

- (c) Upon the winding up of a trustee company, every person who then is, or has been, a member of the company is liable to contribute to the assets of the company to the extent of five pounds upon each share of which he then is the holder or has been the holder within the period of one year (or, in the case of a director, the period of two years) next before the commencement of the winding up;
- (d) The contribution for which a member of a trustee company is liable pursuant to sub-paragraph (c) of this paragraph, is payable in addition to any amount that is unpaid on the shares in respect of which he is so liable; and
- (e) The capital of a trustee company shall be, and shall remain, divided into shares of five pounds, and the number of shares in the company shall not, at any time, be reduced to less than ten thousand.

3.—(1) Of the persons holding office at any one time as directors of the company three at least shall be persons who, while so holding office, are not directors of the company incorporated under the *Companies Act 1920* under the style or name of the Tasmanian Woolgrowers' Agency Company Limited (in this paragraph referred to as "the Agency Company").

Qualifications
of directors.
Tas., s. 31.

(2) If at any time a person who is a director of the company becomes, while holding office as a director thereof, a director of the Agency Company, or ceases to be a director of the company for any reason, and the number of directors who are not also directors of the Agency Company is thereby reduced to less than three, the remaining directors shall not act except for the purpose of appointing a director so that the number of directors of the company who are not also directors of the Agency Company shall be at least three.

TRAFFIC.

No. 73 of 1953.

AN ACT to amend the *Traffic Act 1925* and the
Transport Act 1938. [9 December, 1953.]

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:—

1—(1) This Act may be cited as the *Traffic Act 1953*.

Short title
and citation.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

Interpreta-
tion.

2 Section three of the Principal Act is amended—

(a) by inserting before the definition of “Cab” the following definition:—

“‘Articulated vehicle’ means a vehicle that—

I. Is not rigid throughout its entire length: and

II. Has a rear or trailing portion that is carried on a separate axle or on separate axles and is connected to, and has the load partly superimposed upon, a front or driven portion of the vehicle.”;

(b) by inserting in the definition of “Motor vehicle”, after the words “animal power”, the words “, and includes an articulated vehicle.”; and

(c) by adding at the end of the definition of “Trailer” the words “, but does not include the rear or trailing portion of an articulated vehicle.”.

Hire and
drive cars.

3—(1) Section fourteen A of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsections:—

“(3) A licence under this section may be issued subject to such conditions, if any, as may be prescribed.

“(4) A fee of five pounds for each year or part of a year during which it continues in force is payable in respect of a licence under this section.

“(5) A licence under this section shall be granted under, and shall be subject to, the provisions of Part III., and the powers, authorities, and discretions vested in or conferred on the Commissioner and the Committee by or under that Part shall extend and apply to licences under this section accordingly.”.

(2) This section shall be deemed to have commenced on the first day of June, 1953.

4 After section twenty of the Principal Act the following sections are inserted:—

“20A.—(1) The Commissioner may impose in, or indorse on, a licence under this Part or a permit under section twenty a condition that the holder of the licence or permit shall pay to the Commissioner, in addition to any sum, fee, or charge payable under any other provision of this Act, such sum or sums as shall be ascertained as the Commissioner may determine.

(2) Subject to this section, the Commissioner may determine that the sum or sums to be paid under this section may be differently ascertained in respect of different licences or permits, and may be ascertained on the basis of mileage travelled or in any other method or according to any other basis or system that the Commissioner may determine.

Special provisions as to payments to be made by the holders of public vehicle licences.

Cf. No. 32, 1931 (N.S.W.), s. 18 (1) to (7).

(3) If the Commissioner determines that the sum or sums to be paid by a person pursuant to this section in respect of a public vehicle (being a passenger vehicle) is or are to be calculated on the basis of the number of passengers that the vehicle is licensed to carry, the sum or sums to be paid by that person shall comprise an amount calculated at such rate as the Commissioner may determine, but not exceeding—

- I. In the case of a public vehicle that is licensed to operate in or over a regular route not comprised within any one traffic area, twenty-five per centum of the total amount of the fares and freight charges received by the holder of the licence or permit in respect of the carriage of passengers or parcels in the vehicle during any one month or part thereof: or
- II. In any other case, the rate of 0.6 of a penny per passenger that the vehicle is licensed to carry for each mile or part thereof over which passengers are carried in the vehicle for such purposes as the Commissioner may determine,

and if the sum or sums so to be paid is or are not calculated on the basis of the number of passengers that the vehicle is licensed to carry, the Commissioner shall refund to the person entitled thereto any amount received by or on behalf of the Commissioner in excess of the amount that would have been received had the sum or sums been calculated on that basis during the currency of the licence or permit.

(4) If the Commissioner determines that the sum or sums to be paid by a person pursuant to this section in respect of a public vehicle (being a goods-carrying vehicle) is or are to be calculated on the basis of mileage travelled, the sum or sums to be paid by that person shall comprise an amount calculated at such rate as the Commissioner may determine, but not exceeding—

- I. In the case of a public vehicle that is licensed to operate in or over a regular route not comprised within any one traffic area, twenty-five per centum of the total amount of the freight charges received by the holder of the licence or permit in respect of the carriage of goods in the vehicle during any one month or part thereof: or
- II. In any other case, the rate of one halfpenny per hundredweight or part thereof of the weight of the vehicle unladen for each mile or part thereof over which goods are carried in the vehicle for such purposes as the Commissioner may determine,

and if the sum or sums so to be paid is or are not to be calculated on the basis of mileage travelled, the Commissioner shall refund to the person entitled thereto any amount received by or on behalf of the Commissioner in excess of the amount that would have been received had the sum or sums been calculated on that basis during the currency of the licence or permit.

(5) A rate that is determined by the Commissioner for the purposes of subsection (3) or subsection (4) of this section shall be subject to the approval of the Governor and, if approved by the Governor, shall be notified by the Commissioner in the *Gazette*.

(6) The sum or sums payable by a person pursuant to this section shall be paid as prescribed to such officers as may be prescribed, and shall constitute a debt due to, and recoverable by, the Commissioner from the owner of the public vehicle and the holder of the licence or permit jointly and severally.

(7) The Commissioner may, in his absolute discretion, require an applicant for a licence under this Part or a permit under section twenty to give reasonable security in the prescribed form for compliance with the conditions imposed or to be imposed in, or indorsed on, the licence or permit and for the payment of the sum or sums to be paid by the applicant pursuant to this section, and the security shall be in such amount as the Commissioner may require in each case.

(8) For the purposes of subsection (3) of this section—

I. A public vehicle shall be deemed to be a passenger vehicle if it is licensed for the carriage by road of—

(a) Passengers and their luggage only: or

(b) Passengers and their luggage together with parcels none of which exceeds fifty-six pounds in weight: and

II. The number of passengers that a vehicle is licensed to carry shall be calculated as the Commissioner may determine or as may be prescribed.

(9) For the purposes of subsection (4) of this section—

I. A public vehicle shall be deemed to be a goods-carrying vehicle if—

(a) It is licensed for the carriage by road of articles and goods only, or articles and goods together with passengers: or

(b) It is required by section sixteen of the *Transport Act 1938* to be licensed as provided by that section: and

II. The weight of a vehicle unladen shall be calculated as the Commissioner may determine or as may be prescribed.

Exemptions
from pay-
ments under
section 20A.

Ibid., s. 18
(8), (9),
(10).

“20B.—(1) Where a public vehicle is operated solely for the carriage of passengers or goods, or both, on journeys none of which exceeds twenty miles in length, the Commissioner, on such conditions (if any) as he may think fit, may, in his absolute discretion, exempt that public vehicle from the operation of section twenty A.

(2) Where a public vehicle is operated solely for the carriage of goods on a journey to the nearest practicable railway station for the purposes of the carriage of those goods by rail the Commissioner shall exempt that vehicle from the operation of section twenty A.

(3) Where, in the opinion of the Commissioner, a public vehicle that is used for the carriage of passengers or goods, or both, ought not, by reason of the state of the roads travelled by that vehicle, or the transport facilities in the area served by that vehicle, or for any other reason, to be subject to the operation of section twenty A, he may, in his absolute discretion, exempt that vehicle from the operation of that section either unconditionally or subject to such conditions (if any) as he may think fit.

(4) The Commissioner may, in his absolute discretion, at any time revoke an exemption granted by him under this section and may thereupon impose in, or indorse on, any licence or permit issued or to be issued, in respect of the public vehicle to which the exemption related, such conditions as he is authorized by section twenty A to impose.

(5) For the purposes of this section, where goods are transferred from one public vehicle to another public vehicle or are carried by a public vehicle to a receiving depot, and are carried from the place of transfer or from the receiving depot by a public vehicle, the whole journey shall be regarded as one journey, and each of those public vehicles shall be regarded as having undertaken the whole journey."

5 Section thirty B of the Principal Act is amended by inserting in subsection (1), after the words "Part III." (wherever occurring), the words "or under section fourteen A". Appeals.

6 Section fifteen of the *Transport Act 1938* is amended by omitting paragraph v. Additional powers of Commission.

7 Section sixteen of the Principal Act is amended by omitting subsection (3) and substituting therefor the following subsection:— Vehicle deemed to be a public vehicle in certain cases.

"(3) The provisions of this section shall not apply to a motor vehicle owned by a pastoralist and used by him in the carriage of his own livestock or produce of any kind."