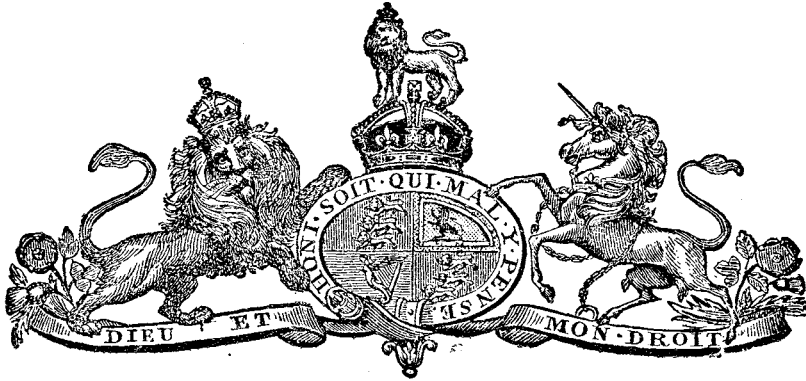


## TASMANIA



1930.

ANNO VICESIMO PRIMO  
 GEORGII V. REGIS.  
 No. 52.

## ANALYSIS.

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| <p>1. Short title.<br/>         2. Repeal.<br/>         3. Amendment of 16 Geo. V. No. 38.<br/>           Section 3.<br/>           Part III.<br/>             Issue of licences.<br/>             Applications for licences in respect of public vehicles.<br/>             Conditions in relation to licences.<br/>             Duties of licensees and owners.<br/>             Transfer of licences.<br/>             Exemptions and permits.<br/>             Provisions as to certain main roads.<br/>             Cancellation of licences.<br/>             Contracts relating to transport.<br/>             Offences.<br/>             Inspection of public vehicles.<br/>             Search for stolen property.<br/>             Removal of offenders.<br/>             Liability of licensee.</p> | <p>Records.<br/>         Production of licence.<br/>         Exclusion of municipal vehicles.<br/>         Regulations.<br/>         Section 31 (1).<br/>         New Section 37.<br/>         Repeal of Section 41.<br/>         New Section 41.<br/>           Offences by intoxicated persons.<br/>         Section 51.<br/>         Section 52.<br/>           Constitution of Committee.<br/>         New Sections 57 to 61.<br/>           Powers and duties of Committee.<br/>           Traffic signs.<br/>           Removal of obstructions.<br/>           Regulations.<br/>         4. Provisions as to existing licences in respect of public vehicles</p> |
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AN ACT to amend the Traffic Act, 1925.

A.D.  
 1930.

[23 December, 1930.]

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 This Act may be cited as “The Traffic Act (No. 2), 1930.”

Short title,

2s. 2d.]

*Traffic.*

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Repeal.

Amend-  
ment of 16 Section 3.  
Geo. V.  
No. 38.

**2** The enactments enumerated in the schedule hereto are hereby repealed to the extent specified in the third column of that schedule.

**3** The Traffic Act, 1925, is hereby amended—

I. As to Section Three thereof—

(a) By inserting the figure (1) after the word “in” at the beginning of the first line thereof :

(b) By expunging the definitions of “Cab,” “Coach or Omnibus,” “Public Vehicle,” and “Zone” respectively, and inserting therein, in the several places hereunder indicated, the following new definitions—

(i) Before the definition of “Commissioner”—

“Cab” means a vehicle constructed to carry not more than seven, or in the case of a horse-drawn vehicle, eight, adult persons exclusive of the driver, standing or plying for hire in a public street, and not being a coach or a general hire autocar plying for the carrying of passengers at separate fares :

“Carrier” means a vehicle used for the conveyance of goods, merchandise, or things for any consideration, and so used in the carrying on of a goods transport service between two extreme points or districts :

“Cart” means a vehicle used for the conveyance of goods, merchandise, or things for any consideration, and not being a carrier or van :

“Coach” means a vehicle used for the conveyance of passengers for any consideration, and so used in the carrying on of a regular passenger service between two extreme points :

(ii) After the definition of “Court”—

“General hire autocar” (hereinafter called a “hire-car”) means a motor-vehicle constructed to carry not more than seven adult persons, exclusive of the driver, used or let for the conveyance of passengers for any consideration, and not plying or standing in a public street for hire, except for the carriage of passengers at separate fares, and not being used in the carrying on of a regular passenger service between two extreme points :

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- (iii) After the definition of "Municipality"—  
 "Omnibus" means a vehicle fitted, equipped, or constructed to carry more than seven, or in the case of a horse-drawn vehicle, eight, adult persons, exclusive of the driver, and used for the conveyance of passengers for any consideration, but not so used in the carrying on of a regular passenger service between two extreme points :
- (iv) After the definition of "Public Street"—  
 "Public vehicle" means a vehicle plying or standing in a public street for hire, or used or let for the conveyance of persons, goods, merchandise, or things for hire, or for any other consideration, and includes cabs, carriers, carts, coaches, hire-cars, omnibuses, and vans :
- (v) After the definition of "Section"—  
 "The Committee" means the Transport Committee appointed under this Act : and
- (vi) After the definition of "Traction engine"—  
 "Traffic area" means any portion of the State prescribed as a traffic area as provided by this Act :
- "Van" means a vehicle used for the conveyance of goods, merchandise, or things for any consideration, plying or standing in a public street for hire and not being a carrier : and

- (c) By adding thereto the following new Subsections (2) and (3)—

"(2) A motor-vehicle shall be deemed to be used as an omnibus if there are carried therein eight or more persons over the age of twelve years at any one time, whether for consideration or reward or not unless such persons are in the employ of the owner of such vehicle, and are being carried in the course, or for the purposes, of such employment.

(3) Where a vehicle is owned jointly by two or more persons and is used for the conveyance of goods, merchandise, or things not in the same ownership as such vehicle, it shall be deemed to be used as a public vehicle."

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A.D. 1930. Part III,

II. By expunging Part III. thereof and substituting therefor the following new Part III. comprising Sections Fifteen to Thirty, inclusive—

## “PART III.

## PUBLIC VEHICLES.

Issue of  
licences.

**15**—(1) All licences under this Part shall be issued by the Commissioner and shall be subject to such conditions as may be prescribed or as may be imposed in respect thereof as hereinafter provided.

(2) Before the issue of any such licence there shall be paid to the Commissioner the appropriate fee prescribed in respect of such licence by Schedule (4).

(3) Except where otherwise provided, any such licence may be limited to apply only in respect of a specified route, area, city, town, or place, or may be expressed to apply generally throughout the State either entirely or excepting as to any specified route, area, city, town, or place.

(4) Licences in respect of cabs, carts, omnibuses, and vans, respectively, may be issued only in respect of one traffic area or a specified part thereof.

(5) Licences in respect of carriers or coaches, respectively, shall be issued in respect of specified routes, and shall have effect only over such route or routes as may be endorsed thereon in each case.

(6) Every licence shall be subject to such restrictions and conditions, if any, as may be prescribed or imposed as prescribed in relation to the particular class of vehicle to which it applies.

(7) A licence may be issued for one or more specified periods or occasions.

(8) Licences in respect of hire cars may be issued in respect of any one traffic area or of the whole State.

(9) Every licence in respect of a public vehicle shall expire on the thirtieth day of June next after the date on which it is issued.

(10) The issue or existence of a licence under this Part in respect of a public vehicle shall not be deemed to be a waiver of, or excuse for, any non-compliance in respect of such vehicle with any requirement under this Part; and no action or proceeding in relation to such non-compliance shall be prejudiced or affected thereby.

(11) The grant or issue of any licence under this Part shall not confer on the holder thereof any right to the renewal thereof or to the continuance of any benefits or conditions existing by virtue of this Act at the time of such grant or issue.

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**16**—(1) Except as otherwise provided, all applications for licences or renewal of licences, other than drivers' or conductors' licences, shall be lodged, as prescribed, not later than the first day of June immediately prior to the financial year for which the licence is to have effect. Applications for licences in respect of public vehicles. A.D. 1930.

(2) All applications for licences in respect of public vehicles shall be considered by the Committee, and the decision of the Committee shall, subject to appeal as hereinafter provided, be final and conclusive.

(3) An application for a new licence in respect of a public vehicle may be lodged with the Commissioner at any time, and the Commissioner in his discretion may grant a licence thereon on the express condition that the same shall be provisional, pending the decision of the Committee, and the Committee may direct such provisional licence to be cancelled.

**17**—(1) Subject to the provisions of this Act, and the conditions prescribed in respect of licences, either generally or in particular cases or classes of cases, the Commissioner, when issuing any licence may impose such conditions and restrictions in respect thereof as the Committee may think necessary or desirable with respect to the matters to which the Committee is required to have regard when considering applications for licences and in particular for ensuring that—

- i. The conditions of service of persons employed by the licensee in relation to the licence shall be consistent with public safety and the efficiency of the service to be carried on thereunder :
- ii. Any fares and freights to be charged thereunder shall be reasonable in the circumstances of the particular case :
- iii. Wasteful competition with alternative forms of transport operating in the same sphere shall be avoided : and
- iv. Any time-tables to be observed and any picking-up or setting-down places to be used in the service to be carried on under the licence shall comply with such requirements as the Commissioner may specify—

and generally for securing the safety and convenience of the public.

(2) The Commissioner at any time during the currency of any licence may require any time-table observed in relation to such licence to be varied as he may direct and the licensee shall comply with such requirements forthwith.

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Duties of  
licensees  
and owners.

(3) If the Committee at any time think it desirable that any conditions in respect of any licence should be varied during the currency thereof, the Commissioner may vary the same accordingly, and the licensee shall comply with and observe all such variations.

**18—(1)** The holder of a licence in respect of a public vehicle shall—

- i. If his vehicle is licensed for use over any route not wholly comprised within one traffic area—
  - (a) Furnish to the Commissioner not later than the fifteenth day of each month a return in the prescribed form showing the amount of all fares and freights earned by him in respect of the licensed vehicle during the immediately preceding month :
  - (b) Pay to the Commissioner the prescribed percentage of all fares and freights shown on such return :
  - (c) Cause a freight and passenger book in the prescribed form to be carried in such vehicle and procure to be entered therein the prescribed particulars of—
    - (i) All persons entering such vehicle for the purpose of being carried therein : and
    - (ii) All parcels and things placed in such vehicle for transport— immediately upon such entrance or placing respectively, and such freight and passenger book shall be produced by the person in charge of the same, on demand, to any officer of police, and shall be delivered to the Commissioner if and when required :
- ii. Supply to the Commissioner within fourteen days after entering into any agreement or arrangement with respect to transport facilities made either verbally or in writing with any person by whom such facilities are provided, full and true particulars of such agreement or arrangement :
- iii. Forthwith report to the Commissioner full particulars of—
  - (a) Any accident or happening to or in respect of his licensed vehicle of such a nature as to be calculated to affect the safety of passengers carried therein or of persons using the road on which the same is used: and

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(b) Any alteration, otherwise than by replacement of parts thereof, made or being made on the structure or equipment of such vehicle as aforesaid.

(2) Every person who carries on the business of operating public vehicles shall—

- i. Keep such accounts, records, and books in relation thereto as may be prescribed : and
- ii. Supply to the Commissioner at such times and in such manner as may be prescribed such financial and statistical returns and such information relating thereto as the Commissioner may require.

(3) The driver of any public vehicle in respect of which a freight and passenger book is required shall make in such book all such entries as are prescribed in that behalf.

**19**—(1) No licence shall be transferred except as hereinafter provided. Transfer of licences.

(2) The holder of a licence, or the representative of a holder who has died or become bankrupt or insane, may apply to the Commissioner to transfer the licence to a person nominated in such application.

(3) The Commissioner, upon being satisfied that the person so nominated is a fit person to hold the licence and that adequate provision will be made for the carrying out and observance of any conditions imposed in respect of the licence, may transfer the same to such person for the unexpired term of the licence.

(4) The Commissioner, subject to the prescribed conditions, may permit any licence issued in respect of a public vehicle to have effect in respect of another vehicle of the same class and belonging to the same owner if such first-mentioned vehicle ceases for any reason to be available or to be used for the purpose for which it was licensed.

**20**—(1) The Commissioner may grant exemptions— Exemptions and permits.

- i. In respect of any specified portions of the main roads extending respectively from Hobart to Launceston and from Launceston to Burnie from the conditions imposed under this Act in respect of the use thereon of vehicles licensed as hire-cars :
- ii. In respect of any vehicle, or prescribed class of vehicle in prescribed cases, from the requirement to be licensed under this Act, either generally or in respect of any occasion or event as may be prescribed : or

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iii. With the approval of the Committee in any particular case, in respect of the payment by the owner of a public vehicle of the prescribed percentage of freights and fares payable by such owner, or any part of such percentage.

(2) The Commissioner or a police officer of the prescribed rank or condition may grant and issue permits subject to any conditions that may be prescribed—

- i. To the holders of licences in respect of hire cars empowering such holders to carry a specified number of passengers in such cars over specified routes or between specified places;
- ii. To the holder of a licence in respect of a public vehicle, authorising such holder to use such vehicle for any specified service outside the traffic area or route in respect of which the vehicle is licensed :  
or
- iii. In prescribed cases, permitting the carrying of persons in or over specified districts or routes on vehicles constructed primarily for the carriage of goods or inanimate things.

Provisions  
as to certain  
main roads.

**21—(1)** No hire car shall be used for the conveyance of passengers on the main roads extending from Hobart to Launceston and from Launceston to Burnie or any part thereof, unless—

- i. Such car is licensed in respect of the whole of the traffic area in which the same is so used :
- ii. The owner of such car—
  - (a) Holds a subsisting permit issued under Section Twenty for that purpose : and
  - (b) Has paid the prescribed percentage of the fares charged in respect of such conveyance, or such part thereof as is payable by him.

Cancellation  
of  
licences.

**22—(1)** If the holder of any licence under this Part fails to comply with or observe any condition or restriction imposed in relation to such licence or to any business or service thereby authorised, such licence shall be liable to cancellation as hereinafter provided.

(2) If in any such case as aforesaid the Commissioner is of opinion that the safety of the public so requires, he may suspend such licence by notice in writing under his hand served upon the licensee, and thereupon such licence shall cease to have effect until such suspension is removed, and the holder thereof shall during such period be deemed to be unlicensed.



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(3) Forthwith upon suspending any such licence the Commissioner shall, and in any other case the Commissioner may, apply to a police magistrate upon complaint under the Justices Procedure Act, 1919, for the cancellation of the licence upon the ground specified in such complaint.

A.D. 1930.

10 Geo. V.  
No. 55.

(4) The police magistrate upon the hearing of such complaint may—

- i. Order that the licence shall be cancelled : or
- ii. Impose a penalty not exceeding Fifty Pounds on the licensee : or
- iii. Dismiss the complaint and order that the licence shall be restored—

and the Commissioner shall give effect to any such order forthwith.

**23**—(1) Any applicant for or holder of a public vehicle licence who enters into any contract or arrangement, written or verbal, with any person relating to any transport facilities supplied by such person shall, within fourteen days after so doing, furnish to the Commissioner full and true particulars of such contract or arrangement.

Contracts  
relating to  
transport.

(2) Where for the purposes of this Part it is necessary to determine what part or proportion of any payment or consideration provided under any contract is in respect of services rendered or to be rendered within or without any particular traffic area or place the Commissioner may determine such question and his decision shall be final.

(3) Any contract for the conveyance of any person in a public vehicle, so far as it purports to negative or restrict the liability of any person in respect of the death of, or bodily injury to, the person so conveyed or while in, or entering, or alighting from such vehicle, or purports to impose any conditions with respect to the enforcement of such liability, shall be void and of no effect.

**24**—(1) No person shall drive or use or cause or permit to be driven or used as a public vehicle any vehicle—

Offences.

- i. Of any class unless the same is licensed to be used as a public vehicle of that class :
- ii. In or upon any traffic area, route, or place in or upon which the licence in respect thereof does not authorise it to be so driven or used :
- iii. Not licensed as a public vehicle :
- iv. Without having affixed thereto the prescribed number-plate or having the number thereon obliterated or obscured :

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- v. With a trailer attached thereto unless such trailer is licensed as a public vehicle, except in a case of emergency occasioned by accident or breakdown :
- vi. In contravention of any condition imposed in respect of the licence in force in respect of such vehicle :
- vii. On any occasion on which the same is not authorised by the licence issued in respect thereof to be used—

except in pursuance of a permit issued under this Act for that purpose or under an exemption granted or declared under this Act.

Penalty : Twenty Pounds.

(2) Upon a second or subsequent conviction for an offence under Paragraph iii. of Subsection (1) of this section, the Court before whom the defendant is convicted shall declare him disqualified for obtaining any licence under this Act for a period of twelve months, and any licence held by him under this Part or Part II. shall be cancelled.

(3) No person driving or using a motor vehicle constructed primarily for the carriage of goods or inanimate things shall carry any person therein or permit any person to ride therein unless—

- i. Such vehicle is licenced for that purpose :
- ii. The person so carried or riding is—
  - (a) In the employ of the owner of the vehicle and is proceeding on his master's business : or
  - (b) A member of the family of the owner of the vehicle—
 and in either of such cases is seated on the seat by the side of the driver : or
- iii. He is the holder of a permit granted under this Act for that purpose.

Penalty : Two Pounds.

(4) No person, being the owner or driver of a public vehicle, or carrying on the business of operating public vehicles, shall fail—

- i. To keep any book, account, or record, which he is required by this Act to keep :
- ii. To supply to the Commissioner any return which he is required by this Act to supply : or
- iii. To give to the Commissioner any information which the Commissioner may require from him under this Act.

Penalty : Twenty Pounds, and a further daily penalty of Five Pounds.

*Traffic.*

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(5) No person, required under this Act to furnish or supply any return or information, shall furnish or supply a return or information which to his knowledge is false in any material particular.

Penalty : One hundred Pounds.

(6) No person, being the driver of a public vehicle in respect of which a permit is in force authorising a specified number of persons to be carried therein, shall carry or permit to be carried therein a number of persons exceeding the number so specified.

Penalty : Five Pounds.

(7) No person owning or operating public vehicles shall trade or carry on business under any name which contains as part thereof the word "State," or any word or combination of words calculated to suggest that such person is authorised by, or acting on behalf of, the Government of the State or any Department of the State.

Penalty : Fifty Pounds, and a daily penalty of Five Pounds.

(8) No person shall advertise or publish in any newspaper any advertisement—

- i. Inviting persons to become passengers : or
- ii. Intimating that any persons will be carried as passengers—

in any vehicle unless such person is the holder of a licence in respect of a public vehicle, and such advertisement contains the name and address of such holder and the number of such licence.

Penalty : Twenty Pounds.

(9) No person having the custody of a freight and passenger book required by this Act shall fail—

- i. To make all prescribed entries therein :
- ii. To produce such book, on demand, to a police officer :  
or
- iii. To deliver such book to the Commissioner when required.

Penalty : Five Pounds.

(10) No person hiring or using a public vehicle shall—

- i. Fraudulently evade payment of the fare or charge lawfully payable by him in respect thereof :
- ii. Having failed or refused to pay such fare or charge refuse to give to the driver of such vehicle his true name and an address at which he can be found, or give a false name or address :
- iii. Misconduct himself while using such vehicle :
- iv. Wilfully damage such vehicle :

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- v. Fail, when lawfully required by the driver or conductor of such vehicle, or by a police officer, to —
- (a) Declare the journey which he intends to take or has taken in such vehicle :
  - (b) Pay the fare for the whole of such journey and accept the ticket, if any, tendered to him therefor :
  - (c) Leave the vehicle on completion of his journey :
  - (d) Produce his ticket : or
  - (e) Surrender his ticket on expiry of the period for which it was issued :
  - (f) Give his true name and an address at which he can be found : or

vi. Quit such vehicle without having paid the fare payable by him except with the consent of the driver or conductor.

Penalty : Twenty Pounds.

(11) No person shall force himself upon or into any public vehicle which—

- i. Already has its full complement of passengers :
- ii. Is hired by any other person : or
- iii. Is not being used for carrying passengers.

Penalty : Twenty Pounds.

(12) No person shall—

- i. Have in his possession without lawful authority any licence, badge, or plate issued under this Part, or any document or thing resembling any such licence, badge, or plate, and calculated to deceive :
- ii. Drive or use in any public street an unlicensed public vehicle having upon it, in any manner calculated to deceive, any printing or sign amounting to a representation that such vehicle is licensed for hire, or in respect of a traffic area or is for hire, or any number-plate or number prescribed to be placed on or affixed to licensed vehicles or any plate resembling such number-plates :
- iii. Drive a public vehicle in any public street unless he is the holder of a driver's licence for that purpose :
- iv. Being the holder of a driver's licence under this Part drive any public vehicle other than such as is authorised by such licence.

Penalty : Twenty Pounds.

*Traffic.*

**25**—(1) Any person so authorised, either generally or in the particular case, by the Commissioner for that purpose, may enter the premises of the holder of any licence in respect of a public vehicle at any time between sunrise and sunset, and inspect any vehicles, horses, harness, or equipment upon or in such premises, and may dismantle any mechanism or part of any motor-vehicle for the purpose of ascertaining whether the same is in a fit condition to be used.

Inspection of public vehicles. A.D. 1930.

(2) Any police officer who has reason to suspect that any stolen property is in or on any public vehicle licensed to carry goods or merchandise, or appearing to be so licensed, may stop and search such vehicle and any package, container, or load thereon or therein without further authority than this section.

Search for stolen property.

(3) If upon any search authorised by this section such officer finds any goods which he has reason to believe to have been stolen, he may detain such goods.

(4) Any goods detained as aforesaid shall be brought before a police magistrate to be disposed of as such magistrate after due inquiry according to law shall direct.

(5) Any person, who on any public vehicle commits, or is reasonably suspected by the driver or conductor thereof to have committed, any breach of the provisions of this Act, may be—

Removal of offenders.

- i. Removed from such vehicle by the driver or conductor thereof or by a police officer at the request of such driver or conductor : or
- ii. Required by the driver or conductor or by a police officer to give his name and an address at which he can be found.

**26**—(1) Where damage is caused to any person or property through any wilful or negligent act or omission of the driver of a public vehicle in a public street, such driver and the holder of a licence in respect of such vehicle shall each be liable for the amount of such damage.

Liability of licensee.

(2) Where any pecuniary penalty is imposed on the driver or conductor of any public vehicle in respect of any offence against this Part, and such penalty is not satisfied within seven days after the same is imposed, the amount of such penalty may be recovered from the owner of such vehicle in the same manner as if the same had been imposed on such owner personally.

(3) Any amount paid by any such owner as aforesaid in pursuance of Subsection (2) hereof may be recovered by him from the person on whom the penalty was imposed either upon complaint under the Justices Procedure Act, 1919, or in any court of competent jurisdiction.

*Traffic.*

A.D. 1930. Records.

**27** Particulars of all licences and such other particulars as may be prescribed shall be recorded in the office of the Commissioner, and a certificate under the hand of the Commissioner or of the officer in charge of the record setting forth any extract from, or copy of any entry contained in, such record or certifying any fact or particulars appearing from such record shall be sufficient evidence in all courts of any fact or particulars contained in such certificate without the production of such record or of any document upon which such record is founded.

Production  
of licence.

**28—**(1) Where the driver of a public vehicle is charged with an offence against this Act, he shall produce to the court on the hearing of such charge any licence to drive a public vehicle held by him under this Act, and in default of his so doing the court may impose upon him, forthwith and without formal proceedings, a penalty not exceeding Five Pounds.

(2) If such driver is convicted of such charge as aforesaid the court shall note such conviction on such licence as aforesaid, and shall cause particulars thereof to be supplied to the Commissioner, who shall endorse the same on every licence to drive a public vehicle or any motor-vehicle which may be issued to such driver thereafter.

(3) Upon any such conviction as aforesaid, the court may cancel or suspend such licence as aforesaid, and the same shall be delivered to the Commissioner within seven days.

Exclusion  
of municipal  
vehicles.

**29** Nothing in this Part shall be construed to require any person to hold a licence under this Part in respect of any vehicle owned by any council or while used in such cases as may be prescribed by or on behalf of any council, or to require the driver or conductor of any such vehicle to be the holder of a driver's or conductor's licence under this Part.

Regula-  
tions.

**30** The Governor may make regulations for the purposes of this Part prescribing all such matters and things as may be necessary or convenient for giving effect to its provisions or the administration thereof, and in addition to any other matter that may be so prescribed, such regulations may in relation to public vehicles —

- I. Prescribe the form, dimensions, design, shape, and contents of all documents, signs, plates, badges, destination boards, brands, and numbers to be used; the cases in which, the persons by whom, and the manner in which the same respectively are to be issued, used, dealt with, and applied:
- II. Provide for and regulate the issue by the Commissioner of licences to persons engaged or

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*Traffic.*

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- employed in relation to such vehicles ; the cases in which the same are required ; the duration, renewal, transfer, cancellation, and return thereof, the conditions affecting the same, either generally or in particular cases or classes of cases ; and the manner in which any such condition may be identified with the licence affected thereby :
- iii. Prescribing a minimum age for persons engaged or employed as aforesaid, and the qualifications required in such persons generally or in particular cases and how the same shall be ascertained or established :
  - iv. Provide for the appointment of certifying officers, in respect of public vehicles, and for the payment for their services by applicants for licences :
  - v. Prescribe the requirements to be fulfilled and the conditions to be observed by the owners of such vehicles and persons employed in relation thereto and regulate the conduct of such persons in carrying out their duties :
  - vi. Provide for and regulate the inspection of all or any of such vehicles, and of any horses, harness, or equipment used or to be used in connection therewith ; and the times at which and the persons by whom such inspection is to be made :
  - vii. Provide for and regulate the use of stands thereby appointed for the use of public vehicles of respective classes :
  - viii. Prescribe the methods which may be adopted by persons using such vehicles to ply for hire ; the places in which they may and may not so ply ; and the streets or portions of streets that may be used for that purpose, either generally or in respect of specified times or occasions ; and may prohibit any person from touting or calling out or otherwise importuning any person to use any such vehicle ;
  - ix. Prescribe the fares or charges (whether maximum or minimum or both) which may be charged or made in respect of the use of public vehicles of any class or in relation to any particular kind of service, either generally or in respect of different routes, traffic areas, places, or localities, and provide how, when, and in what cases, such fares or charges shall be published or exhibited for public information :
  - x. Provide for the custody, disposal, and return of lost property found in such vehicles ; the cases in which and the manner in which the same may be

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*Traffic.*


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A.D. 1930.

- sold ; the disposal of the proceeds thereof ; and the charges which may be made in relation thereto:
- xI. Prescribe the requirements to be fulfilled and observed in relation to the construction and equipment of such vehicles or any classes thereof respectively ; the accommodation to be provided in any particular cases ; and the number of persons and the amount or weight of luggage or goods that may be carried therein :
  - xII. Regulate the use of taximeters on any such vehicles and provide for the testing thereof at such intervals as may be prescribed :
  - xIII. Prohibit the use of such vehicles, or specified classes thereof, in specified places either generally or for specified times or occasions :
  - xIV. Provide for the ascertainment as may be prescribed of the weight of such vehicles :
  - xV. Prohibit or regulate smoking by persons in such vehicles :
  - xVI. Prescribe the fees (not otherwise prescribed) and the charges and payments which shall be payable in respect of specified services rendered, or articles supplied to, any person under this Part, and how, when, and by whom the same shall be paid and recovered respectively, and provide for the application of any such charges and payments as aforesaid :
  - xVII. Prescribe the cases in which the owner of any such vehicle shall be required to take out and keep on foot a policy of insurance for a prescribed sum against liability in respect of any claim in relation to the death of, or bodily injury to, any person carried in, entering, or alighting from such vehicle ; and prohibit the use of such vehicle unless such policy is in force :
  - xVIII. Prescribe traffic areas, routes, and other local divisions of the State or any part thereof : and
  - xIX. Provide for an appeal to a police magistrate, in such manner and within such time as may be prescribed, in respect of—
    - (a) Any refusal by the Commissioner to issue a licence in respect of a public vehicle or the driver thereof : or
    - (b) Any conditions imposed in relation to any such licence—
 and provide that the decision of such police magistrate shall be final—



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and any such regulations may discriminate in respect of different classes of such vehicles, or of different routes, traffic areas, or places, or of different times or occasions, or of the persons or classes of persons using the same”:

III. As to Subsection (1) of Section Thirty-one thereof—

(a) By inserting after the word “regulations” in the first line thereof the words—

“prescribing all matters and things which may be necessary or desirable for regulating and controlling the driving, using, and having in possession of any vehicle or class of vehicle in any public street or any specified part thereof; and prohibiting in any such street or part any act, matter, or thing calculated to cause damage to such street or to cause injury, danger, inconvenience, or annoyance to the public or any person or to any property; or regulating the driving of any such act, matter, or thing for the purpose of obviating or minimising such damage, injury, danger, inconvenience, or annoyance as aforesaid; and in addition to any other powers hereby conferred may make regulations”:

(b) By substituting for Paragraph xvii. thereof the following new Paragraph xvii.:—

“xvii. Prohibiting the use of any public street for the passage of vehicles exceeding weights prescribed according to the class or equipment and load thereof, except upon conditions to be prescribed, and providing for the cases in which, and the manner in which, such use may be permitted upon a guarantee by the user to repair any damage thereby caused to such streets, and how and to whom such guarantee shall be given.”;

(c) By substituting for Paragraph xviii. thereof the following new Paragraph xviii.:—

“xviii. Prescribing the persons by, and to whom, the times at which, and the manner in which, notification of accidents in respect of vehicles shall be given.”; and

(d) By adding after Paragraph xxix. thereof the following new Paragraphs xxx. and xxxi.:—

“xxx. Prescribing the mechanical instruments or devices which may be used to determine the weight, or relative proportion

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of weight, carried on the axles or wheels of motor vehicles and trailers respectively; the persons by whom, and the conditions under which, the same may be so used; the testing of such instruments or devices; and the percentage of error which may be allowed therein; and generally regulating the use thereof:

“ xxxi. Prescribing the methods to be adopted for ascertaining the weight of any vehicle or any load carried therein, respectively, according to the nature and class of vehicle and the load carried; and how, when, and by whom the same shall be applied, and regulating the ascertainment and recording of such weights, and providing how, when, and to what extent such records or certified copies thereof or extracts therefrom shall be received as evidence of the facts therein stated.”:

IV By substituting for repealed Section Thirty-seven the following new Section Thirty-seven—

New  
Section 37.

“ **37**—(1) No person shall drive or use any motor vehicle without the consent of—

- i. The owner of such vehicle: or
- ii. Some person lawfully in charge of such vehicle and having authority to give such consent—

unless he is a police officer acting in the execution of his duty.

Penalty: Not less than fourteen days' imprisonment.

(2) No person shall procure, or aid or abet any other person in procuring, the hire or use of a motor-vehicle by means of fraud or misrepresentation.

Penalty: Twenty Pounds.”:

V. By substituting for repealed Section Forty-one the following new Section Forty-one—

Repeal of  
Section 41.

New  
Section 41. Offences by  
intoxicated  
persons.

“ **41**—(1) No person shall—

- i. Operate or attempt to operate any motor-vehicle:
  - ii. Drive any vehicle: or
  - iii. Have charge of any vehicle—
- whilst under the influence of intoxicating liquor.

Penalty: For a first offence, Twenty Pounds. For any subsequent offence, Fifty Pounds or six months' imprisonment.

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(2) If the holder of a licence to drive a motor vehicle under this Act, is convicted of an offence under Subsection (1) hereof in respect of a motor-vehicle, the court before whom he is convicted shall, in addition to any other penalty imposed upon the defendant, suspend such licence and declare the defendant to be disqualified for obtaining a licence or renewal of a licence as hereinafter provided.

(3) Such suspension and disqualification as aforesaid respectively shall be for a period not less than :—

- i. Three months in respect of a first offence :
- ii. Two years in respect of a second offence : and
- iii. For five years in the case of a third or subsequent offence—

against the said Subsection (1) or for such larger period in any of the said cases respectively as the court thinks fit (or as regards suspension until the expiry of such licence if the same expires within the period prescribed in the particular case), and the court shall cause particulars of the conviction and any order made thereon to be endorsed upon such licence.

(4) Where any person convicted of any offence against Subsection (1) hereof was not the holder of a licence to drive a motor-vehicle at the time such offence was committed, the court before whom he is convicted shall declare such person to be disqualified for obtaining or holding such a licence for not less than twelve months.

(5) No person shall drive a motor-vehicle upon any public street—

- i. While the licence held by such person is suspended: or
- ii. During any period for which such person is disqualified—

as provided by this section.

Penalty : Minimum, Seven days' imprisonment.

Maximum, Three months' imprisonment.

(6) Any police officer may arrest without warrant any person found—

- i. Contravening any of the provisions of Subsection (1) hereof: or
- ii. In charge of, or driving or attempting to drive, any motor-vehicle, and who in the opinion of such officer is incapable of driving such vehicle without danger to the public or to some person in such vehicle —

and may take charge of and remove any vehicle in charge of, or driven by, the person so arrested, and remove the same to any convenient place for safe-keeping.

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(7) Upon the hearing of any proceedings against a person who has been arrested as provided by Subsection (6) hereof in respect of the circumstances occasioning such arrest, the court adjudicating thereon may order such person to pay any costs or expenses incurred in connection with the taking charge, removal, and custody of the vehicle as provided by that subsection, if the court is of opinion that there was reasonable ground for incurring the same.”:

Section 51.

VI. By inserting after Subsection (2) of Section Fifty-one the following new Subsection (3):—

“ (3) Where any person is alleged to have committed any offence against this Act as the driver of any vehicle—

i. The owner of such vehicle, on demand by any police officer, shall give to such officer all such information as such officer may require as to the identity and whereabouts of the driver of such vehicle at any time relevant to such charge :

ii. If any information so required is not known to such owner as aforesaid, he shall forthwith with all reasonable diligence (proof of which shall be upon him) take steps to obtain the same, and shall report to such officer within seven days or sooner if practicable the result of the steps so taken :

iii. Upon demand being made to any person by a police officer for any information within such person's knowledge as to the identity of such driver as aforesaid, or as to any fact which may lead to the identification of such driver, such person shall give such information to such officer—

and if any person fails to comply with any of the requirements of this subsection he shall be guilty of an offence.”:

Section 52.

VII. By inserting after the word “ Act ” in the first line of Subsection (2) of Section Fifty-two thereof the words “ except where otherwise specially provided ” :

New Sections 57 to 61.

VIII. By adding after the end of Part V. thereof the following new Part VI., comprising Sections Fifty-seven to Sixty one inclusive—

## “ PART VI.

## THE TRANSPORT COMMITTEE.

Constitution of Committee.

57—(1) For the purposes of this Act there is hereby constituted a Committee to be known as the Transport Committee.

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(2) The Committee shall consist of—

- i. The Commissioner for Railways, who shall be Chairman of the Committee :
- ii. The Commissioner of Police :
- iii. The Director of Public Works :
- iv. A Representative of the Municipal Association of Tasmania : and
- v. One other member to be appointed by the Governor.

(3) The representative of the Municipal Association shall be appointed in such manner, and shall hold office for such term as may be prescribed.

(4) The member appointed by the Governor shall hold office during the Governor's pleasure.

(5) The proceedings of the Committee shall be regulated as prescribed.

(6) Three members of the Committee shall constitute a quorum thereof.

**58**—(1) The Committee shall—

- i. Consider and determine all applications for licences in respect of public vehicles :
- ii. Determine in respect of any particular licence or group of licences relating to the same traffic area, route, or place what special conditions if any shall be imposed :
- iii. Recommend to the Governor the sections, parts, or divisions of the State to comprise the several traffic areas to be prescribed under this Act and any variations therefrom or alterations therein which at any time may seem desirable :
- iv. Determine, where the Committee thinks it desirable so to do, the maximum or minimum fares, freights, or charges to be allowed in respect of any service to be provided under any particular licence or group of licences in relation to any particular traffic area, route, or place : and
- v. Advise the Governor on all matters relating to the internal transport of the State and to traffic generally—

Powers and duties of Committee.

and shall have discretionary power to grant or refuse any application of any person or in respect of any traffic area, route, or place.

(2) In the exercise of its functions under this Act, the Committee shall consider all such matters as it may think

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necessary or desirable for giving effect to the provisions of this Act, and in particular shall have regard to—

- i. The suitability of the routes on which a service may be provided under the licence :
- ii. The extent, if any, to which the needs of the proposed routes, traffic areas, or districts, or any of them, are already adequately served :
- iii. The extent to which the proposed service is necessary or desirable in the public interest :
- iv. The needs of the district, traffic area, or locality as a whole in relation to traffic (including provision of adequate, suitable, and efficient services, the elimination of unnecessary services, and the provision of unremunerative services), and the co-ordination of all forms of transport, including transport by rail :
- v. The conditions of the roads to be traversed with regard to their capacity to carry proposed public vehicular traffic without unreasonable damage to such roads :
- vi. The suitability and fitness of applicant to hold licence applied for.

(3) For all or any of the purposes aforesaid the Committee may—

- i. Undertake the survey, in such manner as it thinks best, of any traffic area, route, or locality :
- ii. Enquire into the necessity for any proposed service or the transport requirements of any district or part of the State :
- iii. With the approval of the Minister, hold such public enquiries into any of the matters aforesaid or any matters relating to transport as it may think desirable.

(4) For the purposes of any such public enquiry as aforesaid the Committee shall have and may exercise all the powers and authority conferred upon a Commission appointed by the Governor under Division II. of Part II. of the Evidence Act, 1910, and subject to any prescribed conditions may sit at such times and in such places as it thinks best.

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signs.

**59**—(1) The Committee may issue to all or any highway authorities general or particular directions as to the traffic signs to be used on public streets generally or on specified classes of such streets or in any specified cases.

(2) The Committee may cause prescribed traffic signs to be made and supplied to highway authorities.

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(3) Every highway authority shall cause all traffic signs supplied to him by the Committee to be used in conformity with the Committee's directions.

(4) Except as hereinbefore provided, no traffic sign shall be placed on or near any public street.

(5) In any case where any traffic sign or object, so nearly resembling a traffic sign as to be calculated to be mistaken for a traffic sign or to mislead, is on any land in proximity to a public street, the highway authority may require the owner of such land to remove such sign or object forthwith.

(6) If such owner as aforesaid fails to comply with such requirement within a reasonable time, the highway authority may enter upon such land and may cause such removal to be effected (doing as little damage therein as may be), and may recover the cost of such removal from such owner.

(7) In any case where the Committee directs, the highway authority shall proceed as provided by Subsections (5) and (6) hereof, and in default thereof the Committee may exercise the powers thereby conferred on the highway authority.

(8) For the purposes of this section the expression 'traffic sign' means any signal, warning, sign-post, direction post, or other device for the guidance or direction of traffic on public streets; and 'highway authority' means the person responsible for the maintenance of the public street in relation to which the expression applies.

**60**—(1) Where, in the opinion of the Committee, any building, hoarding, fence, or other structure, or any tree, hedge, or other vegetation on any land is so constructed or placed, or in such condition, as to constitute an obstruction calculated to limit the vision of persons driving vehicles, trams, or trains upon or near any public street, and to cause avoidable danger to traffic, the Committee, by notice in writing to the owner of such land, may require him to remove the object causing such obstruction, or to modify the same as the Committee, by such notice, may direct.

(2) If such owner fails within thirty days after the service of such notice upon him to comply with such requirement, the Committee may enter upon such land and effect such removal or modification as the case may be (doing therein as little damage as may be), and may recover from such owner the cost of so doing.

**61** The Governor may make regulations for the purposes of this Part prescribing all such matters and things as may

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be necessary or desirable for giving effect to its provisions, and in addition to any other such matters may—

- i. Regulate the procedure to be followed in respect of any public enquiry by the Committee:
  - ii. Require any specified person or classes of persons when called upon by the Committee to produce books or documents or information to the Committee relating to any enquiry or matter on which the Committee may be engaged:
  - iii. Prescribe the particulars to be furnished by applicants for licences in respect of public vehicles, the time for and manner of lodging such applications, and the procedure relating thereto:
  - iv. Provide for the payment out of moneys to be provided by Parliament for that purpose of the expenses incurred by the Committee under this Act.":
- IX By expunging Schedule (3) thereto, and substituting therefor the following new Schedule (3) :—

“(3)

## LICENCE FEES IN RELATION TO PUBLIC VEHICLES.

Description of Vehicle.	Annual Fee for Licence or Renewal thereof.
Horse-drawn vehicles—	
i. Cab .....	Ten Shillings
ii. Omnibus .....	Two Pounds
iii. Cart, van, or carrier having—	
(a) Two wheels	One Pound
(b) More than two wheels	Two Pounds
Motor-vehicles—	
i. Cab, coach, hire-car, or omnibus	Six Shillings multiplied by the number of persons which the vehicle is licensed to carry
ii Hire-car licensed for more than one traffic area.....	Twelve Pounds Ten Shillings
iii. Cart, van, or carrier	Two Pounds ”



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*Miscellaneous Fees.*

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Driver of any licensed motor-vehicle...	Ten Shillings
Driver of any other licensed vehicle ...	Five Shillings
Conductor of any licensed vehicle.....	Five Shillings
Transfer of licence in respect of a public vehicle .....	Five Shillings
Certificate or other document issued in lieu or in respect of any Certificate of Registration or Licence which has been lost or destroyed .....	One Shilling

A temporary licence may be issued as prescribed, on the payment of a fee of Ten Shillings, to the owner of a suitable vehicle, to ply such vehicle as a coach on any specified day, to and from a sports meeting or place of public amusement or resort, or in such other cases as may be prescribed.

A temporary licence may be issued to the driver or conductor of a public vehicle, limited in its duration to any number of days not exceeding four, on payment of a fee of One Shilling for each day for which the same is to be in force."

4—(1) All licences in respect of public vehicles at the date of commencement of this Act shall continue in force until the thirtieth day of June next after such date, and shall have the like effect and be subject to the like conditions, except as regards expiry, as if this Act had not been passed. Provisions as to existing licences in respect of public vehicles.

(2) The holder of any such licence as aforesaid shall surrender the same not later than the first day of July, one thousand nine hundred and thirty-one, and shall be entitled thereupon to a refund of a proportion of the amount of the licence fee paid in respect thereof equal to one-twelfth of such amount for each complete month of the period for which the same was issued which has not expired at that date.

(3) Where any such licence expires before the said thirtieth day of June, a renewal thereof may be granted to take effect until the date aforesaid, upon payment of a proportionate part of the prescribed fee payable in respect thereof, and any licence so renewed shall be subject to the like conditions as provided by Subsection (1) hereof.

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**SCHEDULE.**

Regnal Year and Number of Act.	Title of Act.	Extent of Repeal.
16 Geo. V. No. 38.	The Traffic Act, 1925	Paragraph iv. of Subsection (2) of Section 5; Paragraphs xvii. and xxviii. of Subsection (1) of Section 31; and Part III., comprising Sections 15 to 30, inclusive, Sections 37 and 41, and Schedule (3)
17 Geo. V. No. 46. 21 Geo. V. No. 6.	The Traffic Act, 1926 The Traffic Act, 1930	Sections 7 and 9 Paragraph ii. of Section 2