

*State Transport Facilities, Etc., Act.* 8 ELIZ. II. No. 21,

8 ELIZ. II.  
No. 21.  
THE STATE  
TRANSPORT  
FACILITIES  
ACTS AND  
ANOTHER  
ACT  
AMENDMENT  
ACT OF 1959.

**An Act to Amend "The State Transport Facilities Acts, 1946 to 1955," and "The Traffic Acts, 1949 to 1958," each in certain particulars, and for other purposes.**

[ASSENTED TO 10TH APRIL, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. (1.) This Act may be cited as "*The State Transport Facilities Acts and Another Act Amendment Act of 1959.*"

Principal Act. (2.) \*"*The State Transport Facilities Acts, 1946 to 1955,*" are in this Act referred to as the Principal Act.

Collective title. (3.) The Principal Act and this Act may be collectively cited as "*The State Transport Facilities Acts, 1946 to 1959.*"

Commence-ment of Act. †(4.) Section two, paragraphs (a), (b) and (c) of section five, section six, sections fifteen to twenty-two, both inclusive, section twenty-seven and section twenty-eight of this Act, and the Schedule to this Act, shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Otherwise this Act shall come into force immediately on the passing hereof.

Amendment of s. 4. 2. Section four of the Principal Act is amended by inserting, after the words and numerals "Part VI.—PERMIT TO USE VEHICLE FOR LIMITED PERIOD", the words, numerals and letter "Part VIA.—VEHICLES FOR HIRE".

Amendments of s. 7. 3. Section seven of the Principal Act is amended—  
(a) By inserting in the definition "Commissioner", after the words "the term includes", the words "the Deputy Commissioner while acting as the Commissioner and"; and  
(b) By adding to the definition "Licensee" the words "and any person upon, to or in whom the license devolves or is assigned or vested by operation of law".

\* 11 G. 6 No. 17 and amending Acts.

† Commenced 6th July, 1959, (Proc. publ. Gaz. 4th July, 1959, p. 1724).

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4. Section twenty-three of the Principal Act is amended by repealing subsection two thereof and inserting, in lieu of that repealed subsection, the following subsections :—

Amendments  
of s. 23.

“(2.) Any person who contravenes any provision of this section shall be guilty of an offence and liable—

- (a) For a first such offence, to a penalty of not more than fifty pounds ;
- (b) For a second such offence, whether against the same or a different provision of this section, to a penalty of not less than twenty-five pounds or more than one hundred pounds ; and
- (c) For a third or subsequent such offence, whether the offences are against the same or different provisions of this section, to a penalty of not less than fifty pounds or more than two hundred pounds.

Offences committed against this section before as well as on or after the date of the enactment of this subsection shall be taken into account for the purposes of this subsection.

(3.) The Commissioner may require a person who uses or permits or allows to be used on a road at any time a vehicle contrary to this section to pay in respect of that use a fee of an amount determined by the Commissioner, but not exceeding the maximum fee payable under Part VI. of this Act in respect of the use in question were that use permitted by the Commissioner under that Part.

(4.) In any proceedings for an offence under this section, or for the recovery of the amount or any part of the amount of a fee determined by the Commissioner under this section, a certificate purporting to be signed by the Commissioner and stating that he requires payment of a fee determined by him at a specified amount in respect of any specified use of a vehicle, and that the amount or any specified part of the amount of that fee has not been paid, shall be evidence of the matters certified to therein and, in the absence of evidence in rebuttal, shall be conclusive evidence of those matters.

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(5.) Upon convicting a person of an offence against this section, the Court in addition to any penalty imposed for the offence, shall order the offender to pay the amount, if any, of the fee required in the case by the Commissioner.

This subsection applies so as not to limit or prejudice howsoever the right of the Commissioner to recover in any manner prescribed by this Act any unpaid amount of any fee required by the Commissioner under this section to be paid, it being hereby declared that such fee shall be recoverable from the person who used or who permitted or allowed the use in question of a vehicle notwithstanding that proceedings for an offence under this section in respect of that use have not been instituted or that, upon conviction for an offence under this section, the offender has not been ordered to pay the amount of such fee :

Provided that where an order for payment has been made upon conviction as aforesaid, the fee, the subject of that order or any amount thereof, shall not be recoverable otherwise."

Amendments  
of s. 24.

5. Section twenty-four of the Principal Act is amended—

(a) By repealing in paragraph (2) thereof the words and quotation marks " \**The Traffic Act of 1949,* " and inserting, in lieu of those repealed words, the numerals, letter and words " Part VIA. of this Act " ;

(b) By repealing in paragraph (2B) thereof the words and quotation marks " \**The Traffic Act of 1949,* " and inserting, in lieu of those repealed words, the numerals, letter and words " Part VIA. of this Act " ;

(c) By repealing in paragraph (8) thereof the words and quotation marks " \**The Traffic Act of 1949,* " and the regulations thereunder ", and inserting, in lieu of those repealed words, the numerals, letter and words " Part VIA. of this Act " ;

(d) By inserting, after paragraph (12) thereof, the following paragraph :—

" (13.) Any vehicle carrying camping gear without hire or reward or any other consideration whatsoever ; " ;

(e) By repealing in paragraph (21) thereof the word " fifteen " and inserting, in lieu of that repealed word, the word " twenty-five " ; and

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\* 13 G. 6 No. 26 and amending Acts.

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(f) By repealing in paragraph (22) thereof the word "fifteen", wherever appearing in that paragraph, and by inserting, in lieu of that word wherever so repealed, the word "twenty-five".

6. Subsection three of section twenty-five of the Principal Act is amended by repealing therein the words and quotation marks "or \**The Traffic Act of 1949,*" and the regulations thereunder". Amendment of s. 25 (3).

7. Subsection one of section twenty-nine of the Principal Act is amended by repealing the second paragraph thereof and inserting, in lieu of that repealed paragraph, the following paragraphs:— Amendment of s. 29 (1).

"Such advertisement shall state a time and place when and where any intending applicant may obtain a statement in writing of the conditions of the application including the deposit, if any, to be lodged therewith.

The conditions of such an application—

- (a) May state the terms and conditions under and subject to which the Commissioner will be prepared to grant the license; or
- (b) May require an applicant to state the terms and conditions under and subject to which he will be prepared to accept the license; or
- (c) May include both the statement mentioned in subparagraph (a) and the requirement mentioned in subparagraph (b) of this paragraph."

8. (1.) The amendment made by this section to subsection two of section thirty-five of the Principal Act shall be deemed to have been so made on the first day of February, one thousand nine hundred and fifty-eight. Amendments of s. 35.

(2.) Section thirty-five of the Principal Act is amended—

(a) By adding to subsection one thereof the following paragraphs:—

"If any amount of any licensing fee remains unpaid after the time when it becomes due and payable, additional licensing fee shall be due and payable at the rate of ten per centum of the amount unpaid:

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Provided that the Commissioner may in any case, for reasons which he thinks sufficient, remit the additional licensing fee or any part thereof.”; and

(b) By adding to subsection two thereof the following paragraph :—

“ Where amounts respectively of a licensing fee under this Act and of a charge under \**“ The Roads (Contribution to Maintenance) Acts, 1957 to 1958,”* are payable in respect of any use on a road of any motor vehicle, the Commissioner may reduce that amount of licensing fee by not more than that amount of that charge.”

New s. 43A inserted.

9. The following section is inserted after section forty-three of the Principal Act :—

Death or bankruptcy of licensee.

“ [43A.] (1.) Upon the death or bankruptcy of a licensee under this Act the Commissioner may on the application within a reasonable time of the executor named in the will of such deceased person, or the legal personal representative, widow or nearest of kin of such deceased person, or the Public Curator, or the trustee of the estate of such bankrupt person, authorise such executor, or legal personal representative, or Public Curator, or trustee, as the case may be, either by himself or by an agent to be approved by the Commissioner, to carry on the business of such deceased or bankrupt person under such license for such period as the Commissioner may fix, with power to renew such authority if necessity arises.

To preserve the continuity of the business of a deceased or bankrupt licensee the Commissioner may permit a person to carry on such business until the grant of authority under the preceding provisions of this subsection.

(2.) If any licensee under this Act becomes mentally sick and remains so, either in an asylum or reception house or elsewhere, for more than one month, the Commissioner may on the application of the spouse of such mentally sick person, or of the nearest of kin, or of the Public Curator, authorise such spouse or an agent to carry on the business of such mentally sick person under such license for such period as the Commissioner may fix, with power to renew such authority if necessity arises.

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\* 6 Eliz. 2 No. 37 and amending Act.

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(3.) Every authority or permit granted under this section shall be in the prescribed form, and the grantee thereof shall be subject to this Act in the same manner as the original licensee would have been."

10. Section forty-four of the Principal Act is <sup>Amendments of s. 44.</sup> amended—

(a) By, in subsection one, inserting the word " or " before the word " certificate ", and repealing the words " or authority to operate an approved vehicle "; and

(b) By, in subsection two, inserting the word " or ' before the word " certificate ", where the latter word appears twice, and repealing the words " or authority " where those words appear twice.

11. Section forty-five of the Principal Act is <sup>Amendments of s. 45.</sup> amended—

(a) By, in subsection two, repealing the words and commas " , and authorities to operate, " ; and

(b) By, in subsection three, repealing the words and commas " , or authority to operate, " and the words " or authority " .

12. Section fifty-three of the Principal Act is <sup>Amendment of s. 53.</sup> amended by repealing subparagraph (ii.) of the first paragraph thereof.

13. (1.) The amendment made by this section to <sup>Amendment of s. 59.</sup> section fifty-nine of the Principal Act shall be deemed to have been so made on the first day of February, one thousand nine hundred and fifty-eight.

(2.) Section fifty-nine of the Principal Act is amended by adding thereto the following paragraph :—

" Where amounts respectively of a fee for a permit under this Part of this Act and of a charge under \**The Roads (Contribution to Maintenance) Acts, 1957 to 1958,*" are payable in respect of any use on a road of any motor vehicle, the Commissioner may reduce that amount of fee for that permit by not more than that amount of that charge."

\* 6 Eliz. 2 No. 37 and amending Act.

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Amendments  
of s. 60 (1).

14. Section sixty of the Principal Act is amended—

(a) By repealing in subsection one thereof the words “any vehicle which is used for any purpose of a service licensed under this Act for the carriage of passengers, or for the carriage of goods, or for the carriage of passengers and goods” and inserting, in lieu of those repealed words, the words “any vehicle having an unladen weight in excess of four tons”;

(b) By adding to that section the following subsections :—

“(3.) In any proceedings for an offence against this section in respect of a vehicle a certificate or document purporting to be issued pursuant to the regulations under \**“The Main Roads Acts, 1920 to 1959,”* or to any corresponding legislation, ordinance or law of any State or Territory of the Commonwealth, which states the unladen weight of the vehicle (or any thing purporting to be a duplicate original or copy of such a certificate or document) shall be received in evidence and shall be evidence of the matter stated therein and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of that matter.

(4.) The Commissioner may, on a joint application of such representatives of the employers and employees as the Minister for Labour and Industry certifies to be properly representative of employers and employees concerned, recommend to the Governor in Council that the periods of time prescribed in this section may be varied and the Governor in Council by Order in Council published in the *Gazette* may vary such periods of time accordingly (and this section shall take effect accordingly), but no such recommendation shall be made by the Commissioner if he is of opinion that the variation applied for is likely to be detrimental to the public safety.

Any Order in Council made under this subsection may be revoked or varied by a subsequent such Order in Council.

(5.) This section shall not apply to vehicles used for fire brigade or ambulance brigade purposes.”

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\* 10 G. 5 No. 26 and amending Acts.

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15. The following headnote and sections are inserted after section fifty-nine of the Principal Act, namely :—

Headnote  
and new  
ss. 59A and  
59B inserted.

“ PART VIA.—VEHICLES FOR HIRE.

[59A.] (1.) Except as herein in this Part otherwise provided, this Part of this Act does not apply with respect to—

Application  
of this  
Part VIA.

- (a) A vehicle approved by the Commissioner for use in carrying on a service for the carriage of passengers or goods, or both passengers and goods, licensed under Part IV. of this Act while that vehicle is being used for the purpose of carrying on that service ; or
- (b) A vehicle permitted by the Commissioner under Part VI. of this Act to be used for any purpose specified by him while that vehicle is being used for that purpose.

(2.) Except as hereinbefore provided in subsection one of this section, this Part of this Act shall apply to and with respect to all vehicles—

- (a) Kept or let for hire ; or
- (b) Used for the carriage of passengers or goods, or both passengers and goods, for hire ; or
- (c) Plying or standing for hire for the carriage of passengers or goods, or both passengers and goods.

(3.) A license under this Part of this Act shall not exempt or be deemed to exempt the licensee from liability for any contravention of or failure to comply with any of the provisions, other than this Part, of this Act.

[59B.] In this Part of this Act—

Interpreta-  
tion.

(a) A “ license to hire ” means a license under this Part of this Act and any renewal of such a license ; and

(b) As well as a vehicle under and within the meaning of section seven of this Act, a “ vehicle ” includes any means (save a tram or a train) of transport or conveyance whatsoever designed for movement upon a wheel or wheels and propelled by mechanical or animal power.”



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New s. 59c  
inserted.

**16.** The following section is inserted after section 59B of the Principal Act, as previously inserted by this Act, namely :—

Issue,  
renewal and  
transfer of  
licenses to  
hire.

“ [59C.] (1.) The Commissioner may under, subject to, and in accordance with this Part of this Act and the applicable regulations, issue, renew, suspend, cancel or transfer licenses to hire.

(2.) A license to hire shall not be issued, renewed or transferred in respect of a vehicle unless—

- (a) If the vehicle is required to be registered under \**“ The Main Roads Acts, 1920 to 1959,”* a certificate of registration or of renewal of registration thereunder in respect of the vehicle is current ;
- (b) A certificate to the satisfaction of the Commissioner that such vehicle complies with the requirements of †*“ The Inspection of Machinery Acts, 1951 to 1958,”* is furnished to the Commissioner ; and
- (c) Such vehicle is constructed and equipped in compliance with the requirements of this Part of this Act and the applicable regulations, at the date of the issue, renewal or, as the case may be, transfer of such license.

(3.) Subject to this Part of this Act and the applicable regulations every license to hire and every renewal thereof shall, unless such license is sooner suspended, cancelled or surrendered under this Act or under any other Act or law, be in force for such period, not being longer than twelve months, as is expressly stated in the license or in any endorsement thereon from and including the date of issue or renewal, as the case may be :

Provided that in the case of a license to hire being suspended for a period less than that portion of the period for which the license (or the then current renewal thereof) is in force remaining at the date of the commencement of such period of suspension, such license to hire upon the termination of that period of suspension shall only be in force until the date when it would have expired if it had not been so suspended.

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\* 10 G. 5 No. 26 and amending Acts.

† 15 G. 6 No. 33 and amending Acts.

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(4.) For the purposes of this section, the day immediately following the day on which the license to hire or the next previous renewal thereof, as the case may be, expired shall, subject to the next succeeding subsection, be deemed to be the date of the renewal of any license to hire renewed under this Act.

(5.) Where a license to hire is renewed subsequent to the date of expiry of the license or next previous renewal thereof, as the case may be, the renewal of the license shall come into force on the date of such subsequent renewal but shall expire on the date on which it would have expired had it been renewed prior to the date of expiry of the license or next previous renewal thereof, as the case may be.

(6.) A license to hire shall not be capable of being assigned or transferred save with the prior approval of the Commissioner endorsed thereon, and any assignment or transfer otherwise than with such approval shall be absolutely void."

17. The following section is inserted after section 59c of the Principal Act, as previously inserted by this Act, namely :—

New s. 59d  
inserted.

"[59D.] (1.) When the Commissioner proposes to issue any new license to hire he may, and shall if directed by the Minister (who is hereby authorised to give such a direction in respect of a particular case or, by reference to locality or otherwise, generally) submit such license for sale—

Com-  
missioner  
may invite  
applications.

- (a) By public tender ; or
- (b) At a price fixed by him.

(2.) The Commissioner shall by public advertisement call tenders for or applications to purchase any new license to hire which he proposes to sell by public tender or at a price fixed by him, as the case may be.

Such advertisement shall state the particulars of the proposed new license to hire and may require any tender or application to be accompanied by a deposit of the amount specified therein.

(3.) In the case of a sale by public tender, the Commissioner may accept the tender which on a view of all the circumstances appears to him to be the most advantageous, or he may decline to accept any tender.

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(4.) In the case of a sale at a price fixed by the Commissioner, subject to being satisfied that the applicant in question to purchase is competent and qualified to hold the proposed license to hire, the Commissioner shall accept the application which appears to him in all the circumstances to be the most advantageous.

If the Commissioner is satisfied that two or more applications to purchase are equally advantageous, and that the applicants are respectively competent and qualified to hold the proposed license to hire, the Commissioner shall decide the application to be accepted by him by ballot.

(5.) The purchase price of any new license to hire sold by the Commissioner shall be paid into and form part of Consolidated Revenue."

New s. 59E  
inserted.

**18.** The following section is inserted after section 59D of the Principal Act, as previously inserted by this Act, namely :—

Damage  
done by  
licensed  
vehicles.

"[59E.] If any driver of a vehicle in respect of which a license to hire under this Act is in force wilfully or negligently, by driving such vehicle on any road, causes any injury or damage to be done to any person or property, the owner, licensee and such driver shall, jointly and severally, be liable for the amount of such injury or damage, and such amount may be recovered in any court of competent jurisdiction at the suit of the person aggrieved."

New ss. 59F  
and 59G  
inserted.

**19.** The following sections are inserted after section 59E of the Principal Act, as previously inserted by this Act, namely :—

Offences.

"[59F.] (1.) A person shall not keep or let, or permit or allow to be kept or let, for hire at any time a vehicle unless at that time such vehicle is being kept or let for hire under and in accordance with a license to hire.

(2.) A person shall not use, or permit or allow to be used, on a road at any time a vehicle for the carriage of passengers or goods, or both passengers and goods, for hire unless at that time such vehicle is being used for the carriage of such passengers or goods, or both passengers and goods, as the case may be, under and in accordance with a license to hire.

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(3.) A person shall not cause or permit or allow to stand or ply for hire for the carriage of passengers or goods, or both passengers and goods, at any time a vehicle unless at that time such vehicle is so standing or plying for hire under and in accordance with a license to hire.

[59G.] (1.) A person shall not at any time place or allow to remain on any vehicle any printing or sign being or containing any of the following words, namely :— “ cab ”, “ licensed cab ”, “ for hire ”, “ vacant ”, or any other printing or sign implying or that may be construed to imply that such vehicle is licensed for hire or is for hire or is in use or standing or plying for hire, or any distinguishing number, sign or words prescribed for use on any vehicle or vehicles of any class or description licensed under this Part of this Act, unless he is at the time the holder of a license to hire in respect of that vehicle.

Placing distinguishing sign, &c., on unlicensed vehicle.

(2.) A person shall not at any time place or allow to remain on any vehicle, save a taxi-meter cab under and within the meaning of the regulations and save also any other vehicle licensed to be used, kept or plied for hire for the carriage of passengers and their luggage, any printing or sign being or containing any of the following words, namely :—“ taxi ”, “ taxi-cab ”, “ licensed taxi-cab ”, or any other printing or sign implying or that may be construed to imply that such vehicle is a taxi-meter cab under and within the meaning of the regulations or, as the case may be, so licensed.

(3.) A person shall not at any time when he is not the holder of a license to hire in respect of a vehicle affix, or allow to remain affixed, to that vehicle a taxi-meter.

In this subsection “ taxi-meter ” means any instrument or device designed or intended to indicate by figures or designs the sum of money to be charged for the hire of a vehicle according to—

- (a) The distance travelled by the vehicle as measured thereby ;
- (b) The time such vehicle is in waiting as recorded thereby ; or
- (c) Both such distance travelled and such time in waiting.

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(4.) Section 59A of this Act shall be read so as not to limit the application of this section.”

New s. 59H  
inserted.

**20.** The following section is inserted after section 59G of the Principal Act, as previously inserted by this Act, namely :—

Facilitation  
of proof.

“ [59H.] In any proceeding under or for a purpose of this Part of this Act—

(a) Proof that at any time any vehicle in respect of which a license to hire has been issued and is in force under this Act is or was on a road shall be evidence that it is or was plying or standing for hire at that time and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such plying or standing for hire ;

(b) Proof that a person applied for or obtained a license for hire for a vehicle shall be evidence that such person was the owner of such vehicle and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence of such ownership.”

New ss. 59J  
and 59K  
inserted.

**21.** The following sections are inserted after section 59H of the Principal Act, as previously inserted by this Act, namely :—

Power of  
Courts to  
disqualify  
convicted  
persons  
from holding  
or obtaining  
licenses.

“ [59J.] (1.) Where any person is convicted of an offence under this Act or is convicted upon indictment or summarily of an offence against any other Act or law, then, if the Judge of the Supreme Court presiding at his trial upon indictment is, or the justices before whom he is summarily convicted are, satisfied upon the evidence (or, upon a plea of guilty, upon the facts relevant to the offence and the circumstances thereof stated by the prosecutor and not rebutted by the defendant)—

(a) That any license to hire or hire driver's license held by the offender, or the powers and authorities conferred upon the offender by any such license, enabled, aided or facilitated the commission of the offence by him ; or

(b) That, having regard to the nature of the offence, or to the circumstances in which it was committed, or to both, the offender should, in the interest of the public, be

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prohibited from holding or obtaining any license to hire or hire driver's license either absolutely or for a period,

the Judge or justices may order that the offender shall, from the date of the order, be disqualified absolutely from holding or obtaining any such license, or be so disqualified for such period as the Judge or justices shall specify in the order.

(2.) This section shall be read so as not to limit the operation and effect of sections nineteen to twenty-two, both inclusive, and section thirty-one of \**The Traffic Acts, 1949 to 1959.*"

(3.) Any disqualification under this section shall be in addition to any punishment to which the person convicted may be liable upon his conviction.

(4.) A copy of any order made under this section shall be transmitted to the Commissioner by the Registrar of the Supreme or Circuit Court or the clerk of the petty sessions which recorded the conviction.

[59K.] (1.) Where under this or any other Act a Judge of the Supreme Court or justices orders or order that any person shall be disqualified absolutely from holding or obtaining a license to hire or a hire driver's license, any subsisting license to hire or, as the case may be, hire driver's license held by that person shall, by virtue of such order, be and be deemed to be cancelled on and from the date upon which that person became so disqualified. Effect of  
disqualifica-  
tion.

(2.) Where under this or any other Act a Judge of the Supreme Court or justices orders or order that any person shall be disqualified for a specified period from holding or obtaining a license to hire or a hire driver's license, any subsisting license to hire or, as the case may be, hire driver's license held by that person shall by virtue of the order, where such license—

- (a) Would expire during the period of disqualification so ordered, be and be deemed to be cancelled on and from the date upon which that person became so disqualified; or
- (b) Would not expire during the period of disqualification so ordered, be and be deemed to be suspended on and from the date upon which that person became so disqualified

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and thereafter until the expiration of the period of disqualification specified in the order.”

New s. 59L inserted.

**22.** The following section is inserted after section 59K of this Act, as previously inserted by this section, namely :—

Regulations under this Part.

“ [59L.] The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters and things which are necessary or convenient to be prescribed for carrying out or giving effect to this Part of this Act, and in particular—

(a) Prescribing kinds of licenses to hire ;  
 (b) Requiring every driver (other than the licensee) of any vehicle licensed under this Part of this Act to apply for, and maintain in force a license herein called a “ hire driver’s license ”.

(c) Providing for, regulating and controlling—

(i.) Applications for licenses to hire or hire drivers’ licenses or for such licenses of a particular kind ;

(ii.) The information and particulars to be contained in or to accompany every such application and the verification of all such information and particulars ;

(iii.) The granting, issue, refusal to grant or issue, assignment or transfer, surrender, cancellation or suspension of a license to hire or a hire driver’s license, or of such a license of any particular kind ;

(iv.) Applications for the renewal, or approval by the Commissioner of the assignment or transfer, of licenses to hire or hire drivers’ licenses or such licenses of any particular kind, the information to be contained in or to accompany such applications, the verification of all such information and particulars, and the grant or refusal to grant such renewals or assignments or transfers ;

(v.) Duplicates for lost or destroyed licenses to hire or hire drivers’ licenses or such licenses of any particular kind, applications for such duplicates, the information to be contained in or to accompany such applications, the

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verification of such information and particulars, and the grant or issue, or refusal to grant or issue such duplicates ;

- (vi.) The conditions, terms, grounds, restrictions or circumstances under, upon, or subject to which licenses to hire or hire drivers' licenses or such licenses of any particular kind may be granted, issued, refused, renewed, transferred, cancelled, suspended or surrendered ;
- (vii.) The delivery to prescribed persons of licenses to hire or hire drivers' licenses or such licenses of any particular kind upon expiration, upon the disqualification of the licensee from holding that particular kind of license, or upon the conviction of the licensee, or upon the cancellation, suspension or surrender of the license, or upon the expiration by effluxion of time of the license, or upon the happening of any other prescribed event ;
- (viii.) Endorsements of licenses to hire or hire drivers' licenses or such licenses of any particular kind (including endorsements of convictions of holders of any such licenses for offences or prescribed offences against this Act or any other Act) defining what shall constitute and be the effect of an endorsement of a license, providing that any endorsement of a license by a person duly authorised to make that endorsement shall be deemed to be a part of that license ;

(d) The production of licenses to hire and hire drivers' licenses for inspection when required or called upon by prescribed persons ;

(e) Providing for, regulating and controlling the qualifications of, and the tests or examination, or tests and examinations, to be passed by applicants for licenses to hire or hire drivers' licenses, or assignees or transferees of licenses to hire (which qualifications, tests or examination, or any of them, may differ in respect of such licenses of different kinds) and providing for the submission by any applicant for such a license of any particular kind of character references or of a medical certificate or other evidence of health, or requiring him to supply any personal particulars ;



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(f) Forms under and for the purposes of this Part of this Act and the respective purposes for which such forms, or forms to the like effect, shall be used ;

(g) Providing for, regulating and controlling the transshipment in transit of passengers or goods carried by vehicles licensed under this Part of this Act ;

(h) Prescribing conditions or specifications (including conditions or specifications designed to secure the safety of the public and their goods) which vehicles licensed under this Part of this Act generally or any particular class or description of such vehicles, or vehicles licensed under any particular kind of license under this Part of this Act, must conform, including amongst any other matters or things deemed desirable or convenient the construction of the vehicle, its form, equipment, weight, maximum load or carrying capacity, height, length, width and overhang, the description of its wheels, its motor or animal power, and its steering ;

Providing for, regulating and controlling the construction and maintenance of vehicles so licensed in accordance with the conditions or specifications prescribed therefor ;

Prohibiting the use of any vehicle so licensed which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor ;

Prohibiting the licensing under this Part of this Act of any vehicle which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor ;

Providing for, regulating and controlling the cancellation of the license for any vehicle licensed under this Part of this Act which is not constructed or maintained in accordance with the conditions or specifications prescribed therefor ;

Providing for, regulating and controlling the maintenance by licensees of vehicles licensed under this Part of this Act in good mechanical order, safe condition and good appearance, and the provision to be made by such licensees for the safety and comfort of passengers in or upon such vehicles ;

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Providing that licensees of vehicles licensed under this Part of this Act shall ensure that the brakes thereof are in safe condition at all times ;

Providing for, regulating and controlling the issue by the Commissioner of orders directing licensees of vehicles licensed under this Part of this Act to repair or recondition, or repair and recondition, such vehicles as directed by such orders ; authorising the Commissioner to prohibit by such order or by a further order the use of a vehicle in respect of which he has issued an order as aforesaid until that vehicle has been repaired or reconditioned, or repaired and reconditioned in accordance with the order ; and generally providing for, regulating and controlling all such matters and things as are necessary or convenient to secure or enforce obedience by licensees to orders as aforesaid ;

(j) Defining what shall be deemed to be misconduct or obnoxious or disorderly conduct by drivers of or passengers upon vehicles licensed under this Part of this Act ; the prevention of or punishment for any such misconduct or obnoxious or disorderly conduct ; the prohibition of touting, calling out or otherwise importuning for or to hire any vehicle licensed under this Part of this Act ; the enforcement of cleanliness of vehicles licensed under this Part of this Act and of drivers thereof ;

(k) Providing for, regulating and controlling—

- (i.) The identification of vehicles licensed under this Part of this Act and in particular the size, shape and character of identification marks, signs or numbers to be affixed to or displayed upon such vehicles and the mode or manner in which they are to be so affixed or displayed ;
- (ii.) The proper illumination at night time of identification marks, signs or numbers carried or displayed on vehicles licensed under this Part of this Act ;
- (iii.) The carriage upon a vehicle licensed under this Part of this Act of the license or of a true copy authenticated as prescribed of the license therefor ;

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(l) Providing for, prescribing, regulating and controlling fares, freights and rates, or the maximum or minimum, or maximum and minimum, fares, freights and rates for the carriage of passengers or goods in or upon vehicles licensed under this Part of this Act, or licensed under any particular kind of license under this Part of this Act ;

(m) Providing for, regulating and controlling the maximum load or weight of goods (including as respects vehicles carrying passengers, or both passengers and goods, luggage of passengers) or the maximum number of passengers to be carried in or on any vehicle licensed under this Part of this Act ;

Prescribing the persons liable for contravention of or failure to comply with any regulation made under the foregoing provisions of this paragraph (m) ;

(n) Authorising checking of the weights of vehicles licensed under this Part of this Act ;

Providing for, prescribing, regulating and controlling the use of instruments for the purpose of such check weighing ;

Requiring owners and persons in charge of any vehicle licensed under this Part of this Act to permit and aid in the inspection, weighing and measuring of such vehicle, the inspection, weighing and measuring of any goods therein or thereon, the checking of the number of passengers therein or thereon, the inspection and checking of books, documents and records therein or thereon or relating thereto or to any passengers or goods therein or thereon ;

Requiring owners and persons in charge of any vehicle licensed under this Part of this Act to answer questions put by authorised officers acting in the execution of any regulations made under the foregoing provisions of this clause, and to furnish to such authorised officers such information and particulars with respect to any vehicle or any goods or passengers therein or thereon as may be required by such officers in the course of and for the purposes of the execution of any duty or function conferred or imposed upon authorised officers by the regulations made under the provisions of this paragraph (n) ;

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Requiring owners and persons in charge as aforesaid to state, when thereunto required by an authorised officer, their respective names and addresses, and on demand by an authorised officer to produce to him any license under \**"The Traffic Acts, 1949 to 1959,"* or this Act held either in person or in respect of the vehicle concerned ;

(o) Providing for, prescribing, regulating and controlling the registration or licensing by the Commissioner and identification of vehicles used by warehousemen or wholesalers for the carriage of goods in the course or for the purpose of their respective businesses ;

(p) Prescribing fees payable for licenses to hire and for hire drivers' licenses or for the renewal of such licenses, or for duplicate copies of such licenses, or in respect of approval by the Commissioner of the assignment or transfer of such licenses (any of which fees may be prescribed to be different amounts in respect of licenses to hire and hire drivers' licenses respectively or different kinds of such licenses or in respect of different localities wherein the licenses are of force and effect, or both) ; and prescribing the manner in which, the time and place when and where, and the person to whom such fees or any class thereof shall be paid ;

(q) Authorising or requiring the making or furnishing of reports or copies of reports by members of the Police Force and authorised officers to the Commissioner concerning or in relation to the qualifications, fitness, antecedents, character and conduct of any applicant for, or for the renewal or assignment or transfer of, a license to hire or hire driver's license, or any such license, and indemnifying members of the Police Force and authorised officers against liability at law in respect of reports or copies of reports made or furnished as aforesaid ; and

(r) Penalties for offences against the regulations but not exceeding one hundred pounds or in the case of a daily penalty ten pounds per day."

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Amendments  
of s. 66A.

**23.** Section 66A of the Principal Act is amended—

(a) By adding to the third (being the last) paragraph of subsection one the words “ or in a summary way by complaint under \**The Justices Acts, 1886 to 1958* ” ; and

(b) By adding thereto the following subsections, namely :—

“ (4.) Any authorised officer may, with respect to any goods carried, or reasonably suspected to have been carried, by road in contravention of this Act—

(a) Make such investigation and inquiry as may be necessary to ascertain the identity of the consignor and of the consignee of those goods ;

(b) Question, with respect to the carriage of those goods and the identity of the consignor and of the consignee thereof, any person whom he reasonably suspects to be the consignor or consignee thereof and every person whom he finds in or on any premises, and every person who has been within the preceding six months employed in or on any premises, wherein or whereon the consignor or consignee, or any person whom he reasonably suspects to be the consignor or the consignee, of those goods carries on, or is reasonably suspected by him, to carry on business, and require any such person to answer the questions put and to sign a declaration of the truth of his answers ;

(c) Require to be produced to him and inspect and examine all or any books, accounts and records pertaining to the business of the consignor, or of the consignee, or of any person reasonably suspected by him to be the consignor or the consignee, of those goods, and take copies of or extracts from any of those books, accounts and records ;

(d) Enter, search, and inspect any premises used, or which he reasonably suspects to be used, in connection with the business of the

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\* 50 V. No. 17 and amending Acts.

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consignor or consignee, or any person reasonably suspected by him to be the consignor or consignee, of those goods.

(5.) The owner or occupier of any premises, and a person in charge or apparently in charge of any premises, shall furnish to any authorised officer all reasonable assistance and all such information which he is capable of furnishing or is required by the authorised officer with respect to the exercise of his powers under this section, and shall produce to the authorised officer all books, accounts and records relating to the business carried on upon the premises the production whereof to him is required by the authorised officer.

Owners and occupiers to allow entry inspection.

(6.) A person shall not—

(a) Assault, resist, or obstruct an authorised officer in the exercise of his powers under this section, or attempt so to do ; or

Obstructing, &c., authorised officer.

(b) Fail to comply with the lawful requisition or any part of the lawful requisition under this section of an authorised officer ; or

(c) When required by or under this section to furnish any assistance, or to furnish any information, to an authorised officer, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information which is in any respect false or misleading ; or

(d) Fail, without reasonable excuse the proof whereof shall lie upon him, to produce any book, account or record which he is required under this section by an authorised officer to produce, or fail to allow an authorised officer to take a copy of or extract from any such book, account or record ; or

(e) Directly or indirectly prevent any person from appearing before or being questioned by an authorised officer acting under the authority of this section, or attempt so to do ; or

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*State Transport Facilities, Etc., Act.*      8 ELIZ. II. No. 21,

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(f) Use any threat or any abusive or insulting language to any authorised officer or to any other person with respect to any inspection or examination or questioning under this section.

Penalty : Two hundred pounds.

(7.) No person shall be required under this section to answer any question, or give any information or evidence tending to criminate himself."

Amendment  
of Schedule.

**24.** The Schedule to the Principal Act is amended by inserting, after clause fourteen thereof, the following clause :—

" 14A. The records to be kept by owners and operators of vehicles having an unladen weight in excess of four tons, the form of such records, the carriage and retention thereof, the exemption of any persons or of persons included in any class of persons from the requirement to keep or carry such records, and the powers of authorised officers with respect to the inspection of such records."

Repeal of  
s. 2 of 3 Eliz.  
II. No. 53.

**25.** Section two of \*"*The State Transport Facilities Acts Amendment Act of 1954*" is hereby repealed.

Repeal of 4  
Eliz. II.  
No. 11.

**26.** \*"*The State Transport Facilities Acts Amendment Act of 1955*" is hereby repealed.

Amendments  
of "*The  
Traffic Acts,  
1949 to  
1958.*"

**27.** (1.) The sections, subsections, paragraphs and other provisions of †"*The Traffic Acts, 1949 to 1958,*" set out in the first column of the Schedule to this Act are repealed or amended as indicated opposite and relative thereto in the second column to that Schedule.

Collective  
title.

(2.) †"*The Traffic Acts, 1949 to 1958,*" this section and the Schedule to this Act may be collectively cited as †"*The Traffic Acts, 1949 to 1959.*"

Transitional  
provisions.

**28.** Without limiting the operation of ‡"*The Acts Interpretation Acts, 1954 to 1957*"—

(a) Every license to hire and hire driver's license issued under †"*The Traffic Acts, 1949 to 1958,*" before and in force at the coming into operation of this

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\* 11 G. 6 No. 17 and amending Acts.

† 13 G. 6 No. 26 and amending Acts.

‡ 3 Eliz. 2 No. 3 and amending Act.

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section shall, subject as hereinafter provided in this section, continue in force until it expires by effluxion of time or is surrendered, cancelled or suspended under \**“The State Transport Facilities Acts, 1946 to 1959”* :

Provided that where any such license is suspended at the commencement of this Act, it shall not be in force by virtue of this section until the expiration of the period for which it was suspended, and then only if it has not expired during the period of its suspension, and it shall only continue in force thereafter for the remainder of the period for which it would have been in force if it had not been so suspended :

Provided further that as from the coming into operation of this section the provisions of Part VI.A. of \**“The State Transport Facilities Acts, 1946 to 1959,”* including the applicable regulations thereunder, shall apply as if every such license were a license issued under those provisions, and for the purpose of so applying those provisions, and the provisions of section thirty of †*“The Traffic Acts, 1949 to 1958,”* every such license shall be deemed a license issued thereunder ;

(b) The repeal or amendment by this Act of any provision of †*“The Traffic Acts, 1949 to 1958,”* shall not prejudice or affect howsoever any regulation made under or for any purpose of the repealed or amended provision and in force at the coming into operation of this section, but every such regulation shall, subject to \**“The State Transport Facilities Acts, 1946 to 1959,”* be deemed to be a regulation made under or for a purpose of the corresponding provision of those lastmentioned Acts and shall continue in force accordingly until it is repealed ; and

(c) The repeal or amendment by this Act of any provision of †*“The Traffic Acts, 1949 to 1958,”* shall not affect the recovery or enforcement of any penalty or forfeiture incurred under any such provision before the coming into operation of this section, and proceedings for the recovery or enforcement of any such penalty or forfeiture may be commenced or continued as if this Act had not come into operation.

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\* 11 G. 6 No. 17 and amending Acts.

† 13 G. 6 No. 26 and amending Acts.



*State Transport Facilities, Etc., Act.*      8 ELIZ. II. No. 21,

## SCHEDULE.

## SCHEDULE.

[Section 24.] REPEALS AND AMENDMENTS OF CERTAIN PROVISIONS OF \*"THE TRAFFIC ACTS, 1949 TO 1958."

Column 1.	Column 2.
Section 3      ..      ..	The words and numerals " Part IV.—Vehicles for Hire " are repealed and, in lieu thereof, the words and numerals " Part IV.—Offences in Relation to Public Transport " are inserted.
Headnote appearing immediately before section 25	The headnote is repealed and, in lieu thereof, the headnote " Part IV.—Offences in Relation to Public Transport " is inserted.
Sections 25, 26, 27, 28 and 29	The sections are repealed.
Section 30      ..      ..	Subsection one of the section is amended— (a) By repealing the words " licensed under this Part of this Act " and inserting, in lieu of those repealed words, the words " licensed under Part VI.A. of † " <i>The State Transport Facilities Acts, 1946 to 1959</i> " ; and (b) By repealing the words " under any other Act " and inserting, in lieu of those repealed words, the words " under † " <i>The State Transport Facilities Acts, 1946 to 1959</i> , " or any other Act. "
Paragraph (d) of section 49	Subsection four of the section is repealed. The paragraph is repealed.
Section 63      ..      ..	The section is repealed.
Paragraph (b) of clause 3 of the Schedule	Paragraph (b) is amended by repealing the words " a license to hire is in force under this Act " and inserting, in lieu of those repealed words, the words " a license to hire under and within the meaning of Part VI.A. of † " <i>The State Transport Facilities Acts, 1946 to 1959</i> , " is in force.
Paragraph (d) of clause 8 of the Schedule	Paragraph (d) is amended by adding thereto the words " or vehicles licensed for hire under Part VI.A. of † " <i>The State Transport Facilities Acts, 1946 to 1959</i> " . "
Clause 13 of the Schedule	The clause is amended by repealing in the first paragraph thereof the words and brackets " (including, as respects vehicles licensed under this Act, conditions or specifications designed to secure the safety of the public and their goods) " , and by repealing the sixth paragraph and all

\* 13 G. 6 No. 26 and amending Acts.

† 11 G. 6 No. 17 and amending Acts.

1959. *State Transport Facilities, Etc., Act.*

SCHEDULE—*continued.*

REPEALS AND AMENDMENTS OF CERTAIN PROVISIONS OF \**“ THE TRAFFIC ACTS, 1949 TO 1958 ”—continued.*

Column 1.	Column 2.
Clause 15 of the Schedule	<p>succeeding paragraphs thereof (the said sixth paragraph being the paragraph commencing with the words “ Prohibiting the licensing ”).</p> <p>The clause is amended by repealing therein all words from and including the words “ the prohibition of touting ” to the end of the clause.</p>
Clause 16 of the Schedule	<p>The clause is amended by repealing in paragraph (a) thereof the word “ licensed ”, and by repealing paragraph (b) thereof.</p>
Clauses 17 and 18 of the Schedule	<p>The clauses are repealed.</p>
Clause 19 of the Schedule	<p>The clause is amended by repealing in paragraph (a) thereof the words “ under this Act ” and inserting, in lieu of those repealed words, the words “ under Part VI.A. of †<i>“ The State Transport Facilities Acts, 1946 to 1959 ”</i> ”.</p>
Clause 21 of the Schedule	<p>The clause is repealed and, in lieu thereof, the following clause is inserted :—</p> <p>“ 21. Providing for, regulating and controlling public stands and stopping places for vehicles licensed under Part VI.A. of †<i>“ The State Transport Facilities Acts, 1946 to 1959,”</i> or licensed or approved under that Act or any other Act (but without prejudice to any provision made with respect to any of these matters under or pursuant to †<i>“ The State Transport Facilities Acts, 1946 to 1959,”</i> or the other Act in question) and trams being used on any road, either generally or as respects vehicles, or a particular class or description of vehicle, or trams ; the mode or method of appointment and the persons authorised to appoint such public stands and stopping places.”</p>
Clause 22 of the Schedule	<p>The clause is repealed and, in lieu thereof, the following clause is inserted :—</p> <p>“ Loading 22. Providing for, regulating and controlling the maximum number of passengers to be carried in or upon any tram being used on any road.”</p>

\* 13 G. 6 No. 26 and amending Acts.

† 11 G. 6 No. 17 and amending Acts.

*Trust Accounts Acts Amendment Act* 8 ELIZ. II. No. 6,

SCHEDULE—*continued.*

REPEALS AND AMENDMENTS OF CERTAIN PROVISIONS OF \*"THE TRAFFIC ACTS, 1949 TO 1958"—*continued.*

Column 1.	Column 2.
Clause 23 of the Schedule	The clause is amended by repealing the words "whether or not licensed under this Act" where those words appear in the second and fourth paragraphs thereof, and by repealing the words "whether licensed under this Act or not" where those words appear in the fifth paragraph thereof.
Clause 27 of the Schedule	The clause is repealed.

**TREASURY FUNDS INVESTMENT.**

*See FUNDS.*

**TRUSTEES AND EXECUTORS.**

8 ELIZ. II.  
No. 6.  
THE TRUST  
ACCOUNTS  
ACTS  
AMENDMENT  
ACT OF 1959.

**An Act to Amend "The Trust Accounts Acts, 1923 to 1952," in certain particulars.**

[ASSENTED TO 25TH MARCH, 1959.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Trust Accounts Acts Amendment Act of 1959.*"

Principal Act.

(2.) † "*The Trust Accounts Acts, 1923 to 1952,*" are in this Act referred to as the Principal Act.

\* 13 G. 6 No. 26 and amending Acts.

† 14 G. 5 No. 4 and amending Acts.