

TRANSPORT LICENSING AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

PART I of this Bill relates to motor services for the carriage of passengers and goods on roads. Part II relates to services for the carriage of passengers and goods by aircraft.

The most important of the alterations proposed to be made in the law by this Bill are the following:—

PART I.—ROAD SERVICES.

Clause 3: Under the present law there is a Metropolitan Licensing Authority for each of the four main centres, and a District Licensing Authority for every other transport district. Each District Licensing Authority now consists of three members; it is proposed in clause 3 of the Bill to authorize the Minister of Transport to substitute a District Licensing Authority of one member for any District Licensing Authority of three members.

Clause 4: This clause abolishes the Central Licensing Authority established under section 5 of the Transport Licensing Act, 1931. Originally the Central Licensing Authority had sole jurisdiction in the granting of licenses extending into two or more transport districts. By section 15 of the Transport Law Amendment Act, 1933, its jurisdiction was altered, and its authority was limited to services specified by the Governor-General in Council (whether wholly within a district or extending into two or more districts). The functions of the Central Licensing Authority will, in future, be functions of a District Licensing Authority (see clause 5).

Clause 5: This clause defines the extent of the jurisdiction of the Metropolitan and other Licensing Authorities. It is substantially consequential on the abolition of the Central Licensing Authority.

Clause 6: The main purpose of this clause is to simplify the procedure for the hearing of applications for the renewal, transfer, or amendment of licenses. The present law requires that in every case such applications must be dealt with at a public sitting of the Licensing Authority; the Bill proposes to remove the necessity for holding a public sitting before granting an application in cases where (after public notice of the application has been given) no representations against granting the application have been received by the Licensing Authority.

Clause 7: This clause substitutes the service of personal notice on all persons interested for notice by advertisement in cases where the Licensing Authority proposes to hold an inquiry into the manner in which any passenger-service is being carried on by the licensee.

Clause 8: Under section 34 of the Transport Licensing Act, 1931, the appropriate Licensing Authority may alter the terms of a license of its own motion, or on application made by the licensee. Under section 3 of the Transport Licensing Amendment Act, 1935, the Licensing Authority may revoke a license after investigation at a public sitting, where conditions have materially altered since the issue of the license. It is proposed by clause 8 to repeal the section last referred to and to substitute wider powers, giving to the Licensing Authority power to review the license on its own motion or by direction of the Minister, and to revoke it or to alter its terms and conditions.

Clause 10: This clause abolishes the Transport Co-ordination Board. The abolition of the Board is made retrospective to 1st April, 1936.

Clause 11: This clause confers on the Minister powers formerly exerciseable by the Transport Co-ordination Board as to making inquiries into matters relating to transport facilities, &c.

Clause 12: This clause gives a right of appeal to the Minister from decisions of Licensing Authorities. The decision of the Minister on any such appeal is final.

Clause 15: This clause provides that where the Minister of Railways holds a passenger-service license no licenses are to be granted to any other person in respect of the same route and terminal points without the consent of that Minister. The clause does not apply to renewals which merely authorize the continuance of existing services to the extent to which they were being carried on at the time of the acquisition by the Minister of the license held by him.

Clause 16: It is proposed in this clause to repeal section 30 of the Transport Law Amendment Act, 1933, and to make more comprehensive provisions for bringing within the scope of the principal Act (as if they were passenger-services) certain classes of motor services that are not technically passenger-services. The power to bring such services within the scope of the principal Act is to be exercised only if the Minister is of opinion that it is necessary or desirable in the public interest to do so.

Clause 20: This clause enables the provisions of the Bill relating to passenger-services to be applied to goods-services.

PART II.—COMMERCIAL AIRCRAFT SERVICES.

Clause 22: This clause is consequential on the abolition of the Transport Co-ordination Board, which has heretofore been the Licensing Authority for commercial aircraft services. Under the clause the Minister of Transport is declared to be the sole licensing authority for such services.

Clause 24: This clause is substantially consequential on the abolition of the Transport Co-ordination Board and the transfer to the Minister of the functions of the Board in respect of aircraft services. The procedure with respect to notification of intention to hold a public inquiry into the conduct of any aircraft service is modified by substituting service of personal notice on all persons interested for notice by advertisement.

Hon. Mr. Semple.

TRANSPORT LICENSING AMENDMENT.

ANALYSIS.

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| Title.
1. Short Title. | 14. Additional exemptions from passenger-service license.
15. Protection of Railways Department where it acquires or carries on passenger-services.
16. Minister may declare certain services to be passenger-services. Consequential repeal.
17. Extending power to make regulations. Consequential repeals.
18. Accounts to be kept and returns to be made by licensees. Consequential repeal.
19. Miscellaneous amendments.
20. Certain provisions of this Part to be deemed part of Part II of principal Act. |
| PART I.
ROAD SERVICES. | |
| 2. This Part to form part of Transport Licensing Act, 1931.
3. District Licensing Authorities may consist of one person.
4. Abolition of Central Licensing Authority. Repeals.
5. Defining proper Licensing Authority to grant passenger-service licenses or exercise jurisdiction in respect thereof. Consequential repeals.
6. Procedure on applications for renewal, transfer, or amendment of licenses. Consequential repeals.
7. Section 36 of principal Act amended.
8. Review of licenses. Consequential repeal.
9. Licensing Authorities may administer oaths.
10. Transport Co-ordination Board abolished. Consequential repeal. Commencement of this section.
11. Minister may make or authorize inquiries for purposes of transport co-ordination.
12. Appeals to Minister from decisions of Licensing Authorities. Consequential repeals.
13. Proceedings of Minister not to be questioned for want of form or appealed against. | PART II.
AIRCRAFT SERVICES.
21. This Part to form part of Transport Licensing (Commercial Aircraft Services) Act, 1934.
22. Minister to be sole licensing authority. Consequential repeal.
23. Minister to advertise receipt of application for a license or renewal. Consequential repeals.
24. Revocation and suspension of licenses. Consequential repeal.
25. Proceedings of Minister not to be questioned for want of form or appealed against.
26. Accounts to be kept and returns to be made by licensees. Consequential repeal.
27. Miscellaneous amendments of principal Act. Schedules. |

A BILL INTITULED

Title. AN ACT to amend the Transport Licensing Act, 1931,
and the Transport Licensing (Commercial Aircraft
Services) Act, 1934.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title. 1. This Act may be cited as the Transport Licensing Amendment Act, 1936.

PART I.

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ROAD SERVICES.

This Part to form part of Transport Licensing Act, 1931.

See Reprint of Statutes, Vol. VIII, p. 832

District Licensing Authorities may consist of one person.

2. This Part of this Act shall be read together with and deemed part of the Transport Licensing Act, 1931 (hereinafter in this Part referred to as the principal Act).

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3. (1) Notwithstanding anything to the contrary in section six of the principal Act, the Minister may from time to time, if he thinks fit, appoint any qualified person to be the sole member of any District Licensing Authority other than a Metropolitan Authority, and may at any time revoke any such appointment.

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(2) On the date from which any appointment under the *last preceding* subsection takes effect the members (if any) of the District Licensing Authority then in office shall vacate office. Any such member or any other qualified person may be appointed under the *last preceding* subsection.

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(3) While any person is in office under this section as sole member of a District Licensing Authority, section fourteen of the principal Act shall be deemed to be suspended in respect of that Licensing Authority. A person appointed under this section shall cause to be entered in a minute-book a record of all decisions made by him which, if the Licensing Authority consisted of more than one member, would require to be given by a resolution passed at a meeting thereof. A copy of any entry in the minute-book certified by the sole member to be correct shall, until the contrary is proved, be sufficient evidence in any proceedings under this Act of the decision to which it relates.

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(4) Save as provided in the *last preceding* subsection, all the provisions of the principal Act relating to District Licensing Authorities shall, with the necessary modifications, apply to any person appointed under this section as sole member of a District Licensing Authority.

4. (1) The Central Licensing Authority established under section five of the principal Act is hereby abolished.

Abolition of Central Licensing Authority.

(2) The said section five of the principal Act and section fourteen of the Transport Law Amendment Act, 1933, are hereby consequentially repealed.

Repeals. 1933, No. 25

5. (1) For the purposes of the principal Act the proper Licensing Authority to grant a passenger-service license or otherwise to exercise jurisdiction in respect of any such license shall be—

Defining proper Licensing Authority to grant passenger-service licenses or exercise jurisdiction in respect thereof.

(a) In the case of a passenger-service proposed to be carried on or being carried on wholly within any district, the Licensing Authority for that district:

(b) In the case of a passenger-service proposed to be carried on or being carried on wholly within the district of a Metropolitan Authority and any one contiguous district, the Licensing Authority for that contiguous district:

(c) In the case of a passenger-service proposed to be carried on or being carried on within two or more districts (not being a service to which the *last preceding* paragraph applies), such one of the Licensing Authorities for those districts as the Minister appoints.

(2) In any case where a passenger-service is being carried on or is proposed to be carried on within two or more districts the proper Licensing Authority shall not, except in the case of a temporary license, make any decision in respect of a license or an application for a license for the service without first consulting, whether personally or by correspondence or otherwise, every other Licensing Authority in whose district the service is being carried on or is proposed to be carried on.

(3) For the purposes of paragraph (b) of subsection one of this section a district shall be deemed to be contiguous to the Auckland Transport District notwithstanding that it may be separated therefrom by any part of Waitemata Harbour.

Consequential repeals.
1933, No. 25

(4) This section is in substitution for section sixteen and subsections one to five of section fifteen of the Transport Law Amendment Act, 1933, and section twenty-three and subsection three of section twenty-six of the principal Act, and those enactments are hereby accordingly repealed. 5

Procedure on applications for renewal, transfer, or amendment of licenses.

6. (1) On receiving an application in accordance with any of the provisions of the principal Act for the renewal, transfer, or amendment of a passenger-service license, or for consent to the abandonment or curtailment of a passenger-service, the Licensing Authority shall give public notice of the receipt of the application, specifying in the notice a time, being not less than seven clear days from the date of the notice, within which it will receive written representations against the granting of the application. 10 15

(2) The public notice shall specify the address to which representations are to be forwarded, and shall contain a statement to the effect that if no written representations against the granting of the application are received within the specified time the application may be granted without further notice and without a public sitting of the Licensing Authority. 20

(3) If no written representations against the granting of the application are received by the Licensing Authority within the time specified in the public notice the Licensing Authority may, if it thinks fit, without giving any further notice or holding a public sitting, grant the application in accordance with the terms thereof, without substantial alteration. 25 30

(4) If any written representation against the granting of the application is received by the Licensing Authority within the time specified in the public notice, or if in any other case the Licensing Authority decides not to grant the application under the *last preceding* subsection, the provisions of section twenty-five of the principal Act shall apply to the application as if it were an application for a new license. 35

Consequential repeals.
1933, No. 25

(5) Subsection three of section thirty-five of the principal Act, and subsection three of section twenty of the Transport Law Amendment Act, 1933, are hereby repealed. 40

(6) Section thirty-four of the principal Act is hereby amended by inserting in subsection two, after the word "exercise", the words "of its own motion". 45

7. Section thirty-six of the principal Act (which relates to the revocation and suspension of licenses) is hereby amended by repealing subsection two, and substituting the following subsection:—

Section 36 of principal Act amended.

5 “(2) Notice in writing of the intention to hold the inquiry shall be given to the licensee and to all other persons who in the opinion of the Licensing Authority are interested. The notice shall contain particulars of the day, time, and place fixed for the inquiry and of the
10 matters proposed to be inquired into. The notice to the licensee shall be given not later than fourteen clear days before the day fixed for the inquiry.”

8. (1) If the proper Licensing Authority is at any time of the opinion that the circumstances under which
15 any passenger-service license was granted have changed materially since the license was granted, the Licensing Authority may notify the licensee that it intends to review the license under this section.

Review of licenses.

(2) If at any time the Minister so directs, the proper
20 Licensing Authority shall notify the holder of any passenger-service license that it intends to review the license under this section.

(3) Not less than fourteen clear days after the giving
25 of a notification under subsection *one* or subsection *two* of this section the Licensing Authority shall hold a public sitting for the purpose of reviewing the license.

(4) For the purposes of the review of a license under
30 this section the provisions of sections twenty-five and twenty-six of the principal Act shall, with the necessary modifications, apply as if the licensee were an applicant for the license.

(5) If, after reviewing the license in accordance with
35 the foregoing provisions of this section and having regard to the circumstances existing at the time of the public sitting, the Licensing Authority is of the opinion that it is necessary or desirable in the public interest so to do, it shall revoke the license, or alter to an earlier date the date at which the license is to expire, or amend or revoke any of the terms or conditions of the license or
40 add new terms or conditions thereto.

(6) This section is in substitution for section three of the Transport Licensing Amendment Act, 1935, and that section is hereby accordingly repealed.

Consequential repeal.
1935, No. 36

Licensing Authorities may administer oaths.

9. The Chairman of the Licensing Authority (where the Licensing Authority consists of more than one person) and the sole member of the Licensing Authority (in every other case) shall for the purposes of every public sitting of the Licensing Authority have the authority and privileges of a Magistrate in respect of the administration of oaths, the hearing of evidence, the conduct of proceedings, and the maintenance of order at the sitting. 5

Transport Co-ordination Board abolished. 1933, No. 25 Consequential repeal.

10. (1) The Transport Co-ordination Board established under section two of the Transport Law Amendment Act, 1933, is hereby abolished. 10

(2) Part I of the Transport Law Amendment Act, 1933, is hereby consequentially repealed.

(3) All references to the Transport Co-ordination Board in any Act or in any agreement, deed, instrument, application, license, notice, or other document whatsoever shall, unless inconsistent with the context or with the provisions of this Act, be hereafter read as references to the Minister. 15 20

Commencement of this section.

(4) This section shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-six.

Minister may make or authorize inquiries for purposes of transport co-ordination.

11. (1) The Minister may from time to time make, or appoint any other person to make, such inquiries as he thinks necessary or expedient for the purpose of securing the improvement, co-ordination and development, and the better regulation and control of all means of and facilities for transport and all matters incidental thereto. 25 30

See Reprint of Statutes, Vol. I, p. 1036

(2) For the purposes of this section the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, and with any necessary modifications, apply as if the Minister and every person appointed by him under the *last preceding* subsection were a Commission of Inquiry appointed under that Act. 35

Appeals to Minister from decisions of Licensing Authorities.

12. (1) There shall be a right of appeal in the prescribed manner and in the prescribed form and within the prescribed time to the Minister from the whole or any part of any decision of a Licensing Authority in respect of any passenger-service license or in respect of any application made to the Licensing Authority. 40

(2) Subject to the provisions of section forty-four of the principal Act, the following persons and no others may appeal as aforesaid:—

- 5 (a) The person in respect of whose application the decision of the Licensing Authority was given:
- (b) The holder of the passenger-service license in respect of which the decision was given:
- (c) The Commissioner:
- 10 (d) Any other person affected by the decision and being the holder of a passenger-service license or of an aircraft-service license, a ship-owner, the permanent head of a Government Department, a local authority, or a public body:
- 15 (e) Any person, not being the holder of a passenger-service license, who is lawfully providing facilities for the carriage of passengers or goods, whether by land or water, in respect of the locality to be served or in respect of the proposed routes, and who has given evidence or made representations at a public sitting of the Licensing Authority in respect of the license or application in relation to which the decision was given:
- 20 (f) Any one or more of the signatories to a petition presented to the Licensing Authority pursuant to paragraph (j) of subsection two of section twenty-six of the principal Act:
- 25 (g) Any twenty-five or more adult residents of any locality affected by the decision of the Licensing Authority:
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(3) An appeal by the persons mentioned in paragraph (g) of the *last preceding* subsection shall be by petition in the prescribed form.

35 (4) Pending the determination of any appeal duly lodged by a person carrying on a passenger-service against any decision of a Licensing Authority in relation to that service, the appellant may carry on the service in the manner in which and to the extent to which he was lawfully carrying it on at the time when the decision of
40 the Licensing Authority was given.

(5) For the purpose of better enabling the Minister to discharge his functions under this section the Minister may from time to time appoint any person to inquire into and report to him upon any appeal or any matter
45 in relation to an appeal.

See Reprint
of Statutes,
Vol. I,
p. 1036

(6) For the purposes of any appeal under this section the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with any necessary modifications, apply as if the Minister and every person appointed by him under the *last preceding* subsection were a Commission of Inquiry appointed under that Act. 5

(7) The Minister in determining any appeal shall not be bound to hear any person or to take any evidence or to receive any representations from any person. 10

(8) In his determination of any appeal the Minister may confirm, modify, or reverse the decision appealed against.

(9) The determination of the Minister in any appeal shall be final, and shall have effect according to its tenor. In any case where the decision appealed against is modified or reversed it shall be the duty of the proper Licensing Authority to take forthwith any action that may be required to give effect to the determination of the Minister. 15 20

(10) The determination of the Minister shall in every case be communicated by the Minister to the Commissioner, who shall thereupon notify it to the proper Licensing Authority, to the appellant, and to every other person who in the opinion of the Commissioner is directly concerned. 25

Consequential
repeals.
1933, No. 25

(11) This section is in substitution for section forty-three of the principal Act and sections seventeen, eighteen, and nineteen of the Transport Law Amendment Act, 1933, and those sections are hereby accordingly repealed. 30

(12) All appeals duly lodged under the said section forty-three of the principal Act but not determined before the passing of this Act shall be determined by the Minister under this section. 35

(13) In any case where the determination of the Transport Co-ordination Board in any appeal under the said section forty-three has not been given effect to by the Licensing Authority before the passing of this Act, the determination shall be deemed to be of no effect, and the appeal shall be determined by the Minister under this section. 40

13. Proceedings before the Minister under the principal Act (including this Act) shall not be held bad for want of form. No appeal shall lie from any appointment, decision, or determination made by the Minister; and, except upon the ground of lack of jurisdiction, no proceeding, appointment, decision, or determination as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court.

Proceedings of Minister not to be questioned for want of form or appealed against.

14. (1) In addition to the exemptions provided by section twenty-one of the principal Act, a passenger-service license shall not be required in the case of—

Additional exemptions from passenger-service license.

(a) The carriage of passengers in a trackless trolley-omnibus:

(b) The carriage to and from work of workmen engaged on a work being carried out by the Government or a public body in an approved trade motor or motor-coach while it is being used for the purposes of the work.

(2) In this section the expression “ approved trade motor or motor-coach ” means a trade motor or motor-coach within the meaning of the Motor-vehicles Act, 1924, that is for the time being approved by the Minister for the purposes of this section.

See Reprint, of Statutes, Vol. VIII, p. 800

15. Except with the previous written consent of the Minister of Railways, no license shall be granted to any person other than that Minister for a passenger-service having substantially the same terminal points and route as any passenger-service for which the said Minister is for the time being the holder of a license:

Protection of Railways Department where it acquires or carries on passenger-services.

Provided that nothing in the foregoing provisions of this section shall be deemed to apply with respect to any renewal of a license that does not authorize any extension of the service to which the license relates.

16. (1) If the Minister is of opinion that it is necessary or desirable in the public interest so to do, he may from time to time, by notice published in the *Gazette*, declare that any service by motor-vehicle for the carriage of passengers (whether for hire or reward or not) shall be deemed for the purposes of the principal Act to be a passenger-service within the meaning of that Act.

Minister may declare certain services to be passenger-services.

(2) If any question arises as to whether or not the carriage of any passengers by motor-vehicle constitutes a service for the purposes of this section it shall be determined by the Minister, whose decision shall be final.

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(3) For the purposes of a notice under this section, a service may be defined in such manner as the Minister thinks fit. In particular, without limiting the general authority conferred by this section, a service may be defined by reference to all or any of the following matters—namely, the points between which it is carried on, the nature or length of the route, the localities served, the motor-vehicle or motor-vehicles used, the passengers carried, and the nature of any transaction that may be involved in the service.

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(4) In any notice under this section in respect of any service or services the Minister may declare that any specified person or specified class of persons shall be deemed for the purposes of the principal Act to be carrying on the service, whether or not that person is or those persons are the owner or owners or the bailee or bailees of the motor-vehicle or motor-vehicles used in the service.

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(5) Unless and until any notice under this section is varied or revoked as hereinafter provided, it shall continue in force according to its tenor. Every such notice shall come into force on the date of its publication in the *Gazette*, or on such later date as may be specified in that behalf in the notice.

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(6) Any notice under this section may in like manner from time to time be varied, or may be at any time in like manner revoked.

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(7) This section is in substitution for section thirty of the Transport Law Amendment Act, 1933, and that section is hereby accordingly repealed.

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Consequential
repeal.
1933, No. 25

Extending
power to make
regulations.

17. (1) Without limiting in any way the authority conferred on the Governor-General by section fifty-nine of the principal Act to make such regulations as may be necessary or expedient for the purpose of giving full effect to that Act, it is hereby expressly declared that the Governor-General, acting under the authority of the said section, may make regulations as follows:—

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(a) Authorizing the Commissioner to require any person to keep in relation to any passenger-service or goods-service carried on by him

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- such accounts and records as the Commissioner thinks fit; and prescribing the forms in which such accounts and records shall be kept:
- 5 (b) Prescribing matters in respect of which fees are to be payable under the principal Act, the amount of the fees, and the persons liable to pay them:
- (c) Authorizing the refund or remission, in such circumstances as in accordance with the regulations the Commissioner thinks fit, of
- 10 any fees payable under the principal Act.

(2) The said section fifty-nine is hereby consequentially amended by repealing paragraphs (c) and (s). Consequential repeals.

15 **18.** (1) Every person carrying on any passenger-service pursuant to a license under the principal Act shall keep in relation thereto such of the prescribed accounts and records, and shall furnish to the Commissioner such financial and statistical returns and statements and such copies of accounts, based on

20 the accounts and records so kept by him, as the Commissioner may from time to time require by notice in writing addressed to that person.

Accounts to be kept and returns to be made by licensees.

(2) Every person required to keep any accounts or records as aforesaid shall from time to time, as required

25 for the purposes of the principal Act by the Commissioner or by any officer authorized by him in that behalf, furnish in writing any information or produce for inspection any books or documents (including the said accounts or records) that may be in his knowledge, possession, or

30 control.

(3) Section thirty-seven of the principal Act is hereby repealed. Consequential repeal.

35 **19.** The Acts specified in the *First Schedule* hereto are hereby amended in the manner indicated in that Schedule.

Miscellaneous amendments.

20. For the purposes of section forty-seven of the principal Act, sections *five, six, seven, eight, twelve, fifteen, sixteen, eighteen, and nineteen* hereof and the *First Schedule* hereto shall be deemed to form part of

40 Part II of the principal Act.

Certain provisions of this Part to be deemed part of Part II of principal Act.

PART II.

AIRCRAFT SERVICES.

- This Part to form part of Transport Licensing (Commercial Aircraft Services) Act, 1934. 1934, No 25
- Minister to be sole licensing authority.
- See Reprint, of Statutes, Vol. I, p. 1036
- Consequential repeal.
- Minister to advertise receipt of application for a license or renewal.
- Consequential repeals.
21. This Part of this Act shall be read together with and deemed part of the Transport Licensing (Commercial Aircraft Services) Act, 1934 (hereinafter in this Part referred to as the principal Act). 5
22. (1) The Minister shall be the sole licensing authority to grant aircraft-service licenses and to exercise jurisdiction in respect of such licenses.
- (2) For the purpose of better enabling the Minister to discharge his functions the Minister may from time to time appoint any person to inquire into and report to him upon any matters in relation to any license or application for a license. 10
- (3) For the purposes of this section the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with any necessary modifications, apply as if the Minister and every person appointed by him under the *last preceding* subsection were a Commission of Inquiry appointed under that Act. 15 20
- (4) This section is in substitution for section five of the principal Act, and that section is hereby accordingly repealed.
23. (1) On receiving an application for a license, other than an application for a temporary license, the Minister shall give public notice of the receipt of the application, specifying in the notice a time, being not less than *seven* clear days from the date of the notice, within which he will receive written representations relating to the application. The Minister shall not finally consider the application until after the expiry of the time so specified. 25 30
- (2) The provisions of the *last preceding* subsection shall apply to applications for the renewal of licenses, and to applications for special licenses under section twenty-one of the principal Act. 35
- (3) This section is in substitution for section seven of the principal Act, and that section and subsection two of section seventeen of the principal Act are hereby accordingly repealed. Section twenty-one of the principal Act is hereby consequentially amended by omitting from subsection seven thereof the word "seven". 40

24. (1) The Minister may at any time appoint any person to hold a public inquiry as to whether or not any aircraft service carried on under the authority of a license under the principal Act is being carried on in conformity with the terms and conditions of the license.

Revocation and suspension of licenses.

(2) Notice in writing of the intention to hold the inquiry shall be given to the licensee and to all other persons who in the opinion of the person appointed to hold the inquiry are interested. The notice shall contain particulars of the day, time, and place fixed for the inquiry and of the matters proposed to be inquired into. The notice to the licensee shall be given not later than *fourteen* clear days before the day fixed for the inquiry.

(3) For the purposes of the inquiry the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with any necessary modifications, apply as if the person appointed to hold the inquiry were a Commission of Inquiry appointed under that Act.

See Reprint, of Statutes, Vol. I, p. 1036

(4) If after considering the report of the person holding the inquiry the Minister is satisfied that the licensee is not carrying on the service in all respects in conformity with the license, or that he has disposed of the service to any other person, the Minister may, in his discretion, revoke the license.

(5) Instead of revoking any license as aforesaid the Minister may suspend the license for such period as he thinks fit, and he may in any case, without any inquiry being held as aforesaid, so suspend any license if he is satisfied that the licensee has wilfully committed a breach of any of the conditions of the license.

(6) Notwithstanding anything to the contrary in the foregoing provisions of this section, a license may be revoked by the Minister if the service authorized by it is not commenced on the date specified in that behalf in the license.

(7) Every revocation or suspension of a license shall be noted in the appropriate register, and shall be notified by the Commissioner to the principal Commissioned Officer of Police in every district or area in which the service to which the license relates is being or was authorized to be carried on.

(8) This section is in substitution for section eighteen of the principal Act, and that section is hereby accordingly repealed.

Consequential repeal.

Proceedings
of Minister
not to be
questioned for
want of form
or appealed
against.

25. Proceedings before the Minister under the principal Act (including this Act) shall not be held bad for want of form. No appeal shall lie from any decision made by the Minister; and, except upon the ground of lack of jurisdiction, no proceeding or decision as aforesaid shall be liable to be challenged, reviewed, quashed, or called in question in any Court. 5

Accounts to
be kept and
returns to be
made by
licensees.

26. (1) Every person carrying on any aircraft service pursuant to a license under the principal Act shall keep in relation thereto such of the prescribed accounts and records, and shall furnish to the Commissioner such financial and statistical returns and statements and such copies of accounts, based on the accounts and records so kept by him, as the Commissioner may from time to time require by notice in writing addressed to that person. 10 15

(2) Every person required to keep any accounts or records as aforesaid shall from time to time, as required for the purposes of the principal Act by the Commissioner or by any officer authorized by him in that behalf, furnish in writing any information or produce for inspection any books or documents (including the said accounts or records) that may be in his knowledge, possession, or control. 20

Consequential
repeal.

(3) Section twenty of the principal Act is hereby repealed. 25

Miscellaneous
amendments
of principal
Act.

27. The principal Act is hereby amended in the manner indicated in the *Second* Schedule hereto.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

MISCELLANEOUS AMENDMENTS OF THE TRANSPORT LICENSING ACT, 1931, AND THE TRANSPORT LAW AMENDMENT ACT, 1933.

Title of Enactment.	Number of Section, &c., affected.	Nature of Amendment.
1931, No. 38— The Transport Licensing Act, 1931 (Reprint of Statutes, Vol. VIII, p. 832)	Section 2 (1) ..	By repealing the definitions of the terms "Appeal Board" and "Central Authority"; and by omitting from the definition of the term "Licensing Authority" the words "the Central Authority or", and also the words "as the case may require".
(Ibid., p. 836) ..	Section 8 ..	By omitting from subsection (1) the words "of the Central Authority or"; and by omitting from subsection (2) the words "of the Central Authority and".
(Ibid., p. 839) ..	Section 20 ..	By repealing paragraph (a) of subsection (1).
(Ibid., p. 841) ..	Section 25 ..	By omitting the word "three" wherever it occurs in subsection (1), and substituting in each case the word "seven".
(Ibid., p. 843) ..	Section 28 ..	By repealing subsection (3).
(Ibid., p. 846) ..	Section 31 ..	By repealing subsections (2) and (4), and substituting the following subsections:— " (2) No license shall be construed to authorize the use on any road or street of any passenger-service vehicle prohibited by virtue of any classification of roads or streets made pursuant to regulations under section one hundred and sixty-six of the Public Works Act, 1928, from using that road or street. " (4) If any licensee abandons or curtails any service in breach of the last preceding subsection the Licensing Authority may, in its discretion, revoke his license."
(Ibid., p. 848) ..	Section 36 ..	By omitting from subsection (1) the words "Any Licensing Authority", and substituting the words "The proper Licensing Authority"; and by omitting from the said subsection (1) the words "granted by such Licensing Authority".
(Ibid., p. 853) ..	Section 45 ..	By omitting from subsection (1) the words "the Central Authority or".
(Ibid., p. 854) ..	Section 46 ..	By omitting from subsection (1) the words "The Central Authority and".
(Ibid., p. 858) ..	Section 59 ..	By inserting in paragraph (n), after the word "passenger-service", the words "and goods-service".
(Ibid., p. 860) ..	Section 63 ..	By repealing subsection (2).
1933, No. 25— The Transport Law Amendment Act, 1933	Section 15 ..	By repealing paragraph (a) of subsection (6).
	Section 24 ..	By repealing paragraph (a).

SECOND SCHEDULE.

MISCELLANEOUS AMENDMENTS OF THE TRANSPORT LICENSING (COMMERCIAL AIRCRAFT SERVICES) ACT, 1934 (No. 25).

Number of Section affected.	Nature of Amendment.
Section 2	By omitting from subsection (1) the definition of the term "Board".
Section 6	By omitting the references to the Board, and substituting in each case a reference to the Minister.
Section 8	By omitting the references to the Board (except in paragraph (k) of subsection (2)), and substituting in each case a reference to the Minister; by repealing paragraph (k) of subsection (2), and substituting the following paragraph:— “(k) Any written representations duly received by the Minister in relation to the application:”
Sections 9, 11, and 12	By omitting the references to the Board, and substituting in each case a reference to the Minister.
Section 13	By omitting from subsection (1) the words “and be signed on behalf of the Board by any member thereof, or by an officer of the Board acting by direction thereof”; by omitting from subsection (2) the references to the Board, and substituting in each case a reference to the Minister; by repealing subsection (3), and substituting the following subsection:— “(3) If any licensee abandons or curtails any service in breach of the last preceding subsection the Minister may, in his discretion, revoke his license.”
Section 15	By omitting from the proviso the reference to the Board, and substituting a reference to the Minister.
Section 16	By omitting the references to the Board (except in subsection (4)), and substituting in each case a reference to the Minister; and by repealing subsection (4).
Sections 17 and 19..	By omitting the references to the Board, and substituting in each case a reference to the Minister.
Section 21	By omitting the references to the Board (except in subsection (5)), and substituting in each case a reference to the Minister; and by omitting from subsection (5) the words “may be signed on behalf of the Board by any member thereof, or by an officer of the Board acting by direction thereof, and”.
Section 24	By omitting from paragraph (c) the words “or by the Chairman of the Board”; by inserting in paragraph (d), after the word “Minister”, the word “and”; and by omitting from the said paragraph (d) the words “and the Chairman and every other member of the Board”.
Section 28	By repealing paragraph (c), and substituting the following paragraph:— “(c) Authorizing the Commissioner to require any person to keep in relation to any aircraft service carried on by him such accounts and records as the Commissioner thinks fit; and prescribing the forms in which such accounts and records shall be kept:”.