

TAXI-CAR CONTROL ACT 1985.

(No. 101 of 1985.)

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TAXI-CAR CONTROL.

No. 101 of 1985.

AN ACT to provide for the control of taxi-cars in the metropolitan area and designated areas and for connected purposes.

[Assented to 7 December 1985.]

BE 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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Taxi-car Control Act 1985*. Short title.

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

Interpreta-
tion.

3. (1) In this Act, unless the contrary intention appears—

“appointed day” means the day fixed by the Minister under section 38 (2);

“authorized officer” means an officer of the Department appointed under section 17 (2);

“Board” means the Taxi Control Board preserved and continued by section 6;

“Chairman” means the Chairman of the Board;

“control area” means a part of the State to which this Act applies, or is from time to time declared to apply, under section 5;

“Department” means the Department of the Public Service of the State principally assisting the Minister with the administration of this Act;

“Director General” means the person holding or acting in the office of Director General of Transport in the Public Service of the State;

“inspector” means a person designated as such under section 17;

“licence” means a licence issued under this Act;

“local authority” means the council of a municipal district constituted under the Local Government Act 1960 and of which district the whole or any part is in a control area;

“member” means the Chairman and other members of the Board;

“metropolitan area” means the metropolitan area as from time to time prescribed for the purposes of this Act;

“operate” as applied to a taxi-car means—

- (a) to drive;
- (b) to permit, cause or employ another person to drive; or
- (c) to own, keep or let,

that taxi-car;

“owner” as applied to a taxi-car means—

- (a) a person being the sole, part or joint owner of the vehicle;
- (b) a person having the use of the vehicle under an agreement for its purchase, hire, lease or loan or under a hire-purchase agreement;
- (c) a person who is the debtor or mortgagor under a contract that is a credit contract for the purposes of the Credit Act 1984; or
- (d) a person repossessing, or purporting to repossess, the vehicle under an agreement for its hire, lease or loan or under a hire-purchase agreement;

“registration” means registration of a taxi-car driver under this Act;

“repealed Act” means the Act repealed by section 69;

“secretary” means secretary to the Board;

“taxi-car” means a vehicle which—

- (a) is equipped to carry not more than 7 passengers; and

- (b) is used for the purpose of standing or plying for hire, or otherwise for the carrying of passengers for reward;

“taxi-car licence” means a licence issued under Division 2 of Part IV;

“taxi-car control licence” means a licence issued under Division 3 of Part IV;

“taxi-car control service” means a service that—

- (a) provides a radio base service for taxi-cars or makes arrangements for taxi-cars to be provided with a radio base service; and
- (b) provides such controlling, co-ordinating, administrative and other services as are necessary to enable compliance with this Act;

“Taxi Control Fund” means the fund referred to in section 18;

“taxi-stand” means a position or group of positions established by the Board under this Act for the standing of disengaged taxi-cars and designated as such by means of a sign alongside or near the position or group of positions;

“Traffic Board” means the Traffic Board constituted under the Road Traffic Act 1974.

(2) For the purposes of this Act, the term “carrying of passengers for reward”—

- (a) includes any case where the owner or driver of the motor vehicle used—

- (i) offers that carriage as an inducement in respect of an agreement for the provision of other services or goods;
or
 - (ii) receives any consideration in respect of an arrangement whereby that carriage is effected or to which that carriage is related; and
- (b) notwithstanding paragraph (a) does not include the case where a motor vehicle is 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 pursuant to a motor vehicle pooling arrangement.

(3) For the purposes of subsection (2) (b), 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.

Operations
within
control area.

4. The carrying of passengers—

- (a) into a control area from a place outside a control area; or
- (b) from within a control area to a place outside the area on the return journey by a direct route to the place from which passengers were brought into the control area,

shall not be taken as operating within the control area unless the carrying takes place in circumstances which are authorized in writing by the Director General.

Application
of Act.

5. (1) This Act applies only to the metropolitan area and to such other portions of the State as the Governor may, by Order in Council, from time to time, declare and is by this section authorized so to declare.

(2) An Order in Council made under this section may be cancelled or, from time to time, be varied by a subsequent Order.

PART II.—ADMINISTRATION.

Continuation
of
the Board.

6. The body corporate constituted under the repealed Act by the name "Taxi Control Board" is preserved and continues in existence for the purposes of this Act as a body corporate retaining the same corporate name and corporate identity.

Perpetual
succession,
common
seal etc.

7. (1) The Board as a body corporate—

- (a) has perpetual succession and a common seal;
- (b) is capable in law in its corporate name of suing and being sued;

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(c) subject to subsection (2), may acquire, hold and dispose of real and personal property;

and

(d) may do and suffer all other acts and things that bodies corporate by law may do and suffer.

(2) The Board shall not, except with the approval of the Governor, grant, sell, alienate, mortgage, charge or demise any real property.

(3) The common seal of the Board shall be kept in such custody as the Board directs and shall not be used except upon resolution of the Board.

(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to any document and shall presume that it was duly affixed until the contrary is shown.

8. (1) The Board shall consist of 10 members, of whom—

Constitution
of Taxi
Control
Board.

(a) one person shall be appointed by the Governor to be a member and Chairman of the Board;

(b) one person shall be appointed from time to time by the Traffic Board; and

(c) 8 persons shall be appointed by the Governor in accordance with this section.

(2) Of the members of the Board appointed under subsection (1) (c)—

(a) one shall be chosen to represent the interests of local authorities from a panel of names that is obtained by each local authority submitting the name of a person;

- (b) one shall be nominated by the Metropolitan (Perth) Passenger Transport Trust;
- (c) 2 shall be persons nominated by the Minister who are actively involved in the provision of taxi-car services; and
- (d) 4 shall be persons elected to represent the interests of taxi-car owners and operators in accordance with subsection (3).

(3) The following provisions apply to and in relation to the members elected under subsection (2) (d)—

- (a) an election shall be held whenever the office of such member becomes vacant by effluxion of time;
- (b) a person shall not be elected to hold office as such a member unless he is a person who is elected by and from amongst the persons who have been owners or registered as full-time drivers of taxi-cars for a period of at least 21 days immediately prior to the nomination day for that election;
- (c) an election for the purposes of this subsection shall be conducted in such a manner as to ensure that of the members so elected—
 - (i) at least one shall be a person who is the owner of a taxi-car;
 - (ii) at least one shall be a person who is registered as a full-time driver of a taxi-car but who is not also the owner of a taxi-car; and
 - (iii) not more than one shall be a person who is not actively engaged on the road in the operation of a taxi-car.

(4) Where—

- (a) under subsection (2) (a), a panel of names is required; or
- (b) under subsection (2) (b), a nomination is required,

the panel of names or nomination, as the case requires, shall be submitted to the Minister within such time after receiving notice from the Minister that such panel or nomination is required as is specified in the notice.

(5) If—

- (a) a panel of names is not submitted as required under subsection (2) (a); or
- (b) a nomination is not made,

within the time specified under subsection (4), the Governor may appoint such person nominated by the Minister as the Minister thinks fit and a person appointed in accordance with this section shall hold office as if he had been chosen or nominated in accordance with subsection (2).

(6) Appointment of a person as a member or deputy of a member does not of itself render the Public Service Act 1978, or any other Act applying to persons as officers of the Public Service of the State, applicable to that person, or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment.

9. (1) The Minister may appoint persons as ^{Deputies.} deputies to act in the respective places of the member who is Chairman of the Board and the other members of the Board.

(2) A person appointed under subsection (1) is, in the event of the absence from a meeting of the Board of the member for whom he is the deputy, entitled to attend that meeting and, when so attending, has all the functions, entitlements, and protection of the member for whom he is the deputy.

Tenure of
office.

10. (1) Subject to this section, a member—

- (a) referred to in section 8 (2) (a), (b) or (c) shall be appointed for such period not exceeding 2 years as is specified in his instrument of appointment and is eligible for reappointment;
- (b) referred to in section 8 (2) (d) is elected for a term of 2 years and is eligible for re-election.

(2) The office of a member becomes vacant if the member—

- (a) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (b) is absent, except with the permission of the Minister, from 3 consecutive meetings of the Board;
- (c) resigns his office by writing under his hand delivered to the Minister;
- (d) being an owner at the time of his election, ceases to be an owner;
- (e) being a registered full-time driver of a taxi-car who is not also an owner at the time of his election as a member, ceases to be such a person; or
- (f) being a person appointed on the nomination of the Minister under section 8 (2) (c), ceases to be a person who is actively involved in the provision of taxi-car services.

(3) The Governor may remove a person appointed to be a member from office on the grounds of neglect of duty, misbehaviour, incompetence or mental or physical incapacity impairing the performance of his duties and the office shall thereupon become vacant.

(4) Where a casual vacancy on the Board occurs, not being a casual vacancy to which subsection (5) applies, the vacancy shall be filled by the appointment of a person nominated by the Minister and representative of the same interests as the member whose place he is taking and a person so appointed shall hold office for the balance of the term for which his predecessor was appointed.

(5) Where a member vacates office pursuant to subsection (2) (e) or (f)—

(a) an election to fill the office vacated shall be held jointly with the next election occasioned by a vacancy occurring by effluxion of time, and the person then elected shall hold office for the balance of the term that would have been held by the member so vacating office; and

(b) notwithstanding the operation of subsection (2) (e) or (f), as the case may be, the Minister may nominate—

(i) the person so vacating office; or

(ii) a person representative of the like interests,

for appointment to the office until the vacancy is filled under paragraph (a) and a person so nominated may be appointed to and hold interim office accordingly.

11. A member appointed under section 8 (1) (c) shall be entitled to such remuneration and allowances as the Governor from time to time determines.

Remuneration of members.

Meetings.

12. (1) The Board shall meet at least once in every month and whenever convened by the Chairman.

(2) The Chairman shall preside at all meetings of the Board at which he is present and, in the absence of the Chairman and Deputy Chairman, a member chosen by the members present shall preside.

(3) The Board shall—

(a) subject to this Act, conduct its proceedings in such manner as is prescribed or, until prescribed, in such manner as it from time to time determines; and

(b) cause minutes of all its proceedings to be kept in such manner and form as the Minister may direct or approve.

(4) At a meeting of the Board, 7 members constitute a quorum of the Board.

(5) At a meeting of the Board each member present may vote once on a question and the question shall be decided by a majority of the votes of the members present but if the votes on any question are equally divided the question shall be taken to have been decided in the negative.

Secretary to
the Board.

13. (1) There shall be a secretary to the Board who may be an officer of the Department designated for that purpose by the Director General.

(2) The office of secretary to the Board may be held in conjunction with any other office of the Public Service of the State.

(3) The officer designated under subsection (1) shall, in so far as he is acting as the secretary, have such functions as are conferred on him by this Act or directed to be performed by him by the Board, but this subsection does not affect the functions of that officer as an officer of the Department when he is not acting as the secretary.

14. (1) Subject to the directions of the Minister, this Act shall be administered by the Board. Functions of the Board.

(2) The functions of the Board are—

- (a) to keep under continuous review in the public interest the conduct of the taxi-car industry;
- (b) to make recommendations to the Minister for amendments to this Act; and
- (c) to initiate and implement such actions as it considers will assist in providing an adequate and efficient taxi-car service to the public.

15. (1) Subject to this Act and the directions of the Minister, the Board may— Powers of the Board.

- (a) do such things as are necessary or convenient to be done for or in connection with the performance of its functions;
- (b) make investigations and inquiries into, and formulate schemes for, the co-ordination and control of taxi-cars;
- (c) determine, subject to subsection (2), the number and kind of taxi-cars to be licensed in any control area or portion thereof;
- (d) determine the number of persons to be registered as full-time or part-time taxi-car drivers in a control area;
- (e) issue licences and number plates and transfer taxi-car licences;
- (f) cancel or suspend licences and where appropriate pay a refund on account of the premium in accordance with the provisions of this Act;

- (g) determine fares and other charges to be taken or made for the hire of taxi-cars, including the occasions and the conditions upon which multiple hiring may be required or authorized;
- (h) recover fares and other charges for taxi-car services;
- (i) supervise the conduct and behaviour of taxi-car owners and drivers in relation to the provision of taxi-car services and, subject to subsection (3), the fitness and cleanliness of taxi-cars;
- (j) establish, in conjunction with the Commissioner of Main Roads, or the appropriate local authority, as the case requires, or on the authority of the Minister, stands for taxi-cars;
- (k) arrange and enforce schemes for the operation of taxi-cars in any part of a control area, including a requirement that specified taxi-cars be operated at specified times in specified localities;
- (l) register, cancel and suspend the registration of, taxi-car drivers and taxi-car control services; and
- (m) control by disciplinary procedures under this Act the conduct and operation of taxi-car owners and drivers.

(2) Subject to this Act the number of taxi-cars that may be licensed to operate within a control area shall not at any time exceed 1 for every 1 000 of the population in that area, as from time to time estimated or declared by the Deputy Commonwealth

Statistician for the State, and shall be determined from time to time by the Board having regard to the reasonable requirements of the population of that area.

(3) Except in relation to taxi-meters and other equipment required by or under this Act to be fitted to a taxi-car, or in so far as the provisions of this Act may require, nothing in this Act imposes any duty on the Board to inquire into the roadworthiness of, or the proper working of the mechanical equipment of, taxi-cars or to enforce the provisions of any other Act.

16. (1) Where by reason of the nature of the matter, or by the locality or the time in which a matter is to be determined, or for any other cause it is considered expedient that the powers of the Board should be exercised on its behalf by the Chairman, the Board may, by resolution with the approval of the Minister, delegate to the Chairman its functions under this Act in respect to any matter specified in the instrument of delegation. Delegation.

(2) A function delegated to the Chairman under subsection (1), other than the power of delegating further, may be delegated by the Chairman to any officer of the Department named in the instrument of delegation by an instrument in writing under his hand.

(3) The performance of a function by a delegate under this section shall be deemed to be the performance of the function by the Board.

17. (1) The Minister may after consultation with the Public Service Board make available to the Board the services of any officer of the Department and may designate any officer of the Department to be an inspector for the purposes of this Act.

Inspectors
and
authorized
officers.

(2) The Director General may, by notice in writing, appoint any officer of the Department to be an authorized officer to have such of the powers and carry out such of the duties conferred on an inspector under this Act as are specified in the notice.

(3) An officer referred to in subsection (2) may exercise the powers and duties conferred on him under that subsection as if he were an inspector for the purposes of this Act.

(4) The cost of the services of any officer made available under subsection (1) or (2) shall be a charge on the Taxi Control Fund.

PART III.—FINANCE AND REPORTS.

Taxi Control
Fund.

18. (1) Subject to section 32, all moneys received by the Board shall be placed to the credit of an account to be kept at the Treasury and called the Taxi Control Fund.

(2) The funds necessary for the exercise and performance of the powers and functions of the Board shall be paid out of the Taxi Control Fund.

(3) The expenses of the administration of this Act shall be paid out of the Taxi Control Fund and the moneys, if any, appropriated by Parliament for the purpose.

(4) The provisions of the Schedule apply.

Report.

19. (1) The Board shall as soon as is practicable after 1 July in each year prepare and furnish to the Minister a report on its operations and proceedings for the financial year ending on 30 June last preceding.

(2) The Minister shall cause the report furnished under subsection (1), together with copies of the relevant balance sheet and statements of the Board and of the report of the Auditor General thereon, to

be laid before each House of Parliament as soon as is practicable in each year after the receipt by him of that report and those copies.

PART IV.—LICENCES AND REGISTRATION.

Division 1.—General.

20. (1) An application under this Part shall be in a form approved by the Director General. Form of application.

(2) The Director General may approve of different forms for the purpose of making different applications.

21. (1) An application for the grant of a licence or for registration or for the renewal of a licence or registration under this Act shall be made to the Board. Application for licence or registration.

(2) The Director General may require the statements in an application to be verified by a statutory declaration.

22. (1) Subject to this Act, a licence or registration is valid and effectual for the purposes of this Act for such period not exceeding 12 months as is specified therein. Period of licence or registration and fees.

(2) The fee for a licence or registration shall be paid at the rate of one-twelfth of the prescribed fee for each calendar month or part thereof for which the licence or registration is expressed to be valid.

23. (1) An application for the renewal of a licence or registration shall be made within one month prior to the expiry of that licence and shall be accompanied by the prescribed fee. Renewal of licence or registration.

(2) Where a licence or registration is renewed under this Act the renewed licence or registration shall operate from the day following that on which the licence or registration would, but for the renewal, have expired.

(3) Subject to this Act, and unless the Board otherwise determines as a result of disciplinary measures taken under this Act, a licence or registration may be renewed by the Board if the Board is satisfied that the holder of the licence or registration—

- (a) has complied with the requirements of this Act; and
- (b) has complied with the restrictions and conditions imposed under this Act in relation to the licence or registration, as the case may be.

(4) The Board may, upon the renewal of a licence or registration, by notice in writing given to the holder of the licence or registration, impose such restrictions and conditions as it thinks fit on the licence or registration, as the case may be, whether by adding any new restriction or condition or amending an existing restriction or condition.

(5) The Board may at any time by notice in writing given to the holder of a licence or registration revoke any restriction or condition imposed on that licence or registration.

Appeals.

24. (1) A person who is aggrieved by a decision of the Chairman or the Board in respect of—

- (a) the grant of a licence;
- (b) the refusal to renew a licence or the imposition of a restriction or condition on the renewal of a licence or registration;
- (c) the cancellation or suspension of a taxi-car control licence under section 40 (4);

- (d) a cancellation, suspension or determination of a licence, permit or registration under section 56 or any restriction or condition imposed under that section;
- (e) the refusal to renew the registration of a taxi-car driver or to register as a taxi-car driver a person who has previously been a registered taxi-car driver,

may appeal from that decision to a Local Court.

(2) A Local Court to which an appeal is made under subsection (1) has jurisdiction to hear and determine the appeal and the appeal shall—

- (a) be brought and the proceedings conducted in such manner as may be prescribed by the rules of court in relation to appeals from the decisions of a tribunal, or if in relation to any matter no such rule of court is applicable, in such manner as may be directed by the court; and
- (b) unless the court otherwise orders, be in the nature of a rehearing.

(3) A Local Court hearing an appeal under this section may—

- (a) confirm, quash or vary the decision appealed from;
- (b) remit the matter to the Board for reconsideration, with or without directions;
- (c) make such other order, including an order as to costs, as the court thinks fit,

and effect shall be given to an order made under this subsection.

Division 2.—Taxi-car licences.

Taxi-car
licence.

25. (1) Subject to this Act, a person shall not operate a taxi-car within a control area or any portion of a control area unless the taxi-car is licensed to operate in respect of that area or portion of an area.

Penalty: For a first offence, \$80; for a second offence, \$200; and for a subsequent offence \$400.

(2) Where a taxi-car is owned by more than one person, the person who is deemed to be the owner under a notice given to the Traffic Board for the purposes of the Road Traffic Act 1974 shall be deemed also to be the owner for the purposes of this Act unless the Board consents to another of the owners being deemed to be the owner for the purposes of this section.

Application
for taxi-car
licence.

26. (1) An application for a taxi-car licence shall be made by the owner, or the person deemed to be the owner under section 25 (2), as the case requires, of the vehicle in respect of which the application is made.

(2) Subject to this Act, if the Board is satisfied—

(a) that the vehicle in respect of which the application is made—

(i) is licensed or registered under the Road Traffic Act 1974;

(ii) is approved by the Traffic Board for use as a taxi-car; and

(iii) conforms with the requirements of the Board with respect to taxi-cars;

- (b) that the issue of a licence will not occasion the number of taxi-cars licensed to operate in a control area or portion only of it to exceed the number provided by this Act or determined by the Board as that to be licensed for that area or for that portion only;
- (c) that the applicant is of good repute and, if a natural person, is a fit and proper person to operate a taxi-car;
- (d) where the application is made on or after the appointed day, that the applicant has a taxi-car control licence or has made satisfactory arrangements to be provided with a taxi-car control service by the holder of a taxi-car control licence; and
- (e) that the applicant has such other qualifications and has complied with such other conditions as may be prescribed,

it may, upon payment of the prescribed fee and any premium or payment on account of a premium payable under section 32 and subject to such restrictions and conditions as it thinks fit, issue a taxi-car licence in respect of the vehicle for a specified control area.

(3) If the Board is not satisfied in terms of subsection (2) (e) that there is an applicant who has the prescribed qualifications and has complied with the prescribed conditions, the Board may nevertheless recommend to the Minister that a taxi-car licence be issued and the Minister may direct and authorize the Board to issue a taxi-car licence under this section.

27. Where the Board considers that the public requirements of a portion of a control area would be served by the issue of a taxi-car licence to operate in that portion only, the Board may issue a taxi-car licence limiting the operation of that taxi-car to that portion.

Licence for
portion only
of a control
area.

Temporary
taxi-car
licences.

28. (1) Subject to section 26, the Board may, in its discretion, issue a temporary taxi-car licence.

(2) Subject to this Act, every temporary taxi-car licence shall remain in force for the period specified therein or until the happening of any event specified therein and shall, while in force, have effect as an ordinary taxi-car licence.

(3) A licence issued under this section may not be transferred or renewed.

(4) Sections 15 (2), 24, 26 (2) (b) and 34 do not apply in respect of licences issued under this section.

(5) In relation to a temporary taxi-car licence—

(a) the Board's requirements for the purposes of section 26 (2) (a) (iii); and

(b) the qualifications and conditions prescribed for the purposes of section 26 (2) (e),

may differ from those for other taxi-cars.

Private
taxi-car
licences.

29. (1) The Board may, subject to section 26, issue a licence for a private taxi-car and may require as a condition of the licence that the taxi-car is—

(a) driven by a driver dressed in a uniform approved by the Board; and

(b) fitted with a radio that gives communication from the taxi-car to a base specified in the licence.

(2) In relation to a private taxi-car licence—

(a) the Board's requirements for the purposes of section 26 (2) (a) (iii); and

(b) the qualifications and conditions prescribed for the purposes of section 26 (2) (e),

may differ from those for other taxi-cars.

(3) Except as provided in this section, a private taxi-car licence shall, while in force, have effect as an ordinary taxi-car licence.

30. Notwithstanding any other provision of this Act, any taxi-car licence issued under this Act is valid so long only as the taxi-car is currently licensed or registered under the Road Traffic Act 1974.

Taxi-cars to be licensed as vehicles under Road Traffic Act 1974.

31. In addition to any premium payable under section 32 and any increase in premium payable under section 33 (4), there shall be payable to the Board on the renewal of a taxi-car licence such fees as may be prescribed.

Fees for renewal of taxi-car licence.

32. (1) The Board may require a premium fixed by the Board to be paid as a condition to the issue of a taxi-car licence and in fixing a premium shall have regard to conditions existing in the area in which the taxi-car is to operate.

Premiums for taxi-car licences.

(2) The Board may determine the manner in which a premium fixed under subsection (1) is to be paid.

(3) The Board shall pay to the credit of the Taxi Control Fund all moneys received as, or on account of, a premium unless the Minister directs that any proportion thereof shall be paid to the credit of the Consolidated Revenue Fund in which case the Board shall give effect to that direction.

(4) Where the Board is satisfied that the circumstances so warrant, the Board may refund to any person so much of the moneys paid by way of premium as the Board, having regard to the value of the use of the licence to that person, determines to be reasonable and, to the extent to which those moneys have been paid to the Consolidated Revenue

Fund, the Treasurer of the State is authorized to make the requisite amount available to the Board for the purposes of this section and the Consolidated Revenue Fund is hereby appropriated accordingly.

Transfer of
taxi-car
licence.

33. (1) Subject to section 34, a current taxi-car licence is transferable on the authority of the Board if—

- (a) it was issued without any premium;
- (b) it was issued prior to 15 October 1971; or
- (c) it was issued after 15 October 1971 and has been in force for a period of 7 years,

but in any other case it shall not be transferable except on the authority of the Minister.

(2) The provisions of this section do not require or authorize the Board or the Minister, as the case may be, to authorize a transfer of a taxi-car licence to a person who does not meet the requirements of section 26 (2) (c), (d) and (e).

(3) If a person has paid any moneys as, or, on account of, a premium payable to the Board on the issue of a taxi-car licence and surrenders that licence at a time when it cannot be transferred except on the authority of the Minister, the Board may refund to him so much of those moneys as the Board, having regard to the value of the use of the licence to that person, determines to be reasonable and, to the extent to which those moneys may have been credited to the Consolidated Revenue Fund, the Treasurer of the State is authorized to make the requisite amount available to the Board for the purposes of this section and the Consolidated Revenue Fund is hereby appropriated accordingly.

(4) Subject to subsection (5) and to any adjustment of premium that the Minister may determine, the Board may authorize the transfer of

a taxi-car licence from one control area to have effect in another, or from portion of a control area to have effect in another portion of that area or a portion of another control area.

(5) The Board shall not authorize a transfer under subsection (4) if the transfer would occasion the number of taxi-cars licensed to operate in the area or portion only of it in which it is to have effect to exceed the number provided by this Act or determined by the Board as that to be licensed for that area or for that portion only.

(6) The Board may, by notice in writing to the transferee at the time it authorizes a transfer under subsection (1) or (4), as the case may be, impose such restrictions and conditions on the taxi-car licence as it thinks fit, whether by adding any new restriction or condition or amending an existing restriction or condition.

(7) The Minister, after consultation with the Board, may by notice in writing to the transferee at the time he authorizes a transfer under subsection (1) impose such conditions and restrictions on the licence as he thinks fit, whether by adding any new restriction or condition or amending an existing restriction or condition.

(8) There shall be payable to the Board on the transfer of a taxi-car licence authorized under subsection (1) such per centum not exceeding 10, as may from time to time be determined by the Board subject to the approval of the Minister, of the amount that is assessed by the Board as the market value of the taxi-car licence at the time of the transfer.

(9) Where a person ceases to be the owner of a vehicle that is a taxi-car licensed under this Act, or has parted with possession of it in such circumstances that another person becomes an owner of that vehicle, the Board may, forthwith after the happening of that event demand the return of the number plates from any person who in the opinion

of the Board has possession of the number plates and any such person upon whom a demand under this subsection is made who is in possession of the number plates shall comply with the demand.

(10) Where a person becomes the owner of a vehicle that is a taxi-car licensed under this Act by some other person, he shall, forthwith after the happening of that event, notify the Board of that happening and shall not operate the vehicle as a taxi-car, unless, or until, the licence is transferred to him.

(11) A person failing to comply with subsection (9) or (10) commits an offence and the court by which a person is convicted of the offence may, in addition to, or in lieu of, any penalty provided by this subsection order the cancellation of the licence and the return of the licence and number plates to the Board.

Penalty: For a first offence, \$40; and for any subsequent offence, \$100.

Limitation
on issue or
transfer of
taxi-car
licences.

34. The Board shall not authorize the issue or transfer of a taxi-car licence to a person unless the Board is satisfied—

- (a) if the proposed licensee already holds 2 or more taxi-car licences, that the proposed licensee is, or will upon completion of the issue or transfer become, actively involved full time in the provision of taxi-car services; and
- (b) that the proposed licensee will not thereby become the holder of more than 5 taxi-car licences.

Endorsement
on certain
taxi-car
licences.

35. (1) Where a person has, for the purpose of becoming the owner of a vehicle that is a taxi-car licensed under this Act, entered into a transaction whereby that vehicle or taxi-car licence issued in

respect of that vehicle is charged with the repayment of moneys advanced to him under that transaction, or whereby that vehicle may be repossessed from him, the Board may, if it is satisfied that—

- (a) the prescribed particulars of the proposal together with any further or other information required by the Board were furnished to the Board and that the approval of the Board was given to the proposed transaction; and
- (b) the whole of the moneys, if any, advanced to that person under that transaction has been or will be used for that purpose,

endorse the licence of that vehicle issued under this Act to the effect that the Board will not, subject to subsection (2), refuse any application for the transfer of that licence that is made by that person with the consent of the other parties to the transaction.

(2) The Board shall, as the occasion arises, give effect to an endorsement made on a licence under subsection (1) but the provisions of this section do not require or authorize the Board to effect a transfer of a licence—

- (a) to a person who does not meet the requirements of section 26 (2) (c), (d) or (e);
- (b) to a person who holds 2 or more taxi-car licences issued under this Act; or
- (c) if the authority for the transfer of that licence is vested in the Minister under section 33 (1).

36. Where an offence, other than a minor offence prescribed under section 66 (2) (a), is committed under this Act or an offence, other than an offence which is prescribed for the purposes of section 102 of the Road Traffic Act 1974, is committed under

Cancellation
of taxi-car
licence
by court.

that Act, the court convicting the offender may, in addition to, or in lieu of, imposing any other penalty provided by law, order a taxi-car licence issued, or deemed to be issued, to him under this Act to be cancelled.

Number
plates.

37. (1) Number plates of a type approved by the Board shall be issued for every taxi-car licensed under this Act upon payment of the prescribed fee.

(2) A person shall not operate a taxi-car licensed under this Act unless number plates issued under this section are affixed to the taxi-car in the prescribed manner.

Penalty: \$200.

(3) Every number plate issued in respect of a taxi-car licensed under this Act remains the property of the Board, irrespective of when or by whom it was issued.

(4) Every person having custody of a number plate issued under this section shall return it to the Board within 14 days of the expiry, surrender, suspension or cancellation of the taxi-car licence to which it relates.

Penalty: \$200.

(5) If—

- (a) a taxi-car licence to which a number plate issued under this section relates is no longer in force;
- (b) any moneys payable as, or on account of, a premium under section 32 relating to that licence are in arrear; or
- (c) any other moneys payable under this Act in respect of the vehicle or licence relating thereto have not been paid,

and an inspector has been authorized to obtain possession of that number plate by notice signed by the Chairman, that inspector may require any person having custody of the number plate to produce and deliver it to him for return to the Board.

(6) An inspector shall upon demand produce the notice referred to in subsection (5) when requiring a person having custody of a number plate to produce and deliver the number plate.

(7) Where a person fails to deliver a number plate issued under this section after having been lawfully required to do so or if that person cannot be found, an inspector may seize such number plate which shall thereupon be forfeited to the Board.

(8) Where the Board is satisfied that a number plate or licence is damaged, lost or destroyed the Board may issue a replacement of that number plate or licence as the case requires.

(9) The Board may on payment of the prescribed fee authorize an owner to transfer the number plates from a vehicle that ceases to be licensed as a taxi-car to a vehicle that is a replacement for the first-mentioned vehicle.

(10) An owner shall not transfer the number plates from a taxi-car to a vehicle that is not approved as a taxi-car by the Board.

Penalty: \$1 000.

Division 3.—Taxi-car control licences.

38. (1) Subject to this Act, on or after the appointed day a person shall not—

Taxi-car
control
licence.

- (a) operate a taxi-car unless he provides or there is provided on his behalf a taxi-car control service; or

(b) provide or advertise that he provides or is willing to provide—

(i) a taxi-car control service; or

(ii) radio facilities for the purpose of communication with and controlling or co-ordinating the operation of taxi-cars in a control area,

unless he is the holder of a licence to provide a taxi-car control service.

Penalty: \$2 000.

(2) The Minister may by order published in the *Government Gazette* fix a day as the appointed day for the purposes of this section.

Application
for taxi-car
control
licence.

39. (1) An application for a taxi-car control licence shall be made by the person intending to provide the taxi-car control service.

(2) Two or more persons intending to provide in partnership a taxi-car control service may apply for a joint licence.

(3) Where an application is made for the grant of a taxi-car control licence to a body corporate the names of all the directors of the body corporate and the persons concerned in the management of the body corporate shall be specified in the application.

(4) Subject to this Act, if the Board is satisfied—

(a) in the case of an application by a natural person, that the applicant is of or above the age of 18 years and is a fit person to hold the licence applied for;

(b) in the case of a joint application, that each of the applicants is of or above the age of 18 years and is a fit person to hold the licence applied for, and, if one of the applicants is a body corporate, that each of the directors and persons concerned in the

management of the body corporate is of or above the age of 18 years and each would, if the application were made by him, be a fit person to hold the licence applied for;

- (c) in the case of an application made by a body corporate, that each of the directors and persons concerned in the management of the body corporate is of or over the age of 18 years and each would, if the application were made by him, be a fit person to hold the licence applied for;
- (d) in the case of a natural person or a body corporate, that the natural person or body corporate, as the case may be, has sufficient material and financial resources to comply with the requirements of this Act;
- (e) in the case of an application for a joint licence, that the applicants have together sufficient material and financial resources to comply with the requirements of this Act;
- (f) that the applicant is capable of providing an efficient and reliable radio base service for taxi-cars which are to be operated under this Act by the applicant or has satisfactory arrangements with the persons operating the vehicles specified under section 41 as the vehicles proposed to be operated under the licence to provide those vehicles with an efficient and reliable radio base service; and
- (g) that the applicant is capable of providing satisfactory controlling, co-ordinating, administrative and other services for the purpose of ensuring that every person operating a taxi-car under the control of that taxi-car control service complies with the provisions of this Act,

it may, upon payment of the prescribed fee and subject to such conditions and restrictions as it thinks fit, issue a taxi-car control licence to the applicant.

Change of
persons on
body
corporate.

40. (1) Where a body corporate is the holder of a taxi-car control licence or one of the joint holders of a taxi-car control licence the body corporate shall, within 30 days after a person ceases to be, or becomes, concerned in the management or control of the body corporate, apply to the Board for approval of the change.

(2) An application made under subsection (1) shall be in a form approved by the Board.

(3) The Board shall not approve an application made under subsection (1) unless it is satisfied that—

(a) in the case of an application relating to a natural person, that the person is of or over the age of 18 years and would, if he were an applicant for a taxi-car control licence, be a fit person to hold that licence;

(b) in the case of an application relating to a body corporate, that each of the directors and persons concerned in the management of the body corporate is of or over the age of 18 years and each would, if he were an applicant for a taxi-car control licence, be a fit person to hold that licence.

(4) Where the Board refuses to approve of a person in relation to whom an application is made under subsection (1) the taxi-car control licence of which the applicant body corporate is the holder or joint holder, as the case may be, may be cancelled or suspended by the Board in accordance with the regulations.

Applicant to
specify
vehicles to be
operated as
taxi-cars.

41. An applicant for the grant of a taxi-car control licence shall specify in the application each of the vehicles proposed to be operated as a taxi-car under the authority of the licence.

42. (1) The Board may direct the holder of a taxi-car control licence to deal with a complaint made against the owner or driver of any taxi-car operated under the authority of that taxi-control licence including a complaint as to—

Discipline
of owners
and drivers.

- (a) the standard and quality of the service rendered by the taxi-car driver;
- (b) the cleanliness and condition of the taxi-car; or
- (c) the conduct, behaviour and standard of dress of the taxi-car driver.

(2) The holder of a taxi-car control licence who refuses or fails to deal with an owner or driver of a taxi-car in the manner directed by the Board under subsection (1) commits an offence.

Penalty: \$500.

43. (1) The Board may from time to time require, and the holder of the taxi-car control licence shall furnish, information as to the radio facilities provided by or on behalf of that person and the terms and conditions under which they are to be available to owners and drivers.

Use of radio
facilities.

(2) A person who—

- (a) fails to furnish information when lawfully required to do so under this section, or furnishes false or misleading information;
- (b) interferes with the transmission or reception of communications from radio facilities registered under this Act; or
- (c) discloses, without the consent of the person carrying on or operating the business to which the information relates, any information furnished or obtained under this section, except in the performance of a duty under this Act,

commits an offence.

Penalty: \$2 000.

Division 4.—Registration of taxi-car drivers.

Drivers to be
registered.

44. (1) A person shall not drive a taxi-car within a control area unless—

- (a) he is registered as a taxi-car driver under this Act; and
- (b) he complies with the conditions and restrictions of his registration.

Penalty: \$200.

(2) The Board may, on the payment of the prescribed application fee and on being satisfied that an applicant for registration as a taxi-car driver—

- (a) is the holder of a valid driver's licence under the Road Traffic Act 1974;
- (b) has demonstrated his suitability to be a taxi-car driver; and
- (c) has complied with such requirements as may be prescribed,

register the applicant as a full-time or part-time taxi-car driver subject to such restrictions and conditions as it thinks fit.

(3) As evidence of registration as a taxi-car driver under this Act the Board shall issue to each person so registered—

- (a) a certificate of registration endorsed with such particulars as may be prescribed; and
- (b) a driver's identification card,

each of which may be retained by him during the currency of his registration and no longer.

(4) The Board shall cause to be kept a Register of Taxi-car Drivers and shall cause to be entered therein—

- (a) the name of each person registered as a taxi-car driver under this section;
- (b) whether the registration is as a full-time or part-time taxi-car driver; and
- (c) such other particulars as may be prescribed to be furnished by each registered taxi-car driver.

45. (1) Subject to subsection (2), every person who is registered as a taxi-car driver after the coming into operation of this Act and who—

Probationary
registration.

- (a) has not previously been registered as a taxi-car driver for a continuous period of at least one year; or
- (b) has previously been registered as a taxi-car driver but whose registration has been cancelled or suspended or has ceased to be valid and who has not, after the period of cancellation, suspension or invalidity, been registered as a taxi-car driver for a continuous period of at least one year,

shall be registered on probation only and the certificate of registration shall be endorsed to that effect.

(2) Notwithstanding subsection (1), the Board may waive or reduce the period during which a taxi-car driver is required to be registered on probation if it considers it appropriate to do so in the circumstances.

(3) Where a taxi-car driver registered on probation is convicted of a prescribed offence under this Act or of any other prescribed offence then his registration is, by operation of this subsection, cancelled.

(4) A person whose registration is cancelled by operation of subsection (3) is disqualified from seeking registration under section 44 for such period not exceeding one year from the date of his conviction as the Board determines.

Driver to hold valid driver's licence.

46. Notwithstanding any other provision of this Act, if a registered taxi-car driver ceases to hold a valid driver's licence under the Road Traffic Act 1974, entitling him for the purposes of this Act to drive a taxi-car, his registration under this Act thereupon ceases to be valid.

PART V.—OPERATION OF TAXI-CARS.

Agreements between owners and drivers.

47. A person other than an owner-driver shall not, in any control area or portion of a control area, operate a taxi-car unless there is registered with the Board in relation to the use of that vehicle in that area or portion of an area an agreement in writing in a form acceptable to the Board evidencing the terms and conditions under which the owner will permit the vehicle to be so operated.

Penalty: For a first offence, \$80; for a second offence, \$200; and for a subsequent offence, \$400.

Substitution of vehicle for taxi-car under repair.

48. (1) Where a taxi-car licensed under this Act is under repair and cannot be operated as a taxi-car, the Chairman may, on payment of the prescribed fee by permit in writing signed by him, authorize the owner of that taxi-car to operate another vehicle in substitution for that taxi-car, and the provisions of this Act apply in relation to the operation of that vehicle as if the vehicle were licensed under this Act.

(2) A permit under subsection (1)—

(a) shall not be issued in relation to a vehicle that does not comply with the requirements of section 26 (2) (a);

- (b) may be revoked by the Chairman at any time; and
- (c) unless previously revoked, expires immediately upon the operation of the vehicle licensed under this Act for which the vehicle to which the permit relates has been substituted.

(3) A person shall not operate a vehicle under the authority of a permit issued under subsection (1) unless the number plates issued for the vehicle under repair are affixed in the prescribed manner to the substituted vehicle, and the substituted vehicle shall, whilst the permit remains in force, be deemed to be the vehicle for which those plates were issued.

Penalty: \$200.

49. (1) A person who drives a taxi-car shall cause to be carried in that taxi-car such documents as are prescribed.

Certain documents to be carried.

(2) A person who fails to comply with subsection (1) commits an offence unless he shows that he took all reasonable steps to ensure that those documents were so carried.

Penalty: \$200.

50. (1) For the purposes of exercising his or her powers under this Act, every inspector may enter a taxi-car and exercise such other powers, as are prescribed.

Powers of inspectors and others.

(2) It is the duty of every member of the Police Force to assist an inspector in the exercise of his powers and the discharge of his duties; and a member of the Police Force may exercise such of the powers of an inspector as are prescribed.

(3) Where any inspector or member of the Police Force has reason to believe that any vehicle is being operated as a taxi-car he may—

- (a) stop the vehicle;
- (b) direct the driver to produce for his inspection any licence or other document prescribed under section 49;
- (c) direct any person to alight from, or not to enter, the vehicle;
- (d) require information as to the use of the vehicle from the driver or any hirer or passenger, and require any such person to state his name and address; and
- (e) inspect the vehicle.

(4) An inspector or member of the Police Force who has reasonable grounds for believing that a person carried in a taxi-car for hire or reward has committed an offence against this Act may require such person—

- (a) to state his name and address; and
- (b) to provide such other information as the inspector or member of the Police Force may demand for the purposes of assisting him in the performance of his functions and duties under this Act.

(5) A person who—

- (a) disobeys or fails to comply with a direction or requirement made pursuant to this section; or
- (b) furnishes false information, or uses improper or abusive language, to or wilfully hinders or obstructs, misleads, intimidates or threatens any inspector, member of the Police Force or authorized officer exercising the powers conferred by this Act,

commits an offence.

Penalty: \$100.

51. (1) Where an inspector is of opinion that a taxi-car licensed under this Act is—

Condition of
licensed
taxi-cars.

- (a) so unclean as to be likely to mark or damage the clothing or luggage of a passenger;
- (b) unsightly because of damage or rust or is otherwise likely to be objectionable to a passenger;
- (c) mechanically defective or does not comply with the requirements of this Act or regulations under the Road Traffic Act 1974; or
- (d) equipped with a taxi-meter or odometer that is materially inaccurate,

he may by notice in writing—

- (e) direct the owner or driver of the taxi-car to remedy such defects as are specified in the notice and to submit the taxi-car within such time as is specified in the notice to a nominated place for inspection; and
- (f) prohibit the continued operation of the taxi-car until it has been so inspected and found to be in a satisfactory condition.

(2) A person who drives or permits, causes or employs another person to drive a taxi-car the operation of which has been prohibited under subsection (1) commits an offence.

Penalty: \$200.

(3) An owner who fails—

- (a) to comply with the terms of a notice given under subsection (1); or
- (b) to rectify any defect that is found during an inspection directed under subsection (1),

commits an offence.

Penalty: \$200.

(4) The Board may direct any owner or driver of a taxi-car to produce the vehicle at a time and place specified in the direction for inspection as to the fitness of the vehicle for use as a taxi-car, or as to the accuracy of the taxi-meter and to rectify any defect or remove or remedy anything in the vehicle.

(5) Where a person, without reasonable excuse, fails to comply with a direction of the Board given under subsection (4)—

(a) he commits an offence; and

(b) the Board may prohibit the further operation of the taxi-car until it has been so inspected.

Penalty: \$100.

(6) A person who drives or permits, causes or employs another person to drive a taxi-car the operation of which has been prohibited under subsection (5) commits an offence.

Penalty: \$200.

Causing
vehicle to be
unlawfully
operated.

52. Any person who knowingly causes a taxi-car licensed under this Act to be operated in a manner contrary to the provisions of this Act commits an offence.

Penalty: \$200.

Obstruction
of
taxi-stands.

53. (1) A person who parks or stands any vehicle, other than a taxi-car then available for hire, at or upon a taxi-stand or who parks or stands any vehicle so as to obstruct a taxi-stand commits an offence.

Penalty: For a first offence, \$40; for a second or subsequent offence, \$100.

(2) An inspector may—

(a) direct any person apparently in charge of a vehicle parked or standing at or upon a taxi-stand or which is obstructing a taxi-stand—

(i) to remove the vehicle; and

(ii) to furnish particulars of his name and place of abode; and

(b) where no person appears to be in immediate charge of such a vehicle, himself to remove the vehicle.

(3) The owner of a vehicle shall, if so directed by an inspector, inform an inspector or the Director General as to the identity and place of abode of the driver or person in charge of the vehicle at the time when an offence against this section is alleged to have been committed by the driver or person in charge of the vehicle.

(4) A person who disobeys or fails to comply with a direction made under this section, or who furnishes false information, commits an offence.

Penalty: For a first offence, \$40; for a second or subsequent offence, \$100.

(5) Where an offence is alleged to have been committed against this section in relation to any vehicle and the owner of the vehicle fails, when so directed within 7 days of the commission of the alleged offence, to inform an inspector or the Director General as to the identity and place of abode of the person who was the driver or person in charge of the vehicle at the time of the commission of the alleged offence, the owner shall be deemed to be the person who committed that offence and is liable to be punished accordingly unless he shows that he could not reasonably have been aware of the identity of the driver or person in charge of the vehicle.

Multiple
hiring.

54. (1) The Minister may authorize taxi-cars to be operated under this Act for the carriage of passengers picked up and set down at different places at separate fares that are calculated in the manner prescribed for that purpose.

(2) The Director General may authorize taxi-cars to be operated under this Act for the carriage of passengers picked up at a common place and set down at different places at separate fares that are calculated in the manner prescribed for that purpose.

(3) An authorization given under subsection (1) or (2) may be subject to such conditions or restrictions as are specified in the authorization.

(4) A person who fails to comply with the conditions or restrictions of an authorization given under subsection (1) or (2) commits an offence.

Penalty: \$200.

(5) In circumstances in relation to which the Chairman has given a direction that the provisions of this subsection shall apply, an inspector may require the driver of a taxi-car to carry passengers at separate fares that are to be calculated in the manner specified in that direction.

(6) Where a taxi-car is operated pursuant to an authorization or direction under this section it is not an omnibus within the meaning and for the purposes of the Transport Co-ordination Act 1966.

PART VI.—DISCIPLINARY ACTION.

Persons may
be required
to attend
Board's office.

55. (1) The Board may by notice in writing direct any owner or person registered as a taxi-car driver—

(a) to attend at the office of the Board within such reasonable time as the Board directs;

- (b) to furnish to the Board any information described, whether generally or specifically, in the notice; and
- (c) to produce any books, documents or writings in his custody or control described whether generally or specifically, in the notice.

(2) A person who, without reasonable excuse fails to comply with a direction of the Board given under subsection (1) or to answer any question put to him by the Board commits an offence.

Penalty: \$200.

56. (1) Where it appears to the Chairman—

Disciplinary powers.

- (a) that a taxi-car is not being operated, or is being operated in a manner that is not, in the public interest;
- (b) that the conditions prescribed or imposed in relation to any licence, permit, or registration under this Act have been contravened or not observed;
- (c) that the holder of any licence, permit or registration under this Act—
 - (i) has been guilty of any act or omission in contravention of the provisions of this Act or the reasonable requirements of the Board and that the service that is or ought to be provided to the public is thereby prejudiced;
 - (ii) is not a fit and proper person to operate a taxi-car; or
 - (iii) obtained that licence, permit or registration by fraud or misrepresentation;

- (d) that a person has defaulted in the payment of any moneys payable on account of a premium under section 32; or
- (e) that the holder of a taxi-car control licence has failed to ensure that a licensed taxi-car in respect of which he provides the taxi-car control service complies with this Act or is operated in accordance with this Act,

and that disciplinary procedures under this Act should be instituted in relation to any person, the Chairman may call upon that person to show cause why he should not be dealt with in accordance with the provisions of this Act.

(2) Where the Chairman determines that a person has failed to show cause why he should not be dealt with according to the provisions of this Act, or if that person fails to appear before the Chairman without reasonable excuse, he may—

- (a) cancel any licence, permit or registration under this Act held by that person;
- (b) suspend the operation of any such licence, permit or registration under this Act;
- (c) determine that any such licence, permit or registration shall not be renewed;
- (d) reprimand that person; or
- (e) impose or vary any restriction or condition in respect of any licence, permit or registration relating to that person.

(3) A decision of the Chairman—

- (a) shall be notified in writing to the person required to show cause unless his whereabouts cannot reasonably be found; and
- (b) may be expressed to be conditional upon terms to be therein specified, but otherwise has immediate effect.

57. (1) The Chairman may by notice in writing require the attendance before him of any person required to show cause under section 56, and may also require the attendance of any other person who in the opinion of the Chairman is likely to be able to give evidence or produce documents touching the matter in question, or who the person required to show cause desires to call as a witness.

Procedure in
relation to
disciplinary
powers.

(2) The Chairman may administer an oath or affirmation to a person appearing to give evidence before him, whether the witness has been required to attend or is attending voluntarily, and the witness may be examined accordingly.

(3) In conducting any inquiry the Chairman is not bound by rules of evidence or legal procedure and may inform himself in any manner he thinks fit, but he shall afford to the person who is required to show cause an opportunity to be heard and to examine witnesses.

(4) Where the Chairman considers that the matter does not require that the licence, permit or registration in question should be cancelled or suspended, he may, after giving the person required to show cause an opportunity of giving an explanation and making representations either in person or in writing, and if that person so consents in writing, deal with the matter summarily without further inquiry.

(5) A statement or disclosure made by a person before the Chairman is not, except in an appeal under this Act or in proceedings for giving false testimony, admissible in evidence against that person in any civil or criminal proceedings.

(6) The Chairman may inspect documents or other exhibits before him, may retain them for such reasonable period as appears to him to be necessary, and may make copies of so much of them as is relevant to a matter before him.

(7) A notice issued by the Chairman under this section—

- (a) may require the production of any book, document or other thing described, whether generally or specifically, that is in the custody or control of the person required to attend; and
- (b) may be enforced by the Supreme Court or a Judge, on application by the Chairman, in the same manner as a subpoena to the like effect issued by the Supreme Court in a civil action.

(8) A witness before the Chairman has the same protection as a witness in a matter before the Supreme Court.

(9) Unless the Chairman determines that it is in the public interest that an inquiry, or part of the inquiry, should be held in public, proceedings under this section shall be held *in camera*.

(10) The Chairman may, by notice in writing, revoke any decision, either generally or to a specified extent, and may direct in the notice that the revocation has effect from a date specified in the notice.

Delegation
of
disciplinary
functions.

58. Where for the purposes of section 56 or 57 any function is vested in the Chairman that function may be carried out or exercised on behalf of the Chairman by an officer of the Department named in an instrument of delegation applicable thereto signed by the Chairman with the approval of the Minister.

Chairman
may call
persons
before Board.

59. Where under section 56 it appears to the Chairman that disciplinary procedures under this Act should be instituted in relation to any person, the Chairman may, instead of calling upon that person to show cause to him under that section, call upon that person to show cause to the Board

why he should not be dealt with in accordance with the provisions of this Act and where the Chairman does so any function vested in the Chairman under section 56 or 57 may be carried out or exercised with respect to that occasion by the Board and any reference in those provisions to the Chairman shall for that purpose be construed as a reference to the Board accordingly.

PART VII.—GENERAL.

60. (1) The Board may direct proceedings to be taken in its name in respect of any offence against this Act. ^{Legal proceedings.}

(2) No proof shall be required, in the absence of evidence to the contrary of—

- (a) the persons constituting the Board;
 - (b) the presence of a quorum of the Board on the doing of any act;
 - (c) a direction of the Board to take proceedings;
- or
- (d) the authority of a servant or officer of the Department or a member of the Police Force to take the proceedings.

(3) In any prosecution under this Act, an averment in the complaint that a person is, or was, the owner of a taxi-car, or that a taxi-car licence was, or was not, issued for a specified control area or portion only of it or was not issued at all, in respect of a particular taxi-car, shall, in the absence of proof to the contrary, be taken as proved.

(4) In any prosecution under this Act, an averment in the complaint that a taxi-car control licence was, or was not, issued to a person shall, in the absence of proof to the contrary, be taken as proved.

(5) In any prosecution under this Act, an averment in the complaint that no registration was effected in relation to any person or radio facilities shall, in the absence of proof to the contrary, be taken to be proved.

Affidavit
evidence.

61. (1) Where a complaint is made of an offence under this Act and a summons appointing the time and place for the hearing and determination of the complaint is duly served on the defendant at least 28 days before that time, the summons may be accompanied by—

- (a) copies of affidavits of evidence in support of the matters alleged in the complaint; and
- (b) a notice in the prescribed form advising the defendant that he may, by election in writing in the prescribed form (copies of which form shall be attached to the notice) delivered by post or otherwise to the complainant and to the court of petty sessions at the place so appointed not later than 21 days before the time so appointed, elect to appear or not on the hearing of the complaint but that if he does not so appear the court of petty sessions may proceed—
 - (i) to hear and determine the complaint in his absence;
 - (ii) to permit those affidavits to be tendered in evidence; and
 - (iii) to determine the complaint on such particulars in the affidavits in support of the matters alleged in the complaint as would, under the laws of evidence apart from this section, be admissible if given orally before the court, and not on any other particulars.

(2) In this section and section 62 the procedure prescribed in subsection (1) (b) is referred to as the alternative procedure.

(3) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in subsection (1) and does not appear on the hearing of the complaint, whether or not he has under that subsection elected to do so, the court may use the alternative procedure.

(4) For the purposes of this section an affidavit of evidence in support of the matters alleged in a complaint may be taken by, or made and sworn before, any magistrate, justice or clerk of petty sessions appointed under section 25A of the Justices Act 1902 or Commissioner for taking Affidavits appointed under section 175 of the Supreme Court Act 1935.

62. (1) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in section 61 (1) and it is alleged that he has been previously convicted of an offence, the summons may also be accompanied by a copy of a separate document in the prescribed form signed by the complainant setting out particulars of the alleged prior convictions.

Proof of
prior
convictions
when
complaint
proceeds on
affidavit
evidence.

(2) The document setting out the alleged prior convictions shall be endorsed with a notice in the prescribed form advising the defendant that if—

- (a) he does not appear on the hearing of the complaint to which the summons refers;
- and
- (b) he is convicted of the offence alleged in that complaint,

that separate document shall be admissible evidence that he was convicted of the offences alleged in that separate document, and of the particulars relating to the convictions set out in it.

(3) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in section 61 (1) and by a copy of a separate document as mentioned in subsections (1) and (2) of this section and does not appear on the hearing of the complaint to which the summons refers and the court of petty sessions uses the alternative procedure, the court may receive that separate document as evidence that the defendant was convicted of the offences alleged in that separate document and of the particulars relating to the convictions set out in it, but the fact that a copy of the separate document was served on the defendant shall not be communicated to the court or any member of the court unless and until the defendant has been convicted of the offence alleged in that complaint, if the disclosure of the prior convictions alleged in the separate document is not admissible under the laws of evidence apart from this section.

(4) Where a defendant is duly served with a summons accompanied by copies of affidavits and a notice and copies of a form of election as mentioned in section 61 (1) and by a copy of a separate document as mentioned in subsections (1) and (2) of this section and he appears on the hearing of the complaint to which the summons refers—

(a) the fact that a copy of the separate document was served on the defendant shall not be communicated to the court or any member of the court unless and until the defendant has been convicted of the offence alleged in that complaint, if the disclosure of the prior convictions alleged in the separate document is not admissible under the laws of evidence apart from this section;

and

(b) the separate document shall not be tendered in evidence without the consent of the defendant, if the separate document is not admissible under the laws of evidence apart from this section.

(5) Without in any way limiting the generality of the provisions of the law with respect to the re-hearing of complaints it is hereby declared that, where evidence of prior convictions is tendered pursuant to the provisions of this section, the court may set aside on such terms as to costs or otherwise as the court thinks just any conviction or order if it has reasonable grounds to believe that the document tendered in evidence was not in fact brought to the notice of the defendant or that the defendant was not in fact convicted of the offences as alleged in the document.

63. (1) A fare determination made by the Board under section 15 (1) (g) shall, if approved by the Minister—

Fare
determina-
tions.

- (a) be published in the *Government Gazette*;
- (b) shall have effect from the day specified therein, being a day not earlier than the date of publication of the determination in the *Government Gazette*; and
- (c) may be varied or revoked by the Board, with the approval of the Minister, by further determination published in accordance with paragraph (a).

(2) A person who contravenes the provisions of a determination published under subsection (1) is guilty of an offence.

Penalty: \$200.

64. (1) The Minister, after consultation with the Board, may by order published in the *Government Gazette* grant exemptions from the provisions of this Act.

Exemptions.

(2) An order made under subsection (1) may be amended or revoked, after consultation with the Board, by the Minister by an order published in the *Government Gazette*.

(3) Section 43 (7), (8) and (9) of the Interpretation Act 1984 applies to an order made under this section as though the order were subsidiary legislation.

Indemnity.

65. No liability attaches to a member or to any other person for any act or omission, by him or on his part or by or on the part of the Board, that occurred in good faith and in the exercise, or purported exercise, of his or its powers, or in the discharge, or purported discharge, of his or its duties under this Act.

Regulations.

66. (1) The Governor may, with or without the recommendation of the Board, make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act and in particular—

- (a) with respect to the types of vehicles that may be licensed as taxi-cars, the prerequisites for licensing and the construction of, minimum seating accommodation requirements, and equipment, including internal fittings and decorations, required or permitted to be carried on vehicles that may be licensed as taxi-cars;
- (b) with respect to the duties and obligations of the holders of licences under this Act;
- (c) prescribing the records to be maintained by the holder of a taxi-car control licence and the inspection of those records by an inspector or authorized officer;
- (d) prescribing fees to be paid on the application for, issue, renewal or transfer of, replacement of, or other dealing with, licences and number plates, or the

examination or testing of any taxi-car or any equipment carried on a taxi-car, or for application for registration or renewal of registration under this Act, or any other matter under this Act;

- (e) regulating the conduct and behaviour of owners and drivers in relation to the provision of taxi-car services;
- (f) providing that no alterations or modifications to a vehicle licensed as a taxi-car shall be made without the approval of the Board;
- (g) prescribing the seating accommodation and the kind thereof to be provided in a taxi-car and specifying minimum requirements;
- (h) regulating the conduct and behaviour of passengers in taxi-cars and providing for the punishment of persons evading or attempting to evade the payment of fares and charges for taxi-car services;
- (i) providing that fares or charges for taxi-car services may be recovered by the Board on behalf of a taxi-car driver by summary proceedings in a court of summary jurisdiction;
- (j) providing for the delivering over and disposal of articles left in taxi-cars;
- (k) prescribing a requirement for the furnishing of statutory declarations;
- (l) prescribing penalties not exceeding \$40 for the breach of any regulation.

(2) Subject to subsection (3), the Governor may, on the recommendation of the Board, make regulations authorizing the infliction and collection by

prescribed persons of penalties for offences against this Act prescribed as minor offences and may by those regulations prescribe—

- (a) what offences against this Act are minor offences;
- (b) modified penalties for first or subsequent minor offences;
- (c) the method of notifying a person alleged to have committed a minor offence of the alleged offence and of how it may be dealt with; and
- (d) the records to be kept and the manner of keeping them.

(3) Regulations made under subsection (2)—

- (a) shall provide that a person alleged to have committed a minor offence may decline to have the offence so dealt with under the regulations;
- (b) may prescribe penalties not exceeding \$10.

Saving of
operation of
Road Traffic
Act 1974.

67. Except as otherwise expressly provided, nothing in this Act limits or affects the operation of the Road Traffic Act 1974; but that Act shall be construed subject to the express provisions of this Act and, where there is any inconsistency between the provisions of this Act, and the provisions of that Act, the former provisions shall prevail.

Review
of Act.

68. (1) The Minister shall carry out a review of the operations of this Act as soon as practicable after every fifth anniversary of the commencement of this Act and in the course of such review the Minister shall consider and have regard to—

- (a) the attainment of the objects of this Act;
- (b) the administration of the Act;

- (c) the effectiveness of the operation of the Board and the Department in relation to this Act;
- (d) the need for the continuation of the Board;
and
- (e) such other matters as appear to him to be relevant.

(2) The Minister shall prepare a report based on his review of this Act and shall, as soon as practicable after its preparation, cause the report to be laid before each House of Parliament.

PART VIII.—REPEAL, SAVINGS AND
TRANSITIONAL PROVISIONS.

69. The Taxi-cars (Co-ordination and Control) Act 1963 is repealed. Repeal.

70. Without affecting the application of the Interpretation Act 1984, and particularly of sections 36 and 37 thereof, to the repeal and re-enactment by this Act of the provisions of the repealed Act it is hereby declared that— Savings.

- (a) any order, determination, taxi-car licence, number plate, registration of a taxi-car driver, permit or other document in force under any provision of the repealed Act shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when it was made or done;
- (b) any cancellation or suspenson of a taxi-car licence or registration of a taxi-car driver ordered or made under the repealed Act shall continue and have effect as if it has been ordered or made by or under the provisions of this Act and as if this Act had been in force when it was ordered or made;

- (c) where disciplinary procedures are being held under the repealed Act but those procedures have not been finally determined when this Act comes into operation, the proceedings shall continue to be dealt with and determined in all respect as if this Act had not been enacted; and
- (d) where it appears to the Chairman that disciplinary procedures should be instituted in relation to any misconduct referred to in section 23E (1) of the repealed Act that occurred prior to the coming into operation of this Act, disciplinary procedures in relation to that misconduct may be held and dealt with in all respects under Part VI of this Act.

Transitional
—members
of the Board.

71. A person who, immediately before the commencement of this Act, held office as a member of the Taxi Control Board under the repealed Act shall continue to hold office as a member of the Taxi Control Board under this Act as if that person had been appointed under the same terms and conditions under this Act for a term expiring on the day on which the appointment under the repealed Act would expire.

Further
transitional
provisions.

72. (1) Without limiting the operation of the Interpretation Act 1984, until regulations are made under this Act in relation to any matter the regulations applicable to that matter made under the repealed Act and in force immediately before the coming into operation of this Act shall continue to apply, so far as they are not inconsistent with this Act.

(2) Without limiting the operation of the Interpretation Act 1984, unless the contrary intention appears in this Act, all appointments, things or circumstances made or created by or under the repealed Act and existing or continuing immediately before the coming into operation of this Act shall,

under and subject to this Act, continue to have the same status, operation and effect for the purposes of this Act as they had immediately before the coming into operation of this Act.

SCHEDULE.

s.18.

1. (1) The Board shall cause annual estimates of its receipts and payments relating to the exercise and performance of its powers, functions and duties under this Act to be—

Annual estimates of receipts and payments.

- (a) prepare under such headings and in such manner as the Treasurer approves or directs; and
- (b) submitted to the Minister.

(2) The Minister shall, if he approves annual estimates submitted to him under subclause (1), cause those estimates to be submitted to the Treasurer not later than a date specified by the Treasurer.

2. (1) The Board shall—

Accounts and audit.

- (a) cause to be kept proper accounts and records of its transactions and affairs under such heads as the Treasurer may from time to time direct; and
- (b) do all things necessary to ensure that—
 - (i) all payments by the Board are correctly made and properly authorized; and
 - (ii) adequate control is maintained over the assets of, or in the custody of, the Board and over the incurring of liabilities by it.

(2) The Board shall cause to be prepared in respect of each financial year ending on 30 June—

- (a) a balance sheet of its assets and liabilities;
- (b) an income and expenditure statement; and
- (c) such statements other than those referred to in paragraphs (a) and (b) as the Treasurer from time to time directs,

in such form as the Treasurer approves, and shall submit the financial statements to the Auditor General for audit.

(3) The financial statements required to be prepared by subclause (2) shall present fairly the financial transactions of the Board for the financial year and the financial position of the Board at the end of the financial year.

(4) On receiving the financial statements submitted to him under subclause (2), the Auditor General shall examine and audit the accounts and records of the financial transactions of the Board and shall—

(a) forthwith draw the attention of the Minister to any irregularity disclosed by the audit that is in the opinion of the Auditor General, of sufficient importance to justify him so doing; and

(b) report to the Minister—

(i) whether or not in his opinion the financial statements submitted under subclause (2) are based on proper accounts and records;

(ii) whether or not in his opinion the financial statements submitted under subclause (2) are properly drawn up in accordance with the relevant generally accepted accounting standards so as to present fairly the financial transactions of the Board for the period under review and the financial position of the Board at the end of that period;

(iii) whether or not in his opinion the controls exercised by the Board are adequate to provide reasonable assurance that the receipt, expenditure and investment of moneys and the acquisition and disposal of assets have been in accordance with this Act; and

(iv) on such other matters arising out of the financial statements submitted under subclause (2) as the Auditor General considers should be reported.

(5) The Auditor General has for the purposes of this Act all the powers conferred on him by the Audit Act 1904.