

# ACTS AMENDMENT (MOTOR VEHICLE POOLS).

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No. 48 of 1980

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**AN ACT to amend the Transport Act 1966-1979, the Road Traffic Act 1974-1979 and the Taxi-cars (Co-ordination and Control) Act 1963-1978.**

[Assented to 19 November 1980.]

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

1. This Act may be cited as the *Acts Amendment (Motor Vehicle Pools) Act 1980*. Short title.

## PART I—TRANSPORT ACT 1966-1979.

2. (1) In this Part, the Transport Act 1966-1979 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Transport Act 1966-1980.

Citation.  
Reprinted  
as approved  
21 June  
1977 and  
amended by  
Acts Nos. 53  
of 1977, and  
9 and 93  
of 1979.

Section 4  
amended.

3. Section 4 of the principal Act is amended by inserting after subsection (2) the following subsections—

“ (3) For the purposes of this Act, a motor vehicle shall be deemed not to be used or intended to be used as a passenger vehicle to carry passengers for hire or reward by reason only of the carriage of passengers or the offer to carry passengers if the carriage or offer is made pursuant to a motor vehicle pooling arrangement.

(4) For the purposes of subsection (3), a carriage of passengers or an offer to carry passengers is made pursuant to a motor vehicle pooling arrangement if the carriage or offer is—

- (a) incidental to the main purpose of the journey;
- (b) not the result of touting for passengers by the driver or any other person on any road; and
- (c) made pursuant to an arrangement for the carriage of the passengers for a consideration limited to—
  - (i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or
  - (ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or the motor vehicle pool or any recompense for the time of the driver. ”.

PART II—ROAD TRAFFIC ACT 1974-1979.

Citation.

4. (1) In this Part, the Road Traffic Act 1974-1979 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Road Traffic Act 1974-1980.

5. Section 17 of the principal Act is amended by inserting after subsection (1) the following subsections—

Section 17  
amended.

“ (1a) For the purposes of this Act, a motor vehicle shall be deemed not to be used for the purpose of standing or plying for hire or otherwise for the carrying of passengers for reward by reason only of the carriage of passengers or the offer to carry passengers if the carriage or offer is made pursuant to a motor vehicle pooling arrangement.

(1b) For the purposes of subsection (1a), a carriage of passengers or an offer to carry passengers is made pursuant to a motor vehicle pooling arrangement if the carriage or offer is—

- (a) incidental to the main purpose of the journey;
- (b) not the result of touting for passengers by the driver or any other person on any road; and
- (c) made pursuant to an arrangement for the carriage of the passengers for a consideration limited to—
  - (i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or
  - (ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or the motor vehicle pool or any recompense for the time of the driver. ”.

Section 82A  
inserted.

6. After section 82 of the principal Act, the following section is inserted—

Motor  
Vehicle pools  
and  
insurance.

“ 82A. (1) For the purposes of any contract of insurance, a motor vehicle shall be deemed not to be used for the carriage of passengers for hire, fare or reward by reason only of the carriage of passengers if the carriage is pursuant to a motor vehicle pooling arrangement.

(2) For the purposes of subsection (1), a carriage of passengers is pursuant to a motor vehicle pooling arrangement if the carriage is—

- (a) incidental to the main purpose of the journey;
- (b) not the result of touting for passengers by the driver or any other person on any road; and
- (c) pursuant to an arrangement for the carriage of the passengers for a consideration limited to—
  - (i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or
  - (ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or the motor vehicle pool or any recompense for the time of the driver. ” .

PART III—TAXI-CARS (CO-ORDINATION AND CONTROL) ACT 1963-1978.

7. (1) In this Part, the Taxi-cars (Co-ordination and Control) Act 1963-1978 is referred to as the principal Act.

Citation.  
Reprinted  
as approved  
14 July,  
1977 and  
amended by  
Acts Nos. 68  
of 1977, 21 of  
1978 and 82  
of 1978.

(2) The principal Act as amended by this Act may be cited as the Taxi-cars (Co-ordination and Control) Act 1963-1980.

8. Section 3 of the principal Act is amended by inserting after subsection (3) the following subsections—

Section 3  
amended.

“ (3a) For the purposes of this Act and notwithstanding subsection (3) of this section, a motor vehicle shall be deemed not to be used for the purpose of standing or plying for hire, or otherwise for the carrying of passengers for reward by reason only of the carriage of passengers or the offer to carry passengers if the carriage or offer is made pursuant to a motor vehicle pooling arrangement.

(3b) For the purposes of subsection (3a), a carriage of passengers or an offer to carry passengers is made pursuant to a motor vehicle pooling arrangement if the carriage or offer is—

- (a) incidental to the main purpose of the journey;
- (b) not the result of touting for passengers by the driver or any other person on any road; and
- (c) made pursuant to an arrangement for the carriage of the passengers for a consideration limited to—
  - (i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or
  - (ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or the motor vehicle pool or any recompense for the time of the driver. ”.