

TASMANIA

**THE METROPOLITAN TRAFFIC ACT,
1920.**

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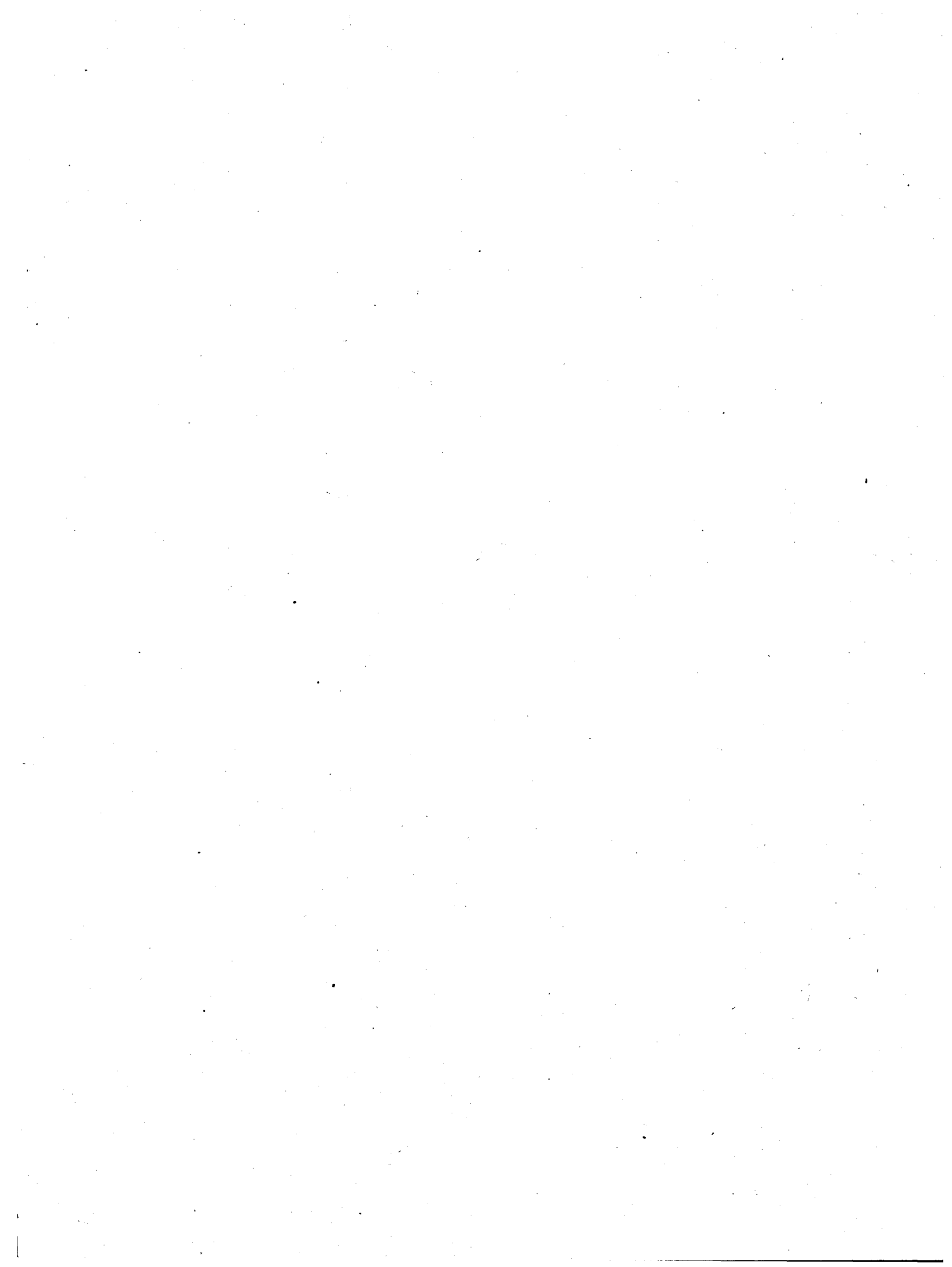
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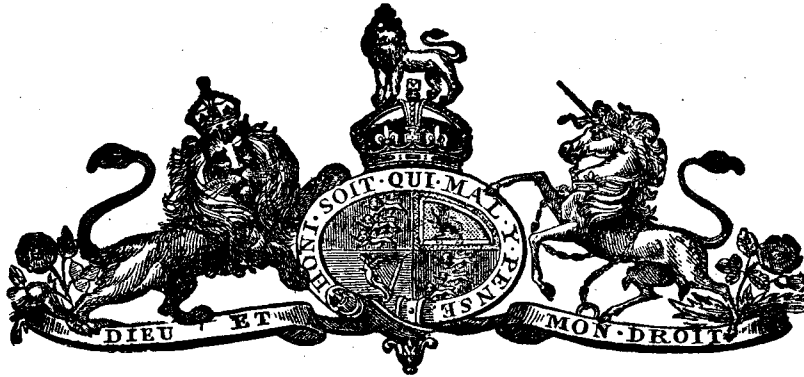
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TASMANIA



1920.

ANNO UNDECIMO

GEORGII V. REGIS.

No. 58.



AN ACT to make better provision for the Regulation of Traffic in the City of Hobart, and for other purposes. [24 December, 1920.]

A.D. 1920.

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 Traffic Act, 1920," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.
- 2 In this Act, unless the context otherwise indicates—
 - "The Council" means the Hobart City Council:
 - "The Commissioner" means the Commissioner of Police and includes an Acting Commissioner of Police for the time being:Interpretation.
Cf. N.S.W., No. 8 of 1900, s. 4.
"Council."
"Commissioner of Police."

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"Horses."

"Licensed."

"Mayor."

"Minister."

"Public street."

"Public vehicle."

"Vehicle."

"Horses" includes asses, mules, and other draught animals or beasts of burden :

"Licensed" means licensed or deemed to be licensed under and in accordance with this Act :

"The Mayor" means the Mayor of the City of Hobart :

"Minister" means the responsible Minister of the Crown for the time being administering this Act :

"Public street" means street, road, lane, thoroughfare, or place open to or used by the public :

"Public vehicle" means vehicle plying or standing in a public street, for hire or used or let for the conveyance of passengers, goods, or merchandise, for hire or for any other consideration :

"Vehicle" includes any description of vehicle upon wheels, except vehicles used on railways or tramways.

Application of Act.

Cf. ibid., s. 2.

3 The provisions of this Act shall apply to and be in force in the City of Hobart.

Part VI. of "The Police Act, 1905," not to apply to the City of Hobart.

5 Ed. V. No. 30.

Existing licences continued.

Cf. N.S.W., No. 8 of 1900, s. 3.

4—(1) Part VI. of "The Police Act, 1905," shall not apply to the City of Hobart.

Provided that every existing licence of a vehicle or driver of a vehicle granted under "The Police Act, 1905," shall continue in force until it expires, or until it is sooner suspended or cancelled under this Act, and in the meantime shall be deemed to have been granted under and shall be subject to the provisions of this Act.

Provided also that all stands or places heretofore appointed, where cabs or other vehicles may stand and ply for hire, shall remain and be stands or places for the purposes aforesaid until other provision is made therefor by the regulations under this Act.

Transfer of books,

&c., to Commissioner of Police.

Cf. ibid., s. 5.

(2) All books, papers, records, and other things in the possession of the Mayor or the Council, relating to or in connection with the licensing of vehicles or drivers or the appointment of stands for cabs or other vehicles, are hereby transferred to the Commissioner of Police.

Power of Council to make by-laws repealed.

5—(1) Notwithstanding anything contained in any Act to the contrary, it shall not be lawful for the Council to make any by-laws with respect to any of the matters referred to in Sections Nine and Ten.

By-laws made by the Council to remain in force until repealed.
Cf. ibid., s. 3.

(2) All by-laws heretofore made by the Council with respect to any of the matters referred to in Sections Nine and Ten shall remain in force until repealed by regulations made under this Act, and such by-laws shall, until so repealed, be deemed to be regulations made in pursuance of this Act, and references in those by-laws to the Council or the Mayor shall be deemed to refer to the Commissioner, and references to the Town Clerk, inspectors, or other officers shall be deemed to refer to such persons administering this Act as the Commissioner may appoint in that behalf.

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(3) Section Six of "The Motor Traffic Act, 1907," shall not apply to motor vehicles licensed as public vehicles under this Act, or to persons driving such vehicles.

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Application of Section 6 of "The Motor Traffic Act, 1907." 7 Ed. VII. No. 27.

6—(1) Subject to the control of the Minister, this Act shall be administered by the Commissioner, the Superintendent of Traffic (if any such is appointed under Subsection (2)), and members of the police force.

Administration of Act. Cf. *ibid.*, s. 6.

(2) The Governor may appoint an officer of the police force to be Superintendent of Traffic, who, subject to the control and authority of the Commissioner, shall be charged with the control of all members of the police force while they are engaged in the administration of this Act.

7—(1) The Commissioner may cause to be affixed to or posted up on any building, post, or other structure, or erection, a copy of any notice or regulation referring to any matter, the subject of this Act.

Commissioner may post up notices on any building, &c.

(2) Any person who shall tear down, destroy, injure, or remove any such copy, or hinder or obstruct any member of the police force or any other person from or whilst lawfully affixing or posting up any such copy as aforesaid, shall be guilty of an offence against this Act.

Injuring notices an offence.

8 The Governor may, by regulations under this Act, repeal all or any by-laws heretofore made by the Council with respect to any of the matters referred to in Sections Nine and Ten.

Governor may repeal by-laws made by the Council. Cf. N.S.W. No. 8 of 1900, s. 8.

PART II.

REGULATION OF TRAFFIC.

General Traffic.

9 The Governor may, by regulations—

- i. Regulate the traffic and standing of vehicles and horses, or either of them, in public streets, and prescribe what routes shall be followed, the pace of vehicles and horses, and where and under what conditions they may stand in public streets :
- ii. Prescribe and regulate the carrying of lights in public streets:
- iii. Regulate the carrying on vehicles in public streets of long, large, heavy, or projecting articles :
- iv. Prohibit or regulate the carrying or displaying of advertisements or placards by any persons, or on any vehicles, or the carrying or using of noisy instruments on vehicles or horses in public streets:
- v. Prescribe and regulate the placing on vehicles used for carrying goods in public streets the names and addresses of the owners of such vehicles or the holders of licences in respect of the same:

General Traffic. N.S.W., No. 8 of 1900, s. 7, as amended by No. 4 of 1913.

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- vi. Prescribe and regulate the seizure and custody of unattended vehicles and horses in public streets, and provide for the recovery of expenses of the custody and keep of the same, the disposal of such vehicles and horses after failure within the time prescribed to claim the same, or to pay such expenses :
- vii. Prohibit the use in public streets of horses that are unfit for use, vicious, or likely to cause any accident or any injury to any person or property in such streets ; provide that vehicles, harness, and equipment used in public streets shall be so constructed and in such condition as to be suitable for safe use in such streets, and impose a penalty upon the owner and driver of any horse, vehicle, harness, or equipment used in contravention of any regulation made under this paragraph, and the holder of a licence in respect of any such vehicle :
- viii. Prohibit or regulate the setting up and use of stalls, stands, and vehicles for the sale of goods or for the pursuit of any business, calling, or employment in any public street :
- ix. Prohibit loitering and the obstruction of traffic in public streets :
- x. Prevent cruelty to horses in public streets :
- xi. Regulate the driving and leading of any kind of animals in public streets, prescribe routes therefor, and prohibit the same in prescribed streets during prescribed hours :
- xii. Prohibit any prescribed description of vehicle using prescribed streets during prescribed hours :
- xiii. Regulate pedestrian traffic upon footways of public streets :
- xiv. Prohibit the obstruction of pedestrian traffic upon footways by loitering, placing goods thereon, or otherwise :
- xv. Regulate and control processions in public streets :
- xvi. Provide for the regulation of vehicles and horses in public streets, and generally for carrying this Act into effect :
- xvii. Provide for conferring on the police the powers necessary for carrying out the provisions of this Act :
- xviii. Impose any penalty not exceeding Ten Pounds for any breach of any regulation made under this section.

Public Vehicles.

Public vehicles.
Cf. *ibid.*, s. 8.

- 10** The Governor may, by regulations under this Act—
- i. Provide that all public vehicles, or any specified class of public vehicles, and all drivers and conductors of any such vehicles, shall, on and after the day therein mentioned, be licensed by the Commissioner, and enforce compliance with those provisions, regulate the granting, renewing, transfer, suspension, cancelling, and return of such licences, and prescribe the fees (not exceeding those mentioned in the Schedule to this Act) to be paid for the granting and renewing of such licences ; and the forms of such licences :

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- ii. Prescribe the qualifications and ages of drivers and conductors, respectively, of public vehicles. A.D. 1920.
- iii. Prescribe that all or any drivers and conductors of public vehicles shall wear badges and regulate the form and description, and the issue, wearing, and return of such badges:
- iv. Prescribe the number of any class or description of public vehicles which may ply or stand for hire in any public street or streets, or which may be used or let for the conveyance of passengers or goods, and the form, construction, and equipment of public vehicles, and the number and description of horses to be used in horse-drawn vehicles :
- v. Provide that all public vehicles, or any specified class of public vehicles, shall, on and after a day therein mentioned, have numbers placed on such vehicles and regulate the form of such numbers and the manner of placing the numbers on such vehicles, and where such numbers are on plates, regulate the issue and return of such plates :
- vi. Appoint and regulate the use of stands for public vehicles or any class of public vehicles :
- vii. Prescribe the number of persons and the amount of luggage and weight of goods to be carried in or upon public vehicles :
- viii. Prescribe in case of public passenger vehicles plying from one locality to another, the route of such vehicles, the time to be taken by such vehicles for performing the whole or any portion of their journeys, and the publication of time tables, and prohibit the setting down or taking up of passengers by public vehicles at the places prescribed :
- ix. Fix the fares or charges for the hire and use of public vehicles plying for hire, and provide for the publication and the payment of such fares or charges, and prescribe the pace at which public vehicles hired by time shall travel:
- x. Provide for the custody and return of property left in public vehicles and the payment of compensation for the same, and the disposal of such property not claimed within the time prescribed, or the sale and disposal of the proceeds of the sale thereof :
- xi. Prohibit drivers and conductors of public vehicles in any public street from misconducting themselves, or from driving backwards and forwards with the intention or apparent intention of picking up or obtaining passengers in any public street, and prohibit any persons from touting or calling out or otherwise importuning any person to hire or use a public vehicle :
- xii. Provide for the regulation of public vehicles and the holders of licences in respect of such vehicles, and the drivers and conductors thereof, and persons hiring or using such vehicles :

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- xiii. Provide that any regulation made under "The Motor Traffic Act, 1907," or any part or parts of such regulation shall have the force and effect of a regulation under this Act, and the same shall thereupon be deemed to be a regulation under this Act.
- xiv. Impose any penalty not exceeding Ten Pounds for any breach of any regulation made under this section: Provided that there shall be an appeal, in a summary way, to a police magistrate in any case where any licence, renewal, or transfer is refused, and in any case of cancellation or suspension.

PART III.

OFFENCES.

Penalty on persons using vehicles.
Ibid., s. 9.

- 11** Any person hiring or using a public vehicle, who—
- i. Fraudulently evades the payment of the prescribed fare or charge:
 - ii. Having failed or refused to pay such fare or charge, either refuses to give to the driver of such vehicle his name and an address at which he can be found or gives a false name or address:
 - iii. Forces himself upon any such vehicle already carrying the full complement of passengers or hired by another person:
 - iv. Misconducts himself whilst using any such vehicle:
 - v. Damages any such vehicle—

shall be guilty of an offence against this Act; and in the case of any offence mentioned in this section may be removed from the vehicle by the driver or a member of the police force.

Street may be closed temporarily to traffic.
Ibid., s. 10.

12 Any member of the police force may close any street to traffic during any temporary obstruction or danger to traffic, or for any temporary purpose, and may prevent the traffic of any vehicle or horse in any street closed to traffic under the authority of this or any other Act; and any person disobeying or neglecting to comply with any direction of a member of the police force made in pursuance of this section shall be guilty of an offence against this Act.

Persons not giving name and address.
Ibid., s. 11.

13 Any person who when required by a member of the police force in the execution of his duty under this Act to state his name or place of abode, refuses to do so, or when so required, states a false name or place of abode, shall be guilty of an offence against this Act.

Obstruction of police.
Ibid., s. 12.

14 Every person who obstructs any member of the police force in the execution of his duty under this Act, shall be guilty of an offence against this Act.

*Metropolitan Traffic.***15** Any person who—

- i. By any false statement or misrepresentation, obtains, or attempts to obtain, a licence under this Act: or
- ii. Without lawful excuse has in his possession a licence, badge, or number plate granted or issued under this Act, or any document or article resembling such licence, badge, or number plate, and calculated to deceive:
- iii. Owns or drives in any public street any unlicensed vehicle having on it any printing or sign amounting to a representation that such vehicle is licensed or for hire, or any number plate prescribed to be affixed to licensed vehicles, or any plate resembling such number plate and calculated to deceive:
- iv. Not being the holder of a driver's licence, drives a licensed public vehicle in any public street—

shall be guilty of an offence against this Act.

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Unlawfully possessing licences, &c.

Ibid., s. 13.

16 Any person who drives any vehicle, whilst under the influence of intoxicating liquor, shall be guilty of an offence against this Act.

Drivers under influence of intoxicating liquor.

Ibid., s. 13A.

PART IV.

GENERAL AND SUPPLEMENTAL.

17 The Commissioner may, by order published in newspapers circulating in the City of Hobart, prescribe the route of vehicles, horses, and persons on the occurring of any public procession or demonstration, or on any occasion when public streets are likely to be thronged or obstructed, and regulate the traffic of vehicles, horses, and persons in public streets on any such occasions.

Orders may be made by Commissioner.

Ibid., s. 14.

18 Any member of the police force may, at any time between sunrise and sunset, enter the premises of the holder of any licence in respect of a vehicle for the inspection of vehicles, horses, harness, or equipment.

Inspection of vehicles.

Ibid., s. 15.

19 The particulars of licences shall be recorded in books kept for the purpose at the office of the Commissioner, and an extract from or copy of any entry contained in such books, certified under the hand of the Commissioner or officer in charge thereof, shall, in all courts and upon all occasions whatsoever, be received as evidence and deemed sufficient proof of all particulars contained in such entry without requiring the production of such books or any licence, requisition, notice, or other document upon which any entry may be founded.

Record of licences.

Ibid., s. 16.

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Damage done by
vehicle.
Ibid., s. 18.

20 If any driver of a public vehicle wilfully or negligently causes any damage to be done, by driving such vehicle in a public street, to any person or property, the holder of a licence in respect of such vehicle and the driver of such vehicle shall each be liable for the amount of such damage.

No fee to be
charged in pro-
ceedings for
recovery of fares
or charges.
Ibid., s. 19.

Penalty for
breach of Act.
Ibid., s. 20.

21 In any proceedings under this Act for the recovery of any fare or charge no fee in respect of such proceedings shall be charged or taken by the clerk of petty sessions or other officer of such court.

22 Every person guilty of an offence against the provisions of this Act, for which no penalty is otherwise provided, or against any order made and published by the Commissioner as hereinbefore provided, shall be liable to a penalty not exceeding Ten Pounds.

Recovery of
penalties, &c.
Cf. *ibid.*, s. 21.

10 Geo.V. No. 55.

23 All penalties, fines, and forfeitures incurred or imposed under this Act, or any orders made thereunder, and all fares and charges required to be paid, and all other sums made payable under this Act may be recovered and enforced in a summary way in the mode prescribed by "The Justices' Procedure Act, 1919."

Court to note
conviction on
licence.
Cf. *ibid.*, s. 22.

24 In any conviction under this Act the court adjudicating shall note the conviction on any licence under this Act held by the person convicted, and may, by order, cancel or suspend his licence, and may order the delivery of the licence to some person to be named in the conviction.

Facilitation of
proof.
Cf. *ibid.*, s. 25.

25 In any proceedings under this Act :—

- i. Proof that a vehicle has not upon it a distinguishing number as prescribed, shall be *prima facie* evidence that such vehicle is not licensed :
- ii. Proof that any vehicle, licensed for the carriage of passengers, is in a public street shall be *prima facie* evidence that it is plying or standing for hire :
- iii. Proof that a person applied for and obtained a licence for a vehicle shall be *prima facie* evidence that such person was the owner of such vehicle :
- iv. The production of a document signed by the Commissioner or officer in charge of the books of record referred to in Section Nineteen, purporting to be a copy of a licence of a vehicle, shall be *prima facie* evidence that the vehicle is licensed, and that the person named therein applied for and obtained the licence for such vehicle :
- v. The production of a document signed by the Commissioner or officer in charge of the books of record referred to in Section Nineteen, purporting to be a copy of a licence of any person, shall be *prima facie* evidence that such person is licensed for the purpose mentioned in such document :

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26 All fees for licences under this Act shall be paid into the Treasury, One-half thereof shall form part of the Consolidated Revenue, and One-half of such fees shall be paid to the Council.

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Appropriation of fees.

27—(1) No appeal against the refusal by the Commissioner of a licence, or of the renewal or transfer thereof, or in respect of the cancellation or suspension by the Commissioner of a licence, shall be entertained unless the complaint is made within Fourteen days after such refusal, cancellation, or suspension.

Appeal in respect of refusal, &c., of licence.

(2) Upon the hearing of any such complaint the police magistrate may make such order as he thinks just, and the same shall be observed by every person concerned, and non-observance thereof by any such person shall be an offence against this Act.

SCHEDULE.

L I C E N C E S.

				£	s.	d.	
Omnibus or Char-a-banc	...	...	...	1	10	0	yearly
Cab	...	...	...		10	0	"
Van, Dray, or Waggon	...	...	...	1	0	0	"
Driver or Conductor	...	...	...		5	0	"

Section 10.

