

HIDE AND LEATHER INDUSTRIES.

No. 68 of 1949.

AN ACT to amend the *Hide and Leather Industries Act 1948.* [20 December, 1949.]

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 *Hide and Leather Industries Act 1949.*

(2) The *Hide and Leather Industries Act 1948** is in this Act referred to as the Principal Act.

Expiry of Act.

2 Section twenty-two of the Principal Act is amended by omitting the words “thirty-first day of December, one thousand nine hundred and forty-nine”, and substituting therefor the words “thirtieth day of June, one thousand nine hundred and fifty”.

* No. 66 of 1948.

TRANSPORT (No. 2).

No. 69 of 1949.

AN ACT to amend the *Transport Act 1938*, the *Traffic Act 1925*, the *Railway Management Act 1935*, the *Railway Advances and Suspense Accounts Act 1923*, and the *Road Construction Plant Act 1944.* [23 December, 1949.]

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 *Transport Act (No. 2) 1949.*

(2) The *Transport Act 1938**, as subsequently amended, is in this Act referred to as the Principal Act.

2—(1) Section five of the Principal Act is amended— Constitution
of Commis-
sion.

(a) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) The Commission shall consist of the Commissioner and two Associate Commissioners.

(2A) The Associate Commissioners shall be—

I. The person for the time being holding office as General Manager of Railways; and

II. The person for the time being holding office as Administrator of Road Transport.”; and

(b) by omitting subsections (4) and (5) and substituting therefor the following subsection:—

“(4) In the event of the death, incapacity, absence, or inability to act of any Associate Commissioner, the Governor may appoint a person to act in a temporary capacity as an Associate Commissioner, and the person so appointed shall hold office as an Associate Commissioner for such period as the Governor may determine.”.

(2) This section shall commence on the first day of January, 1950, and thereupon the Commission shall be reconstituted in accordance with the provisions of the Principal Act (as amended by subsection (1) of this section), but the reconstitution of the Commission shall not affect any rights or obligations of the Commission.

3 Section nine of the Principal Act is amended by adding at the end thereof the following subsections:— General
powers of
Commission.

“(4) Notwithstanding the foregoing provisions of this section, the Commission shall not acquire, initiate, or carry on any road transport services except under the authority, and in accordance with the provisions, of Part IIIA. of this Act.

(5) Notwithstanding anything contained in subsection (4), but subject to subsections (6) to (9) and to the provisions of section eleven B, the Commission may, in the same manner and to the same extent in all respects as if the first-mentioned subsection had not been enacted, continue to carry on the several road transport services specified in the second schedule to this Act between the several places therein respectively specified and for the several purposes therein respectively expressed:

Provided that nothing contained in this subsection shall be construed as authorising the Commission to carry on,

* 2 & 3 Geo. VI. No. 70, as amended by 3 Geo. VI. No. 17, 7 Geo. VI. No. 27, 8 Geo. VI. No. 13, 11 & 12 Geo. VI. No. 86, and No. 10 of 1948. See also 7 & 8 Geo. VI. Nos. 73 and 87.

between Hobart and Launceston, any road transport services which were not being carried on by the Commission on the first day of June, 1949.

(6) In any case where the Commission makes or proposes to make any alteration in the routes over which, or the terms and conditions (including time-tables, fares, and charges) upon which, any road transport service to which subsection (5) applies was carried on by the Commission on the twenty-sixth day of June, 1949 (being an alteration which has been, or will be, effective for any period exceeding one week), any person who is the holder of a licence under Part III. of the *Traffic Act 1925**, and any person who has made application for a licence under that Part and whose application has not been finally determined, may, within such time as may be prescribed, object to that alteration or proposed alteration upon the ground that the alteration results or, as the case may be, that the proposed alteration would result, in unfair or wasteful competition between the Commission and that person or that the alteration unreasonably or unfairly prejudices that person in the conduct of any road transport undertaking carried on or proposed to be carried on by him, or, as the case may be, that the proposed alteration would so prejudice him.

(7) Upon the hearing of any objection under subsection (6), the tribunal may, if it is satisfied that—

- I. The alteration results, or, as the case may be, the proposed alteration would result, in unfair or wasteful competition between the Commission and the person by whom the objection was made: or
- II. The alteration does, or, as the case may be, the proposed alteration would, unreasonably or unfairly prejudice that person in the conduct of any road transport undertaking carried on or proposed to be carried on by him,

allow the objection in whole or in part and may give to the Commission such directions as it thinks necessary to give effect to the decision of the tribunal, or, if the tribunal is not so satisfied, it may disallow the objection.

(8) The Commission shall comply in all respects with any directions given to it by the tribunal pursuant to subsection (7).

(9) Every objection under subsection (6) shall be made to, and shall be determined by, the tribunal constituted under Part IIIA of the *Traffic Act 1925**, and the provisions of that Part shall, subject to subsection (7) and with such modifications and adaptations as may be prescribed, apply to and in respect of the institution, hearing, and determination of any such objection as if it were an appeal under that Part.

(10) In addition to the powers conferred on it by subsection (1) of this section, the Commission may, in case of

* 16 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 23 and 11 Geo. VI. No. 54. See also 2 & 3 Geo. VI. No. 70.

emergency and with the concurrence of the Auditor-General, enter into a contract with any person for the carrying on and maintenance, in a particular case and for the purpose of meeting a particular emergency, of any transport service between any place in this State and any place outside this State.

(11) In any case where the Commission carries on any road transport service between the same places as those between which any similar service carried on by any person other than the Commission is carried on and over the same or substantially the same route as that over which the service of such person is carried on, the fares and charges payable to or charged by the Commission in connection with the carrying on by it of the firstmentioned road transport service shall, notwithstanding anything contained elsewhere in this Act, be the same as the fares and charges payable to or charged by such person in connection with the road transport service carried on by him, and the provisions of subsection (6) shall not apply to or in respect of any alteration of fares and charges made by the Commission for the purposes of this subsection.”.

4 Section eleven of the Principal Act is amended by omitting the word “It” at the commencement of subsection (1), and substituting therefor the words “Subject to this Act, it”.

Duties of Commission.

5 After section eleven of the Principal Act, the following Part is inserted:—

“PART IIIA.

“POWERS OF COMMISSION WITH RESPECT TO THE INITIATION AND CARRYING ON OF ROAD TRANSPORT SERVICES.

“11A.—(1) In addition to the road transport services referred to in subsection (5) of section nine, the Commission may initiate and carry on (either in addition to, or in substitution for, any such road transport service) any road transport service which it is authorised, by resolution of both Houses of Parliament, to initiate and carry on between the places specified in the resolution.

Powers of the Commission with respect to the initiation and carrying on of new road transport services.

(2) In any case where the Commission is authorised, by resolution of both Houses of Parliament, to initiate and carry on any road transport service between any places specified in the resolution, the Commission may purchase, for such price and on such terms and conditions as may be mutually agreed upon, the undertaking of any person engaged in operating or carrying on any road transport service between those places and all or any of the vehicles, plant, and equipment used by that person in or in connection with the operation or carrying on of that road transport service.

(3) Where the Commission proposes to seek authority under this section to initiate and carry on any road transport service it shall give not less than fourteen days’ notice of its

intention so to do, by notice in the prescribed form and containing the prescribed particulars published in not less than three newspapers published or circulating in this State.

Commission to discontinue road transport services in certain cases.

“ 11B. If in any report under section twenty-nine of the *Audit Act 1918* the Auditor-General indicates that the road transport services carried on by the Commission under the authority of this Act have been carried on at a loss during the immediately preceding financial year, the Commission shall not, unless authorised by resolution of both Houses of Parliament so to do, continue to carry on those services after the thirtieth day of June next after the date of the Auditor-General's report.

General Manager of Road Transport Services.

“ 11C.—(1) For the purposes of this Act, there shall be a General Manager of Road Transport Services, who shall be a person appointed by the Commission (in this Act referred to as the ‘General Manager’).

(2) The General Manager shall hold office upon such terms and conditions, and at such salary, as the Commission may determine, and if any person appointed as the General Manager is, at the time of his appointment, an officer of the Commission, he shall retain all his existing and accruing rights.

(3) Subject to this Act and to the directions of the Commission, the General Manager shall, for and on behalf of the Commission, have the management, control, and operation of all road transport services acquired or initiated by the Commission and carried on by it pursuant to this Act.

(4) In particular, and without affecting the generality of the provisions of subsection (3), the General Manager may—

I. Authorise expenditure—

(a) On any work previously approved by the Commission, and within the limits approved by it:

(b) On the construction or purchase of new assets or the replacement or improvement of existing assets, where the cost of the construction, purchase, replacement, or improvement thereof does not exceed one hundred pounds:

(c) On account of the operation and maintenance of the road transport services carried on by the Commission, within the limits of the estimates of expenditure approved by the Commission:

II. Make and issue time-tables in connection with the carrying on of the road transport services carried on by the Commission:

III. Fix the rates of fares and freight charges payable in respect of the road transport services carried on by the Commission:

IV. On behalf of the Commission, enter into contracts for the supply and delivery of stores, materials, plant, and equipment, or the carrying out of any

service required in connection with the operation, carrying on, or maintenance of the road transport services carried on by the Commission; but no such contract shall, except with the special approval of the Commission, be entered into by the General Manager if it involves the expenditure of any sum in excess of one thousand pounds:

- v. With the express approval of the Commission, sell and dispose of stores, materials, and equipment no longer required for the purposes of, or in connection with, the operation, carrying on, or maintenance of the road transport services carried on by the Commission: and
- vi. Exercise such other powers and functions, and perform such other duties, as may be delegated to, or imposed upon, him by the Commission."

6 Section thirteen of the Principal Act is amended by omitting subsection (2). Powers and duties of the Commission.

7 Section nineteen of the Principal Act is amended by omitting from subsections (1), (2), and (3) the words "agreement approved by the *Federal Aid Roads and Works Agreement Act 1937**" (wherever occurring) and substituting therefor, in each case, the words "Commonwealth Act cited as the *Commonwealth Aid Roads and Works Act 1947†*, or any Act passed in substitution therefor". Revenue.

8 Section twenty of the Principal Act is amended— Commission may overdraw on bank account.

- (a) by omitting from subsection (2) the word "depreciation,"; and
- (b) by omitting subsection (3) and substituting therefor the following subsection:—

“(3) The amount which may be advanced by the Treasurer to the Commission for the purposes of subsection (2) of this section shall not at any time exceed six hundred thousand pounds, and the Treasurer may borrow any sums of money, not exceeding in the whole the sum of six hundred thousand pounds for the purposes of that subsection.”.

9 Sections twenty-five to twenty-nine of the Principal Act are repealed and the following sections are substituted therefor:—

“25.—(1) The Commission shall make provision for and place to the credit of separate accounts, in relation to the several branches of the transport undertaking, such sums of money as the Commission may consider necessary to cover the depreciation or obsolescence of any plant, machinery, or other assets of a wasting nature. Transport Commission Depreciation Fund: Provision and application thereof.

* 1 Geo. VI. No. 15.

† No. 17 of 1947 (Commonwealth).

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

(3) All 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 Transport Commission Depreciation Fund' (in this Act referred to as 'the Depreciation Fund') and shall be invested by them, and the income from the investment of such 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 sinking fund contributions payable by him in that financial year to the National Debt Commission in respect of the principal loan and 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 Commission, out of the moneys standing to the credit of the Depreciation Fund, such sums as the Commission may require for—

- I. The renewal of any plant, machinery, or other asset of a wasting nature:
- II. The carrying out of any new work or the purchase of new plant, machinery, or other assets, the carrying out or purchase of which is authorised by this Act or by any Act incorporated with this Act or by Parliament: or
- III. The purposes of writing off any abandoned or obsolete assets:

Provided that—

- (a) The Treasurer, when required by the Commission, shall, out of loan moneys voted by Parliament for the purpose, reimburse the Depreciation Fund in respect of any sums so applied in the carrying out of new works or the purchase of new plant, machinery, or other assets: and
- (b) The Commission shall debit to its profit and loss account and credit to the Depreciation Fund interest at the State rate (as defined in the *Hydro-Electric Commission Act 1944**) on all sums paid out of the Depreciation Fund for the purposes of this subsection, such interest being computed from the date of payment out of that Fund to the date of the reimbursement of that Fund pursuant to paragraph (a) of this proviso.

* 8 & 9 Geo. VI. No. 22. Subsequently amended by 8 & 9 Geo. VI. No. 61, 10 Geo. VI. Nos. 2 and 63, 11 & 12 Geo. VI. No. 82, and No. 9 of 1948. See also 10 Geo. VI. No. 46.

(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 Commission securities of which the face value is equal to the sums so required by the Commission.

“26.—(1) Within two months after the first day of July in each year, the Commission shall cause to be prepared—

Accounts to be prepared yearly.

I. A separate trading account for the immediately preceding financial year, in respect of each branch of the transport undertaking, containing particulars of—

(a) The revenue accruing from the operations of that branch during the financial year to which the account relates: and

(b) The expenditure properly chargeable to the trading account upon the working, maintenance, and management of the relevant branch of the transport undertaking, including provision for depreciation,

and the respective balances shown in the trading accounts shall be carried to the consolidated trading account referred to in paragraph II. of this subsection:

II. A consolidated trading account for the immediately preceding financial year, containing particulars of the balances carried to it pursuant to paragraph I. of this subsection, and the balance of the consolidated trading account shall be carried to the profit and loss account referred to in paragraph III. of this subsection:

III. A profit and loss account for the immediately preceding financial year, containing the following particulars, that is to say:—

(a) The net balance (whether debit or credit) carried to it from the consolidated trading account referred to in paragraph II. of this subsection:

(b) The expenditure properly chargeable to the profit and loss account in respect of head office administration:

(c) The expenditure incurred in the administration of Part III. of the *Traffic Act 1925**:

(d) The interest (other than interest payable under subsection (4) of section twenty-four) payable by the Commission to the Treasurer upon or in respect of all loans and advances owing by the Commission to the State, and also the interest pay-

* 16 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28 and 11 Geo. VI. No. 54. See also 2 & 3 Geo. VI. No. 70.

able by the Commission pursuant to paragraph (b) of the proviso to subsection (6) of section twenty-five, and all interest charged to the said profit and loss account shall be dissected, and the said account shall indicate to which branch of the transport undertaking the interest relates:

- (e) Any other items of expenditure properly chargeable to the profit and loss account:
- (f) The revenue accruing from the licensing of public vehicles pursuant to the *Traffic Act 1925** and other fees and charges imposed pursuant to that Act in connection with the licensing and operation of public vehicles (excluding licensing fees for drivers and conductors of public vehicles):
- (g) The amounts received from the Treasurer in respect of land tax: and
- (h) Any other items of revenue which are properly credited to the profit and loss account,

and the balance of the profit and loss account shall be carried forward to the profit and loss appropriation account referred to in paragraph IV. of this subsection:

IV. A profit and loss appropriation account for the immediately preceding financial year, showing the balance brought forward from the profit and loss account referred to in paragraph III. of this subsection and how such balance has been dealt with: and

V. A balance-sheet containing particulars of all assets and liabilities of the Commission as at the end of the immediately preceding financial year.

(2) There shall be debited as expenditure chargeable to the trading account prepared pursuant to paragraph I. of subsection (1) of this section in respect of the road transport services carried on by the Commission an amount equal to the fees, charges, and taxes which would be payable under the provisions of the *Traffic Act 1925**, the *Motor Vehicles Tax Act 1917†* or this Act by any person other than the Commission carrying on any similar service.

(3) Any amount debited to the said trading account in accordance with subsection (2) of this section shall be credited—

* 16 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28 and 11 Geo. VI. No. 54. See also 2 & 3 Geo. VI. No. 70.

† 8 Geo. V. No. 30. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 905. Subsequently amended by 2 & 3 Geo. VI. No. 74. See also 3 Geo. VI. No. 3.

- I. To the profit and loss account required to be prepared by paragraph III. of subsection (1) of this section, so far as such amount relates to fees and charges under the *Traffic Act 1925**, or this Act: and
- II. To the statement required to be prepared by paragraph I. of section twenty-eight of this Act, so far as such amount relates to taxation under the *Motor Vehicles Tax Act 1917**.

(4) The Commission shall supply to the Treasurer, as and when required by him, such information as the Treasurer may require in respect of the expenditure of the revenues of the Commission.”.

“ 27.—(1) Whenever in any financial year the profit and loss account, in respect of the immediately preceding financial year, shows a credit balance, such credit balance shall be applied for the purposes of—

Application of balance shown in profit and loss account.

- I. Reimbursing the Treasurer in respect of any losses sustained by the Commission and reimbursed by the Treasurer under subsection (2) of this section:
 - II. Meeting the interest charges payable on that portion of the capital invested in the railways which has been transferred from the railway capital indebtedness to the State public debt:
 - III. Establishing a Contingency Reserve Fund, to which the Commission may contribute such amount as it considers necessary to meet any unforeseen expenditure that may arise; but such Fund shall not be established except with the consent of the Governor:
 - IV. Establishing a special Redemption Reserve Fund, to which may be contributed such amount as the Commission may recommend and the Governor may approve, for the purpose of liquidating any special costs incurred in the construction of capital works: and
 - V. Liquidating additional loans,
- in the order above set forth.

(2) Whenever, in any financial year, the profit and loss account, in respect of the immediately preceding financial year, shows a debit balance, the Treasurer shall reimburse the Commission in respect thereof and shall pay to the Commission out of moneys to be provided by Parliament for that purpose the amount of such debit balance.

(3) Where any payment is to be made to, or by, the Commission in any financial year under the foregoing provisions of this section, the same shall be made within one month after the Auditor-General has certified to the correctness of the profit and loss account in respect of the immediately preceding financial year:

* 8 Geo. V. No. 30. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 905. Subsequently amended by 2 & 3 Geo. VI. No. 74. See also 3 Geo. VI. No. 3.

Provided that, in the case of a payment required to be made by the Treasurer under subsection (2) of this section, the Treasurer may, pending the certification of the profit and loss account by the Auditor-General and the appropriation by Parliament of the necessary moneys, pay to the Commission (either in one amount or by instalment) such sums (not exceeding seventy-five per cent of the debit balance shown in the profit and loss account, as submitted to the Auditor-General for his certificate) as the Treasurer, after consultation with the Auditor-General, may consider reasonable, and such sums shall be paid out of the Consolidated Revenue (which, to the necessary extent, is hereby appropriated accordingly).

Statements to be prepared in respect of road funds, &c.

“28. Within two months after the first day of July in each year, the Commission shall cause to be prepared—

- I. A statement of all moneys received from the sources mentioned in paragraphs II., III., IV., V., and VIII. of subsection (1) of section nineteen, and of all payments properly chargeable against such moneys: and
- II. A statement of all moneys received from the source mentioned in paragraph VII. of subsection (1) of section nineteen and of all payments properly chargeable against such moneys.

Reimbursement of certain moneys expended on road transport services.

“29.—(1) The Commission shall place to the credit of the account kept pursuant to subsection (1) of section twenty-five, in relation to the Commission's railway services, an amount equal to the total amount of all moneys certified by the Auditor-General to have been heretofore expended by the Commission in connection with road transport services and which were charged to the fund known as 'the Transport Commission's Depreciation Replacement and Loans Redemption Fund'.

(2) The Commission may requisition the Treasurer for any moneys required by it for the purposes of subsection (1) of this section, and the Treasurer may, by virtue of this section and without further authority, advance to the Commission, out of any moneys available to the Treasurer for that purpose, any moneys so requisitioned.”.

Accounts to be submitted to Minister.

10 Section thirty of the Principal Act is amended by omitting from subsection (1) the word “October” and substituting therefor the word “September”.

11 After section fourteen A of the *Traffic Act* 1925 the following section is inserted in Part III. of that Act:—

Administrator of Road Transport.

“14B.—(1) For the purposes of this Part, there shall be an Administrator of Road Transport (in this Act referred to as 'the Administrator') who shall be appointed by the Governor on the recommendation of the Commissioner.

(2) The Administrator shall hold office, until attaining the age of sixty-five years, on such terms and conditions, and at such salary, as the Commissioner, with the Governor's approval, may determine.

(3) The Administrator shall not be subject to the provisions of the *Public Service Act 1923**, but if any person appointed as Administrator is at the time of his appointment an officer of the Public Service, the Transport Department, or the Railway Service, he shall retain all his existing and accruing rights as if his service as Administrator were service as an officer of that service or department.

(4) The officer of the Transport Commission called the Administrator of Road Transport at the commencement of this section shall be deemed to have been appointed under this section, and shall retain all his existing and accruing rights to the same extent and in the same manner in all respects, as if this section had not been enacted.

(5) Subject to this Act, the Commissioner may delegate to the Administrator such of his duties under this Part as he may think fit."

12 Section fifteen of the *Traffic Act 1925†* is amended— Licences (Public Vehicles).

(a) by omitting subsections (2) to (4) and substituting therefor the following subsection:—

"(2) There shall be paid to the Commissioner, in respect of every licence under this Part, the appropriate fee prescribed in respect of such licence by the third schedule, on or before the thirty-first day of July in each year.";

(b) by omitting from subsection (11) the words "thirtieth day of June next after the date on which it is issued" and substituting therefor the words "triennial date next after it is issued";

(c) by inserting after subsection (11) the following subsection:—

"(11A) In subsection (11), the expression 'triennial date' means the thirtieth day of June, 1950, and the thirtieth day of June in each third year thereafter."; and

(d) by omitting the word "The" at the commencement of subsection (13) and substituting therefor the words "Subject to the provisions of Part IIIA., the".

13 Section sixteen of the *Traffic Act 1925†* is repealed and the following section is substituted therefor:—

"16.—(1) Except as provided by subsection (2) of this section, all applications for licences or renewals of licences for public vehicles shall be lodged, as prescribed, not later Applications for Licences: Provisional Licences.

* 13 Geo. V. No. 25. For this Act, as amended to 1948, see Appendix C to the annual volume of the Statutes for 1948.

† 16 Geo. V. No. 38. For this Act, as amended to 1926, see Reprint of Statutes, Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28 and 11 Geo. VI. No. 54. See also 2 & 3 Geo. VI. No. 70.

than the first day of June in the relevant year, and every licence shall, if granted, have effect from the first day of July then next ensuing or from such later date as the Commissioner may determine.

(2) Notwithstanding subsection (1) of this section, an application for a new licence for a public vehicle may be lodged at any time, and the Commissioner may grant to the applicant a provisional licence, to have effect until the thirtieth day of June then next ensuing.”

Duties of licensees and owners.

14 Section eighteen of the *Traffic Act 1925** is amended by omitting paragraph I. of subsection (2) and substituting therefor the following paragraph:—

“ I. Keep such of the prescribed accounts, records, and books in relation thereto as the Commissioner may require or direct: and ”.

15 Section twenty-two of the *Traffic Act 1925** is repealed and the following sections are substituted therefor:—

Cancellation of licences.

“ 22.—(1) In any case where the tribunal constituted under Part IIIA. is satisfied, upon the complaint of the Commissioner, that—

I. The holder of any licence under Part III. has failed to comply with or observe any condition or restriction imposed in relation to such licence or in relation to any business or service thereby authorised: or

II. It is necessary in the interests of public safety so to do,
the tribunal may cancel such licence.

(2) Any decision of the tribunal with respect to the cancellation of any such licence shall be final and without appeal.

Certain decisions to be notified in the Gazette.

“ 22A. Every decision of the Commissioner with respect to—

I. The grant or refusal of any application for a licence under this Part or for the renewal of any such licence: or

II. The imposition of any restrictions or conditions to be observed by the holder of any licence under this Part, or the variation of any such restrictions or conditions,

shall be notified by the Commissioner in the *Gazette*.”.

Regulations.

16 Section thirty of the *Traffic Act 1925** is amended by omitting paragraphs XIX. and XX. of subsection (1) thereof.

17 After section thirty of the *Traffic Act 1925** the following Part is inserted:—

* 18 Geo. V. No. 38. For this Act, as amended to 1936, see Reprint of Statutes. Vol. VI., p. 1042. Subsequently amended by 7 Geo. VI. No. 28 and 11 Geo. VI. No. 54. See also 2 & 3 Geo. VI. No. 70.

“ PART IIIA.

“ PROVISIONS RELATING TO APPEALS FROM DECISIONS
OF THE COMMISSIONER.

“ 30A.—(1) For the purposes of this Act, there shall be constituted a tribunal, to be called the Public Vehicles Licensing Appeal Tribunal (in this Part referred to as ‘ the Public Vehicles Licensing Appeal Tribunal. tribunal ’).

(2) The tribunal shall consist of a police magistrate, appointed by the Governor, who shall be the chairman of the tribunal, and two other persons appointed by the Governor as provided by subsection (3) of this section.

(3) One of the members of the tribunal shall be a person nominated by the Commissioner, and the other member shall be a person nominated by the body of persons known as the Tasmanian Road Transport Association.

(4) Each member of the tribunal shall hold office for such period as the Governor may determine and as may be specified in the instrument of his appointment.

(5) The members of the tribunal (other than the chairman) shall be entitled to be paid such remuneration, if any, as the Governor may determine.

(6) The Governor shall appoint a person as and to be the secretary to the tribunal, and the person so appointed shall be entitled to be paid such remuneration and such travelling and other expenses as the Governor may determine and as may be specified in the instrument of his appointment.

“ 30B.—(1) Any person (in this Part referred to as ‘ the Appeals. appellant ’) who—

I. Is aggrieved by—

(a) The refusal of the Commissioner to grant the appellant a licence under Part III., or to renew any such licence held by the appellant: or

(b) The imposition by the Commissioner, pursuant to Part III., of any restrictions or conditions, or restrictions and conditions, to be observed by the appellant as the holder of any such licence: or

II. Being the holder of any licence under Part III., is aggrieved by—

(a) The grant of any such licence to any other person: or

(b) Any decision of the Commissioner to vary any of the conditions or restrictions to be observed by any other person who is the holder of any such licence,

may appeal therefrom to the tribunal as provided by this section.

(2) Every appeal under this section shall be instituted by notice of appeal, in writing, which shall state specifically but concisely the grounds of the appeal, and which shall be lodged with, or forwarded to, the secretary to the tribunal within fourteen days after the date of the notification in the *Gazette* of the decision in respect of which the appeal is brought.

(3) At the time of lodging or forwarding his notice of appeal, the appellant shall cause to be deposited with the secretary to the tribunal the sum of twenty pounds.

(4) As soon as practicable after the receipt by the secretary of a notice of appeal under this section, the chairman of the tribunal shall—

- I. Fix a time and place for the hearing of the appeal:
and
- II. Cause notice of the time and place of the hearing of the appeal to be given to the other members of the tribunal, to the appellant, and to the Commissioner.

(5) The time and place for the hearing of an appeal under this section shall be fixed and notified to the appellant within twenty-eight days after the date on which the notice of appeal is lodged with or forwarded to the secretary to the tribunal in accordance with subsection (2).

(6) The tribunal shall have and may exercise, for the purpose of hearing and determining appeals under this section, all the powers and authorities conferred upon persons holding enquiries on commission under Division II. of Part II. of the *Evidence Act 1910**.

(7) For the purposes of the hearing and determination of any appeal under this section, the tribunal shall have regard to the matters specified in paragraphs I. to VI. of subsection (2) of section fifty-eight, so far as those matters are relevant to such appeal and may have regard to such other matters (if any) as the tribunal thinks necessary or desirable for giving effect to the provisions of this Act.

(8) Upon the determination of any appeal under this section the tribunal may—

- I. Confirm the decision in respect of which the appeal is brought and dismiss the appeal: or
- II. Reverse, modify, or vary such decision, and may make such order in lieu thereof as it may think just.

* 1 Geo. V. No. 20. For this Act, as amended to 1936; see Reprint of Statutes, Vol. III., p. 751. Subsequently amended by 6 Geo. VI. No. 64, 7 Geo. VI. No. 40, and 10 Geo. VI. No. 11.

(9) Upon the determination of any appeal under this section the tribunal may make such order as it thinks just with respect to the costs of the appeal.

(10) Without prejudice to the generality of the provisions of subsection (9), the tribunal may—

- I. Where it is of opinion that any appeal under this section is frivolous or vexatious, order that the whole or any specified part of the sum deposited by the appellant under subsection (3) shall be forfeited: or
- II. Where it reverses, modifies, or varies the decision in respect of which any such appeal is brought—
 - (a) Order that the whole of the sum so deposited shall be refunded to the appellant: or
 - (b) Order that any specified part of the sum so deposited shall be refunded to the appellant and that the balance thereof shall be forfeited or be applied in or towards the satisfaction of any costs ordered to be paid by the appellant.

(11) In any case where the tribunal orders the whole or any part of the sum deposited by the appellant under subsection (3) to be forfeited such sum or part thereof shall thereupon become the property of His Majesty and shall be paid into the Consolidated Revenue.

(12) Every determination or order of the tribunal on the hearing of any appeal under this section shall be final and without appeal.

“30C. Any person appearing before the tribunal as a witness on the hearing of any appeal under section thirty B shall be entitled to be paid, for his travelling expenses and maintenance while absent from his usual place of abode, an allowance in accordance with the scale of allowances to witnesses specified in Table A in Appendix O to the Rules of Court made under the *Supreme Court Civil Procedure Act 1932**.”

Allowances to witnesses.

18 After section three of the *Railway Management Act 1935*† the following Part is inserted:—

“PART II.

“THE GENERAL MANAGER OF RAILWAYS.

“4.—(1) For the purposes of this Act there shall be a General Manager of Railways (in this Act referred to as the ‘General Manager’), who shall be a person appointed by the Governor, on the recommendation of the Commissioner.

General Manager of Railways.

* 23 Geo. V. No. 58. For this Act, as amended to 1936, see Reprint of Statutes, Vol. II., p. 59.
 † 26 Geo. V. No. 33. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 344. Subsequently amended by 2 & 3 Geo. VI. No. 70, 8 & 9 Geo. VI. No. 60, 10 Geo. VI. No. 12, No. 29 of 1943, and No. 53 of 1948. See also 2 & 3 Geo. VI. No. 70.

(2) The General Manager shall hold office, until attaining the age of sixty-five years, on such terms and conditions and at such salary as the Commissioner may, with the Governor's approval, determine, and if any person appointed as General Manager is, at the time of his appointment, an officer of the Railway Service, he shall retain all his existing and accruing rights as if his service as General Manager were service as an officer of the Railway Service.

(3) The person holding office as General Manager at the commencement of this section shall be deemed to have been appointed under this section, and shall be entitled to continue in office, and shall retain all his existing and accruing rights, to the same extent and in the same manner in all respects, as if this section had not been enacted.

Powers,
duties, and
functions of
the General
Manager.

"5.—(1) Subject to this Act and to the directions of the Commissioner, the General Manager shall, for and on behalf of the Commissioner, have the control and management of the Government Railways.

(2) In particular, and without prejudice to the generality of the provisions of subsection (1) of this section, the General Manager may—

I. Authorise expenditure—

(a) On any work previously approved by the Commissioner, and within the limits approved by the Commissioner:

(b) On the construction or purchase of any new assets or the replacement or improvement of any existing assets, where the cost of the construction, purchase, replacement, or improvement thereof does not exceed one hundred pounds: and

(c) On account of the operation and maintenance of railways, within the limits of the estimates of expenditure approved by the Commissioner:

II. On behalf of the Commissioner, enter into contracts and make arrangements for the conveyance of passengers who, and goods which, have been or are to be conveyed on any railway, and for the performance of other services incidental thereto, and fix the fares and freight charges payable in respect thereof:

III. Fix the charges to be paid, in accordance with section twenty-six, in respect of the delivery outside the limits of a railway of any goods carried on such railway:

IV. Authorise the erection of hoardings and advertisements on railway property:

- v. Let rights to persons to ply for hire at railway stations by means of cabs, omnibuses, and other vehicles:
- VI. On behalf of the Commissioner, enter into contracts for the supply and delivery of stores, materials, plant, and equipment, and the carrying out of any services, required in connection with the working, maintenance, or management of railways; but no such contract shall be entered into by the General Manager, except with the special approval of the Commissioner, in any case where it involves the expenditure of any sum in excess of one thousand pounds:
- VII. Sell and dispose of stores, materials, plant, and equipment no longer required for railway purposes:
- VIII. Open such bank accounts as he considers necessary for facilitating the collection of revenue or the payment of salaries and wages of officers of the Railway Service residing or employed outside the city of Hobart, and authorise such officers as he thinks fit to operate upon such accounts and to endorse cheques paid into such accounts: and
- IX. Exercise such other powers and functions, and perform such other duties, as may be delegated to, or imposed upon, him by the Commissioner.

19 Section twenty-one of the *Railway Management Act 1935** is amended by omitting the word "Commissioner" and substituting therefor the words "General Manager, subject to the directions of the Commissioner," Time-tables.

20 The *Railway Advances and Suspense Accounts Act 1923†* is amended— Amendment of the Railway Advances and Suspense Accounts Act 1923.

(a) by omitting from section nineteen the word "ten" and substituting therefor the word "twenty"; and

(b) by omitting from subsection (1) of section twenty the words "one thousand" and substituting therefor the words "two thousand".

21 The *Road Construction Plant Act 1944‡* is amended by omitting subsection (5) of section four. Amendment of the Road Construction Plant Act 1944.

22—(1) Section two of the Principal Act is amended by inserting before the word "Schedule" the word "First". New second schedule.

* 26 Geo. V. No. 33. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 344. Subsequently amended by 2 & 3 Geo. VI. No. 70, 8 & 9 Geo. VI. No. 60, 10 Geo. VI. No. 12, No. 29 of 1948, and No. 53 of 1948. See also 2 & 3 Geo. VI. No. 70.

† 14 Geo. V. No. 10. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 382. Subsequently amended by 3 Geo. VI. No. 19, 8 Geo. VI. No. 16, and 11 Geo. VI. No. 18.

‡ 7 & 8 Geo. VI. No. 73.

(2) The heading of the schedule to the Principal Act is amended by inserting before the word "Schedule" the word "First".

(3) After the first schedule to the Principal Act the following schedule is inserted:—

"THE SECOND SCHEDULE.

(Section 9.)

Passenger Services:

Hobart and Grove Road, Glenorchy.
 Hobart and Lindisfarne.
 Hobart and Bellerive.
 New Norfolk and Hobart, *via* the factory of Messrs. Cadbury, Fry, Pascall Proprietary Limited, at Claremont.
 Kempton and Hobart, *via* the factory of Messrs. Cadbury, Fry, Pascall Proprietary Limited, at Claremont.
 Lachlan, New Norfolk, and Hobart.
 Brighton and Hobart.
 Hobart and Claremont (Sundays only).
 Hobart and Boyer, *via* New Norfolk.
 Hobart and Maydena (Sundays only).
 Hobart and Queenstown.
 Hobart, Butler's Gorge, and Tarraleah.
 Hobart and Launceston, *via* the Main Road.
 Hobart and Launceston, *via* Great Lake.
 Hobart and the factory of Messrs. Cadbury, Fry, Pascall Proprietary Limited, at Claremont.
 Hobart and Bronte Park.
 Launceston, Devonport, and Burnie.

Goods Services:

Macquarie Plains, New Norfolk, Butler's Gorge, and Tarraleah (Cartage of Goods).
 Hobart to Bothwell Freighting Service, extending to Waddamana, Shannon, and Liawenee, as required.
 Deloraine, Liawenee, and Waddamana (Cartage of Goods).
 Macquarie Plains and Hamilton (Cartage of Coal).
 St. Marys and Jubilee Collieries (Cartage of Coal).
 Hobart and Bronte (Cartage of Goods).

Miscellaneous:

The carriage of parties or groups of persons in vehicles belonging to the Commission on special journeys, as arranged from time to time, under contracts for the hire or use of such vehicles as a whole but so that not more than eight vehicles are used by the Commission for that purpose at any one time."