

fleet of idle units which the city had paid for out of loan capital. The resultant cost under the headings of depreciation, interest, and sinking fund increased the costs of the bus service as a whole, and this factor was an aggravation of the difficulties of the Omnibus Department.

Transport Appeal Board.—On the evidence tendered to us we find that in the matters of constitution and working of the Appeal Board for this district the statutory provisions worked satisfactorily. Many witnesses deposed that the Board as constituted, and as it carried out its functions, had the confidence of those who sought its services. In the special circumstances of this district relating to the licensing authority it is clear that the presence of an Appeal Board was necessary. We think we have already made it clear that in saying this we do not wish even to imply—and we certainly do not say—that the City Council as licensing authority ever failed to act in the honest exercise of its discretion. Our point is that the anomalous position in which the City Council was placed in the peculiar circumstances of Auckland provided an admirable justification for the presence of the Appeal Board.

Requisition for Establishment of Transport Services.—No evidence was tendered to us bearing on this provision, which is to be found as section 17 of the Act. We would point out, however, that the section contains no statement of the principles or considerations that should guide the Appeal Board. The matter is left to the Board's unfettered discretion. We suggest that a direction such as that contained in subsection (2) of section 6 be included. As the matter now stands, the City Council might decide against the application on certain grounds—e.g., the condition of the roads to be traversed—and the Appeal Board might decide to grant the application without having such grounds brought to its notice.

Regulations.—On two points it seems to us that the working and effect of the regulations under the Act call for further consideration of the regulations. The first is as to the principle of the Public Works Department being, as it were, superimposed on the licensing and controlling authority for the inspection of vehicles. We are aware that this is a general provision, the principle of which has been embodied in the New Zealand statutes for many years past. The question arises whether, when such a precise and elaborate degree of control as is now necessary for motor-vehicles is constituted by statutory authority, it is necessary that the Public Works Department should at the same time be inspecting and approving authority. It seems to us to be a case where the precise provision removes the necessity for the more general provision.

The other matter has to do with the working of section 8 of the Act in relation to the regulations. Section 8, subsection (4) provides that the holder of an omnibus license may during the last month of the currency of the license put in his application for renewal, and (subsection (3)) he may for one month after the expiration of his license run his vehicle unlicensed, in anticipation of the granting of his application. That allows a period of two months, at the most, during which all motor-omnibuses in this district have to be passed by the inspecting engineer: See section 6, subsection (3). The evidence placed before us satisfies us that it is a physical impossibility for the work to be done in the time, and the result is that many buses run for a considerable time unlicensed. This, in our opinion, is highly undesirable, and the law on the point should be amended. We suggest that the body to which general control of transport in the district is given should be entrusted also with the duty of seeing that the regulations that prescribe efficiency, safety, and comfort in vehicles are complied with.

3. (c) What is the Working and Effect in the said District of other Statutes and Regulations affecting Vehicular Transport?

We were approached by representatives of the Auckland Master Carriers' Association, who asked to be allowed to give evidence touching the working in the said district of certain regulations relating to motor-lorries. The regulations in question are the Motor-lorry Regulations gazetted on the 26th March, 1925, pursuant to power to make such regulations contained in section 19 (2) of the Public