-six of this Act; or

(ii) subsection (2) of section twenty-nine of this Act; and

(b) an order under—

(i) section twenty-seven of this Act;

(ii) paragraph (a) of subsection (2) of section thirty-four of this Act; or

(iii) subsection (6) of section forty-four of this Act,

is a statutory rule within the meaning of the firstmentioned Act.

PART II.

THE METROPOLITAN TRANSPORT TRUST.

Division I.—Constitution, incorporation, and proceedings of the Trust.

3—(1) There shall be a public authority, to be known as the Metropolitan Transport Trust.

(2) The Trust shall consist of not less than three members or more than five members appointed by the Governor.

(3) Of the members of the Trust—

(a) one shall be appointed as the chairman of the Trust;

(b) one shall be appointed as the deputy chairman of the Trust;

(c) one shall be a person who is nominated by the Hobart City Council; and

(d) if an agreement is entered into under section twenty-six between the Minister and the Mayor, Aldermen, and Citizens of the city of Launceston, one shall be a person who is nominated by the Launceston City Council.

(4) So far as is practicable, of the members of the Trust—

(a) one shall be a person who appears to the Governor to have had wide experience and to have shown capacity in the management of a transport undertaking;

(b) one shall be a person who appears to the Governor to have had wide experience and to have shown capacity in commercial or industrial matters; and

(c) one shall be a person who appears to the Governor to have had wide experience and to have shown capacity in financial matters.

(5) If either of the councils that are referred to in paragraphs (c) and (d) of subsection (3) of this section fails, within forty days after being requested by the Minister so to do, to nominate a person for appointment as a member, the Governor may, without any nomination, appoint a member to represent the relevant council.

(6) An officer of the Public Service may be appointed as a member and may hold office as a member in conjunction with his office as an officer of the Public Service.

4 The Trust is a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and acquire, hold, mortgage, charge, lease, sell, and dispose of real and personal property, and do and suffer all such other acts and things as bodies corporate may by law do and suffer.

Incorporation of the Trust.

5—(1) The secretary has the custody of the common seal of the Trust.

Custody and use of common seal.

(2) The common seal of the Trust shall not be affixed to a document except in pursuance of a resolution of the Trust, and every sealing shall be authenticated by the signatures of—

(a) the chairman and the secretary; or

(b) any two members (other than the chairman) and the secretary.

6—(1) A contract may be executed, or a power exercised, by the Trust—

Manner of executing contracts, &c. 8 & 9 Geo. VI No. 22, s. 20.

(a) by writing under the common seal of the Trust;

(b) by writing signed by a person acting under the express or implied authority of the Trust; or

(c) orally by a person acting under the express or implied authority of the Trust,

according as the transactions, if between private persons, would be required to be in writing under seal, or in writing, or could be effected orally, respectively.

(2) All contracts made according to the provisions of this section are effectual in law, and are binding on the Trust and all other parties thereto, and on their heirs, executors, or administrators, as the case may be.

(3) Nothing in this section affects the validity of any contract executed on behalf of the Trust by its attorney.

Proceedings
of the Trust.

7—(1) The chairman shall preside at all meetings of the Trust at which he is present and, in the absence of the chairman from a meeting, the deputy chairman shall preside thereat.

(2) Any question arising at a meeting of the Trust shall be determined by a majority of the votes of the members present and voting on the question.

(3) Except as provided by subsection (4) of this section, the chairman has a deliberative vote only.

(4) If the voting on any question arising at a meeting of the Trust at which all the members are not present is equal the determination of that question shall be postponed until a meeting at which all the members are present, when, if the voting is again equal, the chairman may exercise a second or casting vote.

(5) A quorum of the Trust is constituted by—

(a) any two members, if the Trust consists of only three members; or

(b) any three members, if the Trust consists of more than three members,

and the Trust may function, notwithstanding any vacancy in its membership, so long as a quorum remains.

(6) The Trust shall cause minutes of its proceedings to be recorded in a book to be kept for that purpose.

(7) A member who is interested in any way, whether directly or indirectly, in any contract, agreement, or transaction entered into, or proposed to be entered into, by the Trust shall disclose the nature of his interest at a meeting of the Trust, and the disclosure shall be recorded in the minutes of the Trust, and the member shall not take any part in any deliberation or decision of the Trust with respect to that contract, agreement, or transaction.

(8) Subject to this Division, the Trust may regulate its own procedure.

Division II.—Provisions relating to the members of the Trust.

Tenure of
office of
members.

8 A member may, subject to this Act, continue in office for a term of five years from the date of his appointment or until his successor is appointed, whichever is the longer term.

9—(1) The office of a member becomes vacant upon the expiration of his term of office, or if he— Vacation of office.

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes a member of either House of the Parliament of the Commonwealth or of the Parliament of this State; or
- (d) is removed from office by the Governor in accordance with subsection (2) of this section.

(2) The Governor may remove a member from office—

- (a) for misbehaviour, negligence, or incompetence;
- (b) if, in the opinion of the Governor, the member becomes incapable of performing his duties as a member; or
- (c) if the member—

- (i) becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his remuneration under this Act for their benefit;
- (ii) is convicted of a crime, within the meaning of the *Criminal Code*, and the Governor considers that, by reason of the nature of the crime, it is not proper that he should continue to hold office as a member of the Trust;
- (iii) is absent, without leave of the Minister, from three or more consecutive meetings of the Trust; or
- (iv) being required, by the instrument of his appointment, to devote the whole of his time to the duties of his office, engages, without the approval of the Governor, in any employment outside the duties of his office.

(3) If a vacancy occurs in the office of a member, otherwise than by reason of the expiration of his term of office, the Governor may appoint a person to be a member in the place of the member whose office so becomes vacant, and a person who is so appointed may, subject to this Act, hold office as a member for the remainder of the term of office of the member in whose place he is appointed.

10 A member shall be paid such remuneration as the Governor may determine and as may be specified in the instrument of his appointment, but no determination under this section with respect to the remuneration to be paid to a member who is an officer of the Public Service to whom the *Public Service Act 1923* applies shall be made except upon the recommendation of the Public Service Commissioner. Remuneration of members.

Exclusion of operation of certain Acts in relation to members.

11 A member is not, as such—

- (a) subject to the provisions of the *Public Service Act 1923*;
- (b) an employee within the meaning of the *Superannuation Act 1938*; or
- (c) a public servant within the meaning of the *Public Servants' Retiring and Death Allowances Act 1925*,

but if an officer of the Public Service is appointed as a member he is entitled to retain all his existing and accruing rights as if his service as a member were service as an officer of the Public Service.

Division III.—Powers and duties of the Trust.

12—(1) Subject to this Division, the Trust may—

- (a) carry on, operate, maintain, and manage tramway undertakings within the metropolitan areas;
- (b) purchase, construct, make, set up, maintain, alter, renew, remove, and replace all such trams, motor vehicles, and works as it may think necessary for the efficient working of any of its tramway undertakings or for providing access to any premises or works connected therewith;
- (c) break up, open, and alter the surface or level of any street or road within a metropolitan area;
- (d) temporarily stop traffic upon any street or road within a metropolitan area;
- (e) place, erect, lay down, work, and maintain in, over, or under any street or road within a metropolitan area, and, with the consent of the owner and occupier thereof, attach to any building, any apparatus or thing that, in the opinion of the Trust, is necessary or expedient in connection with the transmission or use of electrical energy required for the efficient working of its tramway undertaking, and at any time repair, renew, remove, or replace any apparatus or thing so attached to any building;
- (f) make openings, ways, and subways in, on, or under any street or road within a metropolitan area, with openings and ways into them;
- (g) open, break up, and alter the position of sewers, drains, tunnels, gaspipes, or waterpipes in or under any street or road within a metropolitan area, or, with the consent of the Postmaster-General of the Commonwealth, raise, lower, alter, or remove any telegraphic or telephonic apparatus, whether under the control of the Postmaster-General or not;
- (h) extend or vary any tramway that is constructed, carried on, operated, maintained, or managed, by the Trust in pursuance of this Act;

General powers and duties of the Trust.
Imp., ss. 2, 3.
11 & 12 Geo.
VI No. 72.
(Tas.) ss. 243,
245, 251.
Q'ld., s. 32.
S.A., s. 48.

- (i) under and in accordance with the provisions of the *Public Authorities' Land Acquisition Act 1949*, acquire any land that, in the opinion of the Trust, it is necessary or convenient to acquire for any of the purposes of this Act, not being—
 - (i) land of the Crown; or
 - (ii) land that is owned by, or is vested by or under any Act for any public purpose in, a municipal corporation;
- (j) pay subsidies to the owners of motor vehicles in order to provide services within the metropolitan areas;
- (k) establish and support, or aid in the establishment or support of, associations, institutions, funds, accounts, trusts, and conveniences calculated to benefit employees or ex-employees of the Trust (including employees who are transferred to the service of the Trust from the service of a municipal corporation) and the dependants of those employees and ex-employees, and grant to those employees and ex-employees and their dependants pensions and allowances, and make payments towards insurance for any of those purposes;
- (l) enter into, and give effect to, any contract or agreement with any person for the use by that person of any tramway or any tram or other vehicle of the Trust, either generally or in special circumstances, at such charges and upon such terms and conditions as the Trust may determine;
- (m) make and charge such fares, tolls, and charges for the carriage and conveyance in any tram or other vehicle of the Trust of mails, passengers, goods, stock, and merchandise as may be prescribed;
- (n) allow any tram or other vehicle of the Trust to be used for the purpose of exhibiting thereon any advertisement, notification, or announcement on such terms and conditions as the Trust may determine;
- (o) take such steps and do such acts and things as it may think necessary or desirable for effecting the co-ordination of transport services and the improvement of the means of, and facilities for, the transport by road of passengers and goods within the metropolitan areas; and
- (p) generally, exercise such other powers and functions as are conferred on it by or under this Act or as may be necessary or convenient for carrying out or giving effect to the provisions of this Act or for the exercise of the powers and functions, and the performance of the duties, of the Trust under this Act.

(2) It is the general duty of the Trust so to exercise its powers and functions under this Act as to provide, or secure or promote the provision of, an efficient, adequate, and economical, and a properly integrated, system of public transport by road within the metropolitan areas.

(3) The provisions of section one hundred and seventy-two of the *Hobart Corporation Act 1947*, so far as they are applicable, apply to the Trust in the exercise of any of its powers under subsection (1) of this section in relation to a street or road in the city of Hobart as if it were a company, and any reference in those provisions to a company shall be construed accordingly as including a reference to the Trust.

(4) The Trust shall not construct, or cause to be constructed, or contract for the construction of, a tramway along a State highway, or commence or carry out any works, or cause any works to be commenced or carried out, on a State highway, except with the consent of the Minister for Lands and Works.

(5) The Trust shall so construct and maintain its tramways as to comply in all respects with all decisions of a municipal corporation with respect to the alignment of streets or roads that are under the control, management, or jurisdiction of the corporation.

(6) For the purposes of paragraph (i) of subsection (1) of this section, the *Public Authorities' Land Acquisition Act 1949* is incorporated with this Act and, for the purposes of the incorporation of that Act with this Act, this Act shall be deemed to be the special Act and the Trust shall be deemed to be the council within the meaning of that Act.

Conditions to be observed by Trust when breaking up, &c., streets and roads.
Tas., s. 205.

13—(1) Before breaking up, opening, or altering the level of any street or road within a metropolitan area (whether the breaking up, opening, or alteration is proposed to be done by the Trust or by a contractor on behalf of the Trust) the Trust shall give to the road authority, or to some officer of the road authority, three days' notice in writing of the intention of the Trust or its contractor so to do.

(2) Except in case of emergency, a notice under this section shall specify a date, time, and place at which the road authority, or its officer, may meet a member or officer of the Trust in order to agree upon the manner in which the proposed work is to be carried out.

(3) If the persons who confer pursuant to subsection (2) of this section fail to agree upon the manner in which the work is to be carried out, the question shall be referred to an engineer appointed by the Governor as referee, who shall determine the question and direct how and by whom the costs of the reference shall be paid.

(4) The decision of a referee on the determination of a question under this section is final and binding on the Trust and the road authority.

(5) A street or road shall not be broken up or opened, or the level of a street or road altered, by or on behalf of the Trust, except under the superintendence of the road authority

or some officer of the road authority on its behalf, unless the road authority or some officer on its behalf fails to—

- (a) attend and confer pursuant to subsection (2) of this section; or
- (b) superintend the work.

(6) If the Trust or its contractor breaks up or opens the soil or pavement of any street or road or any sewer, drain, or tunnel, the Trust or its contractor shall, with all convenient speed, complete the work for which it was broken up, and fill in the ground, and reinstate and make good the street or road, or the sewer, drain, or tunnel, so broken up or opened, and carry away the rubbish occasioned thereby.

(7) The Trust or its contractor shall, at all times while any street or road is broken up or opened, cause it to be fenced and guarded, and a light sufficient for the warning of the public to be set up and kept there throughout every night during which the street or road continues broken up or opened.

(8) In this section, "road authority" means the municipal corporation or other person (including the Crown) in which or in whom a street or road, or the control or management thereof, is vested.

14—(1) Subject to the provisions of the *Railway Management Act 1935*, the Trust may, for the purposes of this Act, cause its tramways to cross or connect with any State railway or private railway, or with other tramways, for any necessary purpose relating to the carrying on of a tramway undertaking of the Trust.

Right to cross railways.
Ibid., s. 244.

(2) Nothing in this section authorizes the Trust unnecessarily to interfere with any State railway or to prevent any State railway from crossing any tramway of the Trust wherever the Transport Commission requires.

15 Where any bridge over which a tramway of the Trust is laid is vested in the Crown, any work that the Trust is authorized to execute and that in any way affects or interferes with the structural work of that bridge, shall be executed at the cost of the Trust under the superintendence and to the satisfaction of the Director of Public Works unless, after notice of the intention of the Trust to execute the work is given to the Director three days at least before the work is commenced, that superintendence is declined or withheld.

Execution of work on bridges.
Ibid., s. 247.

16—(1) The Trust shall, at its own expense, maintain and keep in good condition and repair at all times so much of the surface of any street or road whereon any tramway belonging to the Trust is laid as lies between the rails of the tramway, and so much of the road as extends eighteen inches beyond the rails of, and on each side of, the tramway.

Repair of part of street, &c., where tramway is laid.
Ibid., s. 246.

(2) Notwithstanding the provisions of subsection (1) of this section, a municipal corporation (or the Crown or other person in the case of a bridge not vested in the municipal

corporation) shall maintain and keep in good condition and repair the structure and foundation beneath the metal placed by the Trust beneath the sleepers.

(3) The Trust is not required to maintain, repair, or keep in order any street or road by reason of the running thereon of any rail-less tram or trolley-bus.

Power of Trust to move pipes and other fixtures.

Ibid., s. 249.

17—(1) For the purpose of preventing frequent interruptions to traffic by reason of repairs or other works in relation to any water, electric, or gas service, the Trust may, at any time, alter the position of any fixtures installed or used in or under any street or road within a metropolitan area for the purposes of that service.

(2) The following provisions apply to the carrying out of any work for the alteration of the position of any fixtures referred to in subsection (1) of this section, namely:—

(a) The Trust shall, before laying down or constructing, or causing to be laid down or constructed, any tramway or tram route in any street or road in which any fixtures not the property of the Trust are installed or used, whether or not it is proposed to alter the position of the fixtures—

(i) give to the person owning or in control of the fixtures (in this section referred to as “the owner”) notice in writing of its intention to lay down or construct; and

(ii) deliver to the owner a specification of, the proposed work three days at least before it is commenced;

(b) If the owner considers that the proposed work will endanger any of his fixtures or interfere with or impede the supply of water, electricity, or gas, he may give to the Trust notice in writing to alter the position of the fixtures in such manner as he may think necessary;

(c) Subject to subsection (3) of this section, the Trust—

(i) shall carry out the alteration with as little detriment or inconvenience to the owner and to the inhabitants of the locality as the circumstances permit;

(ii) shall give to the owner forty-eight hours’ notice of the commencement of the work, and cause the work to be carried out under the superintendence of the owner or his surveyor or engineer unless, after receiving that notice, the owner fails to avail himself of this provision; and

(iii) shall not remove any fixtures or do anything that will, or is likely to, interfere with or impede the passage of the water, electricity, or gas thereby conveyed without the consent of the owner or except in such manner as he approves, until the Trust, at its own expense, has installed and made ready for use to the satisfaction of the owner or his surveyor or engineer other good and sufficient fixtures necessary and proper to supply the water, electricity, or gas as efficiently and as fully as if it was supplied by the fixtures proposed to be removed; and

(d) The Trust shall make good all damage done by it to property belonging to or controlled by the owner, and shall indemnify the owner for any loss or damage that he may sustain by reason of any interference with any property or with the private service pipes or wires of any person supplied by the owner with water, electricity, or gas, and shall also make good all damage done by the Trust to those private service pipes or wires.

(3) If a dispute arises between the Trust and the owner as to—

- (a) the necessity for the removal of any fixtures;
- (b) the manner in which any work under this section shall be carried out; or
- (c) whether any fixtures provided by the Trust are, or the installation thereof is, satisfactory,

that dispute shall be determined by an engineer appointed by the Governor as referee, who shall determine the dispute and determine and direct how and by whom the costs of the reference shall be paid.

(4) The decision of a referee on the determination of a dispute under subsection (3) of this section is final and binding on the Trust and the owner.

(5) In this section, "fixtures" means any posts, mains, pipes, cables, wires, and other apparatus used for the purposes of the supply of water, electricity, or gas.

18—(1) Where any tramway or tram route, or any work in relation thereto is likely to interfere with or affect any sewerage works or drainage works, the Trust—

Interference with sewerage or drainage. Tas., s. 250.

(a) shall give to the person having the control of the sewerage works or drainage works (in this section referred to as "the sewerage authority")—

- (i) notice, in writing, of its intention to lay down or construct the tramway, tram route, or work; and

- (ii) full particulars of the proposed work, three days at least before commencing the work;
- (b) may proceed with the work if the sewerage authority—
 - (i) signifies his approval thereof; or
 - (ii) fails, within three days after the service on him of the notice and particulars referred to in paragraph (a) of this subsection, to signify his objections thereto or his disapproval thereof;
- (c) shall comply with and conform to all reasonable directions and requirements of the sewerage authority in the execution of the work, and shall provide, by new, altered, or substituted works, in such manner as the sewerage authority reasonably requires, for the proper protection of and for preventing injury or impediment to the sewerage works by, or by reason of, the tramway, tram route, or work, and shall indemnify the sewerage authority against all expenses to be occasioned thereby; and
- (d) shall cause the work to be carried out under the direction, superintendence, and control of the engineer or other officer of the sewerage authority at the expense, in all things, of the Trust.

(2) When any new, altered, or substituted work or any work or defence connected therewith is completed by or at the expense of the Trust pursuant to subsection (1) of this section, it shall thereafter be deemed to be as fully and completely under the direction, jurisdiction, and control of the sewerage authority, and shall be maintained by the sewerage authority, as if the work had not been carried out.

(3) If a dispute arises between the Trust and a sewerage authority with respect to anything proposed to be done by the Trust under this section, or with respect to any direction or requirement of the sewerage authority under this section, that dispute shall be determined as if it were a dispute to which subsection (3) of section seventeen relates, and the provisions of subsections (3) and (4) of that section apply accordingly in relation to the determination of the dispute.

Power of the Trust to agree with municipal corporations &c. to carry out works for the Trust.

19—(1) For the purposes of this Division, the Trust may enter into an agreement with the Crown, or with a municipal corporation or any other person, providing for the carrying out by the Crown, or by the corporation or other person, on behalf of the Trust, of any works that the Trust is authorized by this Division to carry out, and may pay to the Crown, or to the corporation or other person, such sums in respect of the carrying out of those works as may be agreed upon between the Trust and the Crown, corporation, or other person, as the case may be.

(2) The Crown or a municipal corporation may enter into an agreement under subsection (1) of this section and carry

out any works to which the agreement relates notwithstanding anything in any enactment other than this Act.

20—(1) Subject to this section, the Trust may direct a municipal corporation to construct or maintain streets or roads within a metropolitan area of such a standard as the Trust may determine to be suitable for the proper operation of a tramway of the Trust, and, for that purpose, to execute such works as may be necessary for the construction of streets or roads of that standard or for the repair, reconstruction, or making good of any existing street or road (being a street or road that is vested in the corporation or for the maintenance of which the corporation is responsible) so as to bring it into conformity with that standard, and the municipal corporation shall comply with any direction given to it pursuant to this subsection and execute such works as may be necessary for that purpose.

Power of Trust to direct municipal corporations to provide and maintain roads, &c., of a suitable standard.

(2) Where the Trust gives to a municipal corporation a direction under subsection (1) of this section, the Trust shall pay to the corporation by way of reimbursement for the costs to be incurred by the corporation in complying with the direction such sum as may be agreed upon between the Trust and the corporation, or, in default of agreement, as may be determined pursuant to subsection (4) of this section.

(3) The sum to be paid to a municipal corporation under subsection (2) of this section may consist of—

- (a) a single payment; or
- (b) annual instalments,

according as may be agreed upon between the Trust and the corporation or, in default of agreement, as may be determined pursuant to subsection (4) of this section, and, if it consists of annual instalments, the instalments shall be paid during such period as may be so agreed upon or determined.

(4) If the Trust and a municipal corporation cannot agree upon—

- (a) the sum to be paid to the corporation by the Trust under subsection (2) of this section;
- (b) the question whether the sum to be so paid shall consist of a single payment or of annual instalments; or
- (c) if the sum is to consist of annual instalments, the period during which those instalments shall be paid,

the matter in dispute shall be determined by the Governor on the recommendation of a committee appointed by him for the purpose, consisting of an officer of the Treasury, an officer of the Public Works Department, and an officer of the municipal corporation.

(5) If a municipal corporation is unable to borrow any moneys required for the purpose of defraying the costs and expenses of the execution of any works required to be executed by it under this section, the Trust may cause the works to be

executed at the expense of the corporation, and the corporation shall pay to the Trust all costs and expenses so incurred by the Trust, out of such of the revenues of the corporation, by such instalments, and during such period, as may be agreed upon between the Trust and the corporation or, in default of agreement, as may be determined by the Governor on the recommendation of the committee referred to in subsection (4) of this section.

(6) The provisions of this section have effect notwithstanding anything contained in any enactment relating to the constitution, powers, or functions, or to the application of the revenues, of a municipal corporation and a municipal corporation shall be deemed, notwithstanding anything in such an enactment, to have power to make and carry out agreements under this section.

Power of delegation.

21—(1) The Trust may delegate to the chairman or any member or officer of the Trust any of the powers, functions, and duties of the Trust under this Act, except this power of delegation, for such period (if any), and upon and subject to such terms and conditions, as the Trust may determine.

(2) A delegation under this section is revocable by the Trust at any time, and does not prevent the exercise of a power or function, or the performance of a duty, by the Trust.

(3) Where the exercise of a power or function, or the performance of a duty, or the operation of a provision of this Act, is dependent upon the opinion, belief, or state of mind of the Trust in relation to a matter, that power or function may be exercised, or that duty may be performed, or, as the case may be, that provision may operate, upon the opinion, belief, or state of mind of a person to whom any powers, functions, or duties are delegated by the Trust pursuant to this section.

Restriction on exercise of certain powers by the Trust.

22 The Trust shall not exercise any of the powers conferred on it by this Division in relation to either the Hobart metropolitan area or the Launceston metropolitan area unless and until the tramway undertaking of the relevant municipal corporation has been vested in the Trust pursuant to section twenty-seven.

Division IV.—Provisions relating to employees of the Trust.

General manager.
Q'ld., s. 29.

23—(1) Subject to the provisions of section twenty-five, the Trust may appoint a person to be its general manager.

(2) The general manager—

(a) shall be paid such salary and allowances, and be granted such leave of absence, as the Trust may, with the approval of the Governor, determine;

- (b) subject to paragraph (a) of this section, shall be appointed to hold office upon and subject to such other terms and conditions as the Trust may approve;
- (c) is responsible to the Trust for the proper management and efficient operation of its tramways, and shall give to it such information, and make to it such reports, as it may at any time require;
- (d) is not an employee within the meaning of—
 - (i) the *Superannuation Act 1938*; or
 - (ii) the *State Employees' (Long-Service Leave) Act 1950*; and
- (e) is not a public servant within the meaning of the *Public Servants' Retiring and Death Allowances Act 1925*.

24—(1) The Trust may appoint a person to be the secretary to the Trust, who shall perform such duties as the Trust may determine. Secretary and other employees.

(2) The secretary shall be paid such salary and allowances, and be granted such leave of absence, as the Trust, with the approval of the Governor, may determine.

(3) The Trust may appoint such officers and employees as it may think necessary for the administration of this Act, at such rates of remuneration, and upon and subject to such other terms and conditions, as are prescribed in the industrial award that is applicable to their appointment or, if no industrial award is applicable thereto, at such rates of remuneration and upon and subject to such other terms and conditions as the Trust, with the approval of the Governor, may determine.

(4) Subject to subsection (5) of this section, the secretary and other officers and employees appointed by the Trust under this section, or transferred to the service of the Trust under section twenty-five, are not—

- (a) employees within the meaning of—
 - (i) the *Superannuation Act 1938*; or
 - (ii) the *State Employees' (Long-Service Leave) Act 1950*; or
- (b) public servants within the meaning of the *Public Servants' Retiring and Death Allowances Act 1925*.

(5) The provisions of subsection (4) of this section do not apply to a person who is appointed by the Trust under this section and who, immediately before his appointment, is employed by the State or by an instrumentality of the State, and a person to whom this subsection applies, upon being so appointed, is entitled to retain all his existing and accruing rights as if his employment as an officer or employee of the Trust were a continuation of his employment by the State or instrumentality of the State.

Transfer of
municipal
employees to
the service of
the Trust.

25—(1) When the tramway undertaking of a municipal corporation is vested in the Trust pursuant to section twenty-seven, all officers and employees of the corporation who are employed by it in or in connection with the operation and maintenance of the tramway undertaking of the corporation shall, on the vesting date, be transferred to the service of the Trust.

(2) A person who is transferred to the service of the Trust pursuant to this section is entitled to retain all his existing and accruing rights in relation to—

- (a) the rate of salary, wages, or other remuneration payable to him;
- (b) annual leave, long-service leave, and sick leave;
- (c) any retiring allowance, superannuation, or annuity, or other benefit of a like nature; and
- (d) benefits under any staff welfare fund, recreation fund, or other like fund,

and the Trust shall make all such payments and appropriations as may be necessary for giving effect to this subsection.

(3) For the purpose of giving effect to subsection (2) of this section, a municipal corporation shall, upon the vesting in the Trust of the corporation's tramway undertaking, transfer or assign to the Trust such funds or accounts, and the investments thereof, as may have been established or opened by the corporation for the purpose of providing any benefits mentioned in that subsection for officers and employees employed in connection with the tramway undertaking, or such part of those funds, accounts, or investments as the Trust may direct, and shall execute all such transfers, assignments, and other assurances as may be necessary for the purposes of this subsection.

(4) Nothing in subsection (2) of this section shall be construed as conferring on any officer or employee of a municipal corporation any right to be appointed or transferred to any particular office or position in the service of the Trust.

(5) When the tramway undertaking of a municipal corporation is vested in the Trust pursuant to section twenty-seven, the town clerk or other officer of the corporation appointed by it for the purpose shall, if so required by the Trust, prepare and furnish to the Trust, within such time as it allows in that behalf, a statement setting out—

- (a) the full names of all officers and employees who are transferred to the service of the Trust by virtue of this section; and
- (b) in respect of each of those officers and employees, all his rights and obligations as an officer or employee of the corporation under the industrial award (if any) that is applicable to his employment with the corporation, or, as the case may be, under his contract of service with the cor-

poration, as at the vesting date, and, in particular, his rights and obligations (if any) with respect to—

- (i) annual leave, long-service leave, and sick leave;
- (ii) any retiring allowance, superannuation, or annuity, or other benefit of a like nature; and
- (iii) payments to or from any staff welfare fund, recreation fund, or other like fund.

PART III.

ACQUISITION OF MUNICIPAL TRAMWAY UNDERTAKINGS.

26—(1) The Minister may, on behalf of the State, enter into an agreement with a municipal corporation providing for the acquisition by the State of the corporation's tramway undertaking upon such terms and conditions as may be agreed upon between the Minister and the corporation.

Acquisition
of municipal
tramway
undertakings.

(2) Without prejudice to the generality of subsection (1) of this section, an agreement under this section shall declare which of the securities created, issued, or given by the corporation are securities, and which moneys (if any) held by the sinking fund commissioners of the corporation are moneys, to which sections twenty-nine and thirty-seven, respectively, apply.

(3) The amount to be paid to a municipal corporation by way of financial adjustment on account of the acquisition of the tramway undertaking of the corporation pursuant to this section shall not exceed—

- (a) in the case of the acquisition of the tramway undertaking of the Lord Mayor, Aldermen, and Citizens of the city of Hobart, the sum of two hundred thousand pounds; and
- (b) in the case of the acquisition of the tramway undertaking of the Mayor, Aldermen, and Citizens of the city of Launceston, such sum (if any) as may be approved by a resolution of both Houses of Parliament,

and an agreement under this section shall make provision accordingly.

(4) A municipal corporation shall be deemed to have power to make and carry out an agreement under this section notwithstanding anything to the contrary in any enactment relating to its constitution, powers, or functions.

(5) Upon the completion of an agreement under this section, the Minister shall, by notice under his hand, declare that the agreement has been completed and shall specify the date of completion thereof.

(6) Upon the date specified in a notice under subsection (5) of this section, the whole of the tramway undertaking to which the notice relates vests in and becomes the property of the State, and may be vested in the Trust in accordance with section twenty-seven.

(7) The Minister shall cause a copy of any agreement under this section to be published in the *Gazette* and to be laid upon the table of each House of Parliament within the first seven sitting days of the House after the completion of the agreement.

Vesting of
municipal
tramway
under-
takings in the
Trust.

27—(1) When a tramway undertaking has been acquired by the State pursuant to section twenty-six, the Governor may, by order, vest the undertaking in the Trust, as from such date as is specified in that behalf in the order, and, on the date so specified, that undertaking, by virtue only of this section and without further assurance, vests in and becomes the property of the Trust for the purposes of this Act, but subject, in the case of such part of the undertaking as consists of real property, to the execution of the necessary assurances.

(2) The date specified in an order under this section may be a date earlier or later than the date on which the order is made, and may be the same date as the date specified in a notice under subsection (5) of section twenty-six.

(3) During the period (if any) between the date specified in a notice under subsection (5) of section twenty-six and the date specified in an order under this section, the municipal corporation shall continue to carry on its tramway undertaking as if it had not been acquired by the State, but while so carrying on that undertaking shall be deemed to be carrying it on as the agent for, and on behalf of, the State.

Effect of
vesting
tramway
under-
takings in the
Trust.
Imp., s. 14.

28—(1) The provisions of this section have effect when the tramway undertaking of a municipal corporation to which an agreement under section twenty-six relates is vested in the Trust pursuant to section twenty-seven.

(2) Subject to this section and to any express provision of an agreement under section twenty-six, on the making of an order under section twenty-seven the property of the municipal corporation that is acquired by the State pursuant to the agreement vests in the Trust and, as from the vesting date, the Trust has, to the exclusion of the corporation, all the rights that the corporation had, and is subject to all the liabilities to which the corporation was subject, in relation to that property, immediately before its acquisition by the State.

(3) Subject to this section, an agreement that relates in any way to the carrying on of its tramway undertaking to which the corporation was a party, whether in writing or not and whether or not of such a nature that rights and liabilities thereunder could be assigned by the corporation, unless its terms or subject matter make or makes it impossible that it should have effect as modified in the manner prescribed in this subsection, has effect, as from the vesting date, as if—

(a) the Trust had been a party to the agreement;

- (b) for any reference (however worded and whether express or implied) to the corporation there were substituted, in respect of anything falling to be done on or after that date, a reference to the Trust;
- (c) any reference (however worded and whether express or implied) to any officer or employee of the corporation, in respect of anything falling to be done on or after that date, were a reference to such person as the Trust may appoint or, in default of appointment, to the officer or employee of the Trust who corresponds as nearly as may be to the firstmentioned officer or employee;
- (d) in the case of an agreement for the rendering of personal services to the corporation, the services to which the agreement relates were, on and after that date, any reasonably comparable services under the Trust, to be selected by the Trust; and
- (e) except as provided by paragraphs (c) and (d) of this subsection, any reference (however worded and whether express or implied) to the corporation's tramway undertaking were, in respect of the period beginning with that date, a reference to so much of the undertaking of the Trust under this Act as corresponds to the corporation's tramway undertaking,

but an agreement that cannot be modified in the manner prescribed in this subsection by reason only that, if it were so modified, no person other than the Trust would have rights or liabilities thereunder, ceases to have effect in respect of anything falling to be done on or after the vesting date.

(4) Without prejudice to the generality of the foregoing provisions of this section, where, by the operation of any of those provisions, a right or liability becomes a right or liability of the Trust, the Trust has, and all other persons have, on and after the vesting date, the same rights, powers, and remedies (including rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any tribunal or authority) for ascertaining, perfecting, or enforcing that right or liability as it or they would have had if it had at all times been a right or liability of the Trust.

(5) Notwithstanding anything in this section, no right or liability of a municipal corporation under any security created, issued, or given by the corporation in respect of any moneys borrowed by the corporation passes to the Trust by reason of the vesting in the Trust of the corporation's tramway undertaking.

PART IV.

FINANCIAL PROVISIONS.

Trust to be indebted to corporation in the amount of certain securities.

29—(1) Upon the vesting in the Trust pursuant to this Act of the tramway undertaking of a municipal corporation, the Trust shall be deemed to be indebted to the corporation in the amount of all securities of the corporation to which this section applies.

(2) As soon as practicable after the vesting date, the Minister shall, by notice under his hand, specify the extent of the Trust's indebtedness to the corporation under this section.

(3) The Trust shall, as and when required by a municipal corporation, pay to the corporation such sums as the corporation may certify to be necessary for the purpose of repaying the principal sum secured by any security to which this section applies, or of paying any interest that is payable to the holder of any security to which this section applies.

(4) The payment by the Trust to a municipal corporation of any sum that is payable by the Trust pursuant to subsection (3) of this section is guaranteed by the State, and any liability of the State arising by virtue of the operation of this subsection is payable out of the Consolidated Revenue, which, to the necessary extent, is appropriated accordingly.

(5) The Trust shall pay to the Treasurer interest at such rates, and at such times, as the Treasurer may determine, in respect of any moneys that are paid out of the Consolidated Revenue by virtue of the operation of subsection (4) of this section.

(6) This section applies to such securities created, issued, or given by a municipal corporation in respect of moneys borrowed by it for the purposes of its tramway undertaking as are declared in the agreement entered into between the Minister and the corporation under section twenty-six to be securities to which this section applies.

Power of Treasurer to borrow and apply moneys for certain purposes.

30—(1) Subject to this section, the Treasurer may borrow and apply such moneys as may be necessary for the purpose of making payments to municipal corporations by way of financial adjustment on account of the acquisition of the tramway undertakings of the corporations pursuant to this Act.

(2) The moneys authorized by this section to be borrowed and applied by the Treasurer shall not exceed—

(a) in the case of the acquisition of the tramway undertaking of the Lord Mayor, Aldermen, and Citizens of the city of Hobart, the sum of two hundred thousand pounds; and

- (b) in the case of the acquisition of the tramway undertaking of the Mayor, Aldermen, and Citizens of the city of Launceston, such sum (if any) as may be approved by a resolution of both Houses of Parliament.

31 All sums of money that are borrowed and applied by the Treasurer pursuant to section thirty shall be debited to the Trust in the books of the Treasury and shall be deemed to constitute a loan from the State to the Trust.

The principal loan.
Cf. 2 & 3 Geo. VI No. 70, s. 22.

32—(1) The Trust may requisition the Treasurer for any moneys (not exceeding in the whole the sum of two hundred and fifty thousand pounds) required by it for capital expenditure in connection with works to be undertaken by it under this Act, and the Treasurer may pay to the Trust the amount of any moneys so requisitioned.

Advances to the Trust by the Treasurer.
Ibid., s. 23.

(2) The Treasurer may borrow and apply for the purposes of subsection (1) of this section any sums of money not exceeding in the whole the sum of two hundred and fifty thousand pounds.

(3) The Trust may requisition the Treasurer for any moneys required by it for capital expenditure in connection with any works for which moneys have been voted by Parliament, and the Treasurer shall pay to the Trust forthwith, out of any moneys that are available to him for that purpose, the amount of the moneys so requisitioned.

(4) The amount of all charges and expenses incurred by the Treasurer in borrowing any sum of money voted by Parliament for the purposes of any works of the Trust shall, as at the date when the amount thereof has been ascertained, be deemed to constitute an advance by the Treasurer to the Trust under this section and to form part of the moneys voted by Parliament for those works.

(5) The Treasurer may borrow any sums of money, not exceeding in the whole the sum of one hundred thousand pounds, and advance the moneys so borrowed to the Trust for the purpose of working capital, as and when required for that purpose.

(6) All payments made by the Treasurer to the Trust pursuant to subsections (1), (3), and (5) of this section shall be deemed to be loans by the State to the Trust.

33 For the purposes of this Part, all moneys comprising the principal loan and the additional loans shall be deemed to be advanced to the Trust upon and subject to such terms and conditions (including the security for, and the basis of, the repayment thereof, but not including the rate of interest payable in respect thereof) as the Treasurer may, either generally or in a particular case, determine, and the Trust shall comply with all terms and conditions so determined.

Conditions upon which advances may be made.

Trust to pay
interest on
loans.
Ibid., s. 24.

34—(1) The Trust shall pay to the Treasurer, to the credit of the Consolidated Revenue, quarterly on the last days of September, December, March, and June, respectively, in each financial year, interest at the State rate in respect of the principal loan and the additional loans.

(2) The interest payable under this section shall be paid—

(a) in respect of the principal loan, from such date as the Treasurer may, by order, fix in that behalf; and

(b) in respect of the additional loans, from the respective dates of the payment by the Treasurer to the Trust of the moneys comprising those loans.

(3) The interest payable by the Trust to the Treasurer under this section upon any portion of the additional loans during the construction of any works upon which those loans have been or are being expended may, until the Trust certifies that the works have been completed or put into operation, be charged to, and be defrayed out of, the capital moneys of the loan by the expenditure of which the works have been or are being constructed.

Power of
Trust to
borrow
moneys on
overdraft.
Ibid., s. 20.

35 The Trust may, with the consent of the Treasurer, borrow money by overdraft of its bank account but so that the overdraft does not at any time exceed fifty thousand pounds.

Power of
Treasurer to
make grants
to the Trust.

36 The Treasurer may, out of any moneys voted by Parliament for that purpose, make grants to the Trust to enable it to defray all or any of the costs or expenses incurred, or to be incurred, by it in the exercise or performance of its powers, functions, or duties under this Act.

Transfer to
the State
Sinking
Fund Com-
missioners of
municipal
corporation's
sinking fund
securities, &c.

37—(1) Upon the vesting in the Trust pursuant to this Act of the tramway undertaking of a municipal corporation, the corporation shall transfer and hand over to the State Sinking Fund Commissioners the securities and moneys to which this section applies, adjusted to the date of the transfer and handing over thereof.

(2) Upon the transfer and handing over by a municipal corporation to the State Sinking Fund Commissioners of any securities and moneys to which this section applies, the corporation ceases to be obliged to set apart any sums for the purposes of establishing a sinking fund for the redemption of moneys borrowed by it for the purposes of its tramway undertaking, notwithstanding anything to the contrary in any enactment other than this section.

(3) This section applies to such securities and moneys (if any) held by the sinking fund commissioners of a municipal corporation in pursuance of any enactment (being securities and moneys so held in respect of moneys borrowed by the corporation for the purposes of its tramway undertaking) as are declared in the agreement entered into between the Minister and the corporation under section twenty-six to be securities and moneys to which this section applies.

38—(1) The Trust shall make provision for, and place to the credit of a separate account or of separate accounts, such sums of money as the Trust, with the approval of the Treasurer, may consider necessary—

Provision for depreciation, &c.
Ibid., s. 19.

(a) to cover the depreciation or obsolescence of trams, motor vehicles, plant, machinery, or other assets of a wasting nature; and

(b) for other purposes approved by the Treasurer, but so that the sum so provided for the purposes of paragraph (a) of this subsection in each financial year is not less than the sum required to be paid to the Treasurer in that year pursuant to subsection (4) of this section.

(2) The moneys provided by the Trust pursuant to subsection (1) of this section shall be paid by the Trust to the State Sinking Fund Commissioners.

(3) The moneys received by the State Sinking Fund Commissioners pursuant to subsection (2) of this section shall be credited to a fund, to be called "the Metropolitan Transport Trust Depreciation Fund" (in this section referred to as "the depreciation fund") and shall be invested by them, and the income from the investment of those moneys shall be credited to the depreciation fund.

(4) The State Sinking Fund Commissioners shall pay to the Treasurer, out of the moneys standing to the credit of the depreciation fund at the commencement of each financial year, such sums as will reimburse the Treasurer in respect of the amount of the sinking fund contributions payable by him in that financial year to the National Debt Commission in respect of the principal loan and the additional loans.

(5) Upon any moneys being paid to the Treasurer by the State Sinking Fund Commissioners pursuant to subsection (4) of this section, the amount of the loans referred to in that subsection shall be reduced by an amount equal to the sum of the moneys so paid.

(6) The State Sinking Fund Commissioners shall pay to the Trust, out of the moneys standing to the credit of the depreciation fund, such sums as the Trust may require for—

- (a) new works or purposes connected with the carrying on of its tramway undertaking;
- (b) the replacement or renewal of existing tramway works of the Trust; or
- (c) the redemption of any loan owing by the Trust to the Treasurer, or the payment of any moneys required by section twenty-nine to be paid by the Trust to a municipal corporation.

(7) For the purpose of providing any sums required by the Commission for the purposes of subsection (6) of this section, the State Sinking Fund Commissioners may sell and dispose of any securities in their hands in respect of the moneys standing to the credit of the depreciation fund, or any of those moneys, or may transfer to the Trust securities of which the face value is equal to the sums so required by the Trust.

Application of
the moneys
of the Trust.

39—(1) Subject to this Act, the moneys at the disposal of the Trust may be applied—

- (a) in or towards defraying the costs and expenses incurred by the Trust in the exercise and performance of its powers, functions, and duties under this Act;
- (b) in the payment of the remuneration payable to members and to officers and employees of the Trust; and
- (c) generally for the purpose of carrying out or giving effect to the provisions of this Act,

and any moneys that are not immediately required by the Trust for those purposes may be invested by it in any manner in which trust moneys are authorized by section five of the *Trustee Act 1898* to be invested by trustees.

(2) Pending the investment or expenditure by it of any of its moneys, the Trust shall keep those moneys at call or on fixed deposit with the Commonwealth Trading Bank of Australia.

Accounts to
be kept by
Trust.

Ibid., s. 26.

40 The Trust shall cause to be kept in respect of its operations under this Act in each financial year such accounts, in such form, and containing such particulars, as the Treasurer may direct.

Application
of profits.

Ibid., s. 27.

41 The profits (if any) arising in any financial year from the operations of the Trust under this Act shall be applied in such manner as the Minister, with the concurrence of the Treasurer, may direct.

Annual
estimate of
receipts and
expenditure.

42 The Trust shall prepare and submit to the Minister, in such form and at such times as the Minister may direct, annual estimates of its receipts and expenditure under this Act.

Audit and
publication
of accounts.

43—(1) The accounts of the Trust are subject to the provisions of the *Audit Act 1918*.

(2) The Trust shall cause to be submitted to the Minister and to be published in the *Gazette*, on or before the thirty-first day of October in each financial year, a revenue account covering its operations during the immediately preceding financial year and a balance sheet showing its assets and liabilities as at the immediately preceding thirtieth day of June, and the Minister shall cause copies thereof to be laid upon the table of each House of Parliament within the first seven sitting days of the House after the receipt by him of the account and balance sheet.

(3) A revenue account and balance sheet submitted to the Minister pursuant to this section shall be verified by the signatures of at least two members.

PART V.

MISCELLANEOUS.

44—(1) Notwithstanding anything in the *Traffic Act 1925* or in the *Transport Act 1938*, the Transport Commission shall not, on or after the appointed day—

Restriction on the operation of certain transport services, &c.

- (a) in the course of carrying on any transport service carried on by it under the lastmentioned Act, pick up any passengers at any point within a metropolitan area and put down those passengers at any other point within that metropolitan area, except in such cases and subject to such conditions as the Trust may determine; or
- (b) except with the written consent of the Trust, grant or renew a licence under Part III of the *Traffic Act 1925* in respect of any coach (within the meaning of that Act) authorizing the use of that coach for the carrying on of a regular service for the carriage of passengers, or passengers and goods, over any route that is wholly within a metropolitan area.

(2) Notwithstanding anything in Part IIIA of the *Traffic Act 1925*, no right of appeal under that Part lies, or shall be allowed or brought, in favour of or by any person in respect of the refusal of the Transport Commission to grant or renew a licence in respect of a coach in any case where the Commission certifies in writing that the grant or renewal of the licence was refused solely by reason of the refusal of the Trust to consent thereto as provided in this section.

(3) Except as provided in paragraph (a) of subsection (1) of this section, nothing in this Act affects any power conferred on the Transport Commission by the *Transport Act 1938* to initiate and carry on transport services for the carriage of passengers, or of passengers and goods.

(4) Upon the vesting in the Trust pursuant to this Act of the tramway undertaking of a municipal corporation, the provisions of any enactment authorizing the municipal corporation to construct, operate, maintain, or manage tramways cease to have effect and shall be deemed to be repealed on the vesting date.

(5) This section has effect in relation to a metropolitan area only if the tramway undertaking of the relevant municipal corporation has been vested in the Trust pursuant to section twenty-seven.

(6) For the purposes of this section, the appointed day is such day as the Minister, on the recommendation of the Trust, may, by order, declare to be the appointed day for the purposes of this section, and different days may be so declared in respect of the two metropolitan areas, and different days may be so declared for the purposes of paragraphs (a) and (b) respectively of subsection (1) of this section.

Passengers' luggage.
11 & 12 Geo. VI No. 78, s. 252.

45—(1) A passenger who is travelling on a tram or other vehicle of the Trust may take with him, without charge therefor, his personal luggage, but only if it does not exceed twenty-eight pounds in weight and is in such a portable form that it may be placed under a seat in the tram or vehicle without inconvenience to other passengers.

(2) The Trust is not bound to carry, unless it thinks fit, any animal, or any parcel, goods, articles, or things other than passengers' luggage as provided in subsection (1) of this section.

Savings.
Q'ld., ss. 33, 34. S.A., ss. 76, 77.

46—(1) Nothing in this Act limits or affects any powers conferred on any public authority by or under any Act to widen, alter, divert, or improve any street or road.

(2) Nothing in this Act limits or affects the powers conferred on any public authority or on police officers by or under any Act to regulate the passage of traffic along or across any street or road, and those powers continue to be exercisable both on and off a tramway of the Trust and both in relation to the traffic of the Trust and the traffic of other persons.

Exclusion of certain statutory provisions, &c.
11 & 12 Geo. VI No. 78, s. 248.

47—(1) The provisions of the *Traffic Act* 1925 relating to the registration of vehicles and the licensing of drivers do not apply to a tram of the Trust or to the driver of a tram of the Trust.

(2) A tramway of the Trust is not liable to taxation imposed, or to a rate levied, under any Act, but a municipal corporation may levy a rate or charge upon a tramway of the Trust for water, the prevention of fire, cleansing, drainage, or sewerage, or for any service actually rendered.

(3) The Trust may commute its liability to pay any rate or charge payable by it under subsection (2) of this section by the payment of such sum or contribution as may be agreed upon between the Trust and the municipal corporation.

Annual report of Trust.

48 The Trust shall, within four months after the close of each financial year, prepare and submit to the Minister a report on its operations under this Act, and the Minister shall cause copies of the report to be laid upon the table of each House of Parliament within the first seven sitting days of the House after the report is received by him.

Indemnity.
Q'ld., s. 39.
S.A., s. 114.

49 No—

- (a) matter or thing done by the Trust, or contract or agreement entered into by the Trust; or
- (b) matter or thing done by any officer or employee of the Trust,

if the matter or thing is done, or the contract or agreement is entered into, in good faith in the execution or purported execution of this Act, subjects any member, or that officer or employee, to any personal liability in respect thereof.

50 Any notice, process, or other document that is authorized or required by or under this Act or any other Act, or is required for the purposes of any legal proceedings, to be served on or given to the Trust may, where no other method of service or giving thereof is prescribed by or under any Act, be so served or given by leaving it at the principal office of the Trust with some officer or employee of the Trust or by sending it by post, addressed to the chairman of the Trust at the principal office of the Trust.

Service of
notices, &c.

51—(1) No person shall—

- (a) wilfully deface or destroy any mark made, by or on behalf of the Trust, for the purpose of setting out any line of tramway; or
- (b) damage or destroy any work forming part of a tramway of the Trust.

Offences.
11 & 12 Geo
VI No. 78, s
254.

Penalty: Twenty-five pounds.

(2) No person, without lawful excuse, shall—

- (a) interfere with, remove, or alter any part of a tramway of the Trust or any work forming part of a tramway of the Trust;
- (b) place or throw any stone, dirt, wood, refuse, or other material on any part of a tramway of the Trust;
- (c) do, or cause to be done, anything in such manner as to obstruct any tram or other vehicle of the Trust, or endanger the lives of persons therein or thereon;
- (d) obstruct or impede, in any way, any person getting into or out of a tram or other vehicle of the Trust;
- (e) refuse to quit a tram or other vehicle of the Trust or any station, office, or other premises connected with a tramway of the Trust, upon request to him made by any officer or employee of the Trust; or
- (f) after being warned by the sounding of the motor-man's bell, or any other signal, of the presence or approach of any tram or other vehicle of the Trust, fail to remove from the tramlines, tram route, or roadway in such manner and to such extent as to leave room for the tram or other vehicle to pass it, every animal or vehicle which that person is riding, leading, or driving along any street or road.

Penalty: Twenty pounds.

(3) No person shall—

- (a) without the authority of the Trust, use on any tramway of the Trust any vehicle having flanged wheels suitable for running only on rails, such as are used by the Trust on the tramway;
- (b) place, bring, or send on to, or carry on, any tram or other vehicle of the Trust any goods that—
 - (i) may be dangerous or obnoxious to any officer of the Trust or to any passenger; or
 - (ii) may injure or endanger the tram or vehicle or any furniture thereof.

Penalty: Twenty pounds.

(4) No person shall—

- (a) being a passenger on, or having travelled in, any tram or other vehicle of the Trust, fail to pay the fare payable in respect thereof;
- (b) having paid a fare for a particular section or distance, travel beyond the point to which the fare so paid entitles him to travel;
- (c) having travelled beyond the section or distance to which the fare paid by him entitles him to travel, fail to pay the additional fare payable in respect of the additional distance;
- (d) travel on a periodical ticket for a greater distance than is thereby authorized;
- (e) travel on a periodical ticket on a section not authorized thereby;
- (f) transfer to any other person a periodical ticket issued to him, or travel on a periodical ticket issued to any person other than himself;
- (g) travel on a periodical ticket the currency of which has expired;
- (h) evade payment of any fare payable by him;
- (i) when required by any officer or employee of the Trust so to do, fail to produce the ticket issued to him for any fare paid by him or on his behalf; or
- (j) fail to quit any tram or other vehicle of the Trust when lawfully required so to do.

Penalty: Two pounds.

(5) An officer or employee of the Trust, and any person called upon by him to assist him, may seize and detain any person found committing, or attempting to commit, any offence against any of the provisions of subsection (4) of this section until the offender can be given in custody to a police officer.

(6) An officer or employee of the Trust may refuse to take, carry, or allow to be carried on any tram or other vehicle of the Trust any parcel that he suspects may contain goods of a dangerous, obnoxious, or injurious nature, and may open any parcel or require any parcel to be opened to ascertain the fact, and, so as to prevent the possibility of danger or injury to any tram, vehicle, or passenger, may dispose of it as he may think fit.

52—(1) The Trust may, with the approval of the Governor, make by-laws under this Act. By-laws.
Ibid., s. 256.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the by-laws may—

- (a) fix and impose fares, tolls, and charges that may be demanded or taken by the Trust from passengers in trams or other vehicles of the Trust and in respect of the carriage of animals and goods therein (and, in that respect, may discriminate in respect of particular services or other special circumstances);
- (b) regulate the number of passengers that may be carried in any tram or other vehicle of the Trust, and make provision for preventing that number from being exceeded (and may discriminate, in that respect, between different parts of a tram or other vehicle);
- (c) prohibit smoking or spitting in any tram or other vehicle, or part of a tram or other vehicle, of the Trust, or the commission of damage or nuisances, or the annoyance or molestation of passengers, in or on any tram or other vehicle, or of persons in or on any property or works, of the Trust;
- (d) generally regulate passenger traffic in trams and other vehicles of the Trust;
- (e) provide for and regulate the making of periodical deductions from the salaries and wages of officers and employees of the Trust for the purpose of providing for the payment of pensions, gratuities, or annuities on retirement from the service of the Trust, or to the dependants of officers and employees, and prescribe and regulate the management, control, investment, and distribution of the moneys so deducted;
- (f) provide for and regulate the establishment, management, control, and application of funds or special accounts for the purpose of assisting the welfare of, or providing recreation facilities for, officers and employees and provide for and regulate the making of periodical deductions from the salaries and wages of officers and employees of the Trust for the purposes of, or by way of contribution towards, any such fund or account;

(g) prescribe and regulate the duties, discipline, and conduct of, and the punishment of misconduct by, officers and employees of the Trust; and

(h) impose penalties, not exceeding fifty pounds, for offences against the by-laws.

(3) Pending the making of a by-law for that purpose, the Trust may alter any fares, tolls, or charges prescribed in relation to the trams and other vehicles of the Trust by notice under the hand of the chairman published in the *Gazette* and in a newspaper.

(4) A notice under subsection (3) of this section takes effect from the date specified in that behalf in the notice, and the fares, tolls, and charges therein specified supersede, and are payable in lieu of, any fares, tolls, or charges theretofore prescribed in respect of the same matters.

APPRENTICES.

No. 78 of 1954.

AN ACT to amend the *Apprentices Act 1942*. [21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Apprentices Act 1954*.

(2) The *Apprentices Act 1942*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpreta-
tion.

2 Section two of the Principal Act is amended by omitting the definitions of “Apprentice” and “Employer” and substituting therefor, respectively, the following definitions:—

“‘Apprentice’ means a person who is bound by indentures of apprenticeship to an employer in a trade, and includes any person under twenty years of age who is receiving training in a