

TAXI-CARS (CO-ORDINATION AND CONTROL).

No. 38 of 1968.

AN ACT to amend the Taxi-cars (Co-ordination and Control) Act, 1963-1967.

[Assented to 6th November, 1968.]

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:—

1. (1) This Act may be cited as the *Taxi-cars (Co-ordination and Control) Act Amendment Act, 1968.* Short title and citation.

(2) In this Act the Taxi-cars (Co-ordination and Control) Act, 1963-1967 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Taxi-cars (Co-ordination and Control) Act, 1963-1968.

Amendment
to s. 3.
(Interpreta-
tion.)

2. Section three of the principal Act is amended by substituting for the passage "State Transport Co-ordination Act, 1933", in lines three and four of the interpretation "taxi-car", the passage, "Road and Air Transport Commission Act, 1966".

Amendment
to s. 11.
(Powers and
duties of
Board.)

3. Section eleven of the principal Act is amended—

(a) as to subsection (1)—

(i) by adding after the word "area" in line four of paragraph (b) the words "or portion only of it";

(ii) by adding after paragraph (b) a paragraph as follows—

(ba) the determination of the number of persons to be registered as full-time or part-time taxi-car drivers in any control area; ; and

(b) by adding after subsection (1) subsections as follow—

(1a) The Board, under the name of the Taxi Control Board, is a body corporate with perpetual succession and a common seal and in its corporate name is capable of suing and being sued, and, subject to this Act, has power to acquire, hold and dispose of real and personal property, and may do and suffer all such acts and things as bodies corporate may do and suffer.

(1b) The Board shall not, except with the approval of the Governor, grant, sell, alienate, mortgage, charge or demise any real property.

(1c) 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. .

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4. Subsection (1) of section thirteen of the principal Act is repealed and re-enacted as follows—

Amendment
to s. 13.
(Funds.)

(1) Subject to section fifteen B, all moneys payable under this Act shall be placed to the credit of an account to be kept at the Treasury and called the Taxi Control Fund.

5. Subsection (1) of section fourteen of the principal Act is repealed and re-enacted as follows—

Amendment
to s. 14.
(Taxi-cars
to be
licensed
under this
Act.)

(1) Every taxi-car that is operated within a control area or a portion of it is required to be licensed under this Act for that area or portion and every person who operates a taxi-car that is not so licensed or in respect of which a licence under this Act is not in force, or who operates a taxi-car in a control area or a portion of it other than that for which it is licensed commits an offence.

Penalty: For a first offence eighty dollars; for a second offence two hundred dollars; and for any subsequent offence four hundred dollars.

6. The principal Act is amended by adding after section fifteen the following sections—

Ss. 15A and
15B added.

15A. (1) Where the Board considers the public requirements of a portion of a control area would be served by the issue of a licence for a taxi-car to operate in that portion, only, the Board may, subject to such conditions as it may impose, issue a licence limiting the operation to that portion.

Licence for
portion only
of a control
area.

(2) For the purposes of subsection (1) of this section, the word "operate" shall be interpreted as if the portion of a control area were a control area.

15B. (1) The Board shall consider what, if any, premium is payable to the Board on the issue of a taxi-car licence and if fixing a premium shall have regard to conditions

Premiums
for licence.

existing in the area in which the licence is to have effect and may determine the manner in which a premium so fixed is to be paid.

(2) The Board shall pay all moneys received as, or on account of, a premium to the credit of the Public Account. .

Amendment
to s. 16.
(New
licences.)

7. Section sixteen of the principal Act is amended—

(a) by repealing and re-enacting subsection (2) as follows—

(2) Subject to section twenty-two D, the Board, if satisfied—

(a) that a vehicle—

(i) has been licensed or registered under the Traffic Act;

(ii) has been approved by the Police Department for use as a taxi-car; and

(iii) conforms with the Board's requirements 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; and

- (d) that the applicant has such other qualifications and has complied with such other conditions as may be prescribed,

may, upon payment of the prescribed fee and any premium or payment on account of a premium payable pursuant to section fifteen B, issue a taxi-car licence in respect of the vehicle for a specified control area or portion only of it. ;

- (b) by adding after subsection (2) a subsection as follows—

(2a) Where the holder of a taxi-car licence does not conform to the requirements of paragraph (c) of subsection (2) of this section or has falsely represented himself as being qualified under paragraph (d) of that subsection, or defaults in the payment of any moneys payable on account of a premium pursuant to section fifteen B the Board may suspend, cancel or refuse to renew the licence. ;

- (c) by repealing and re-enacting subsection (3) as follows—

(3) A person who feels aggrieved by a decision of the Board in respect of an issue, suspension or cancellation of a taxi-car licence or a refusal to renew such a licence may within one month of the decision appeal against the decision to the Local Court held nearest to the place where the person resides. ; and

- (d) as to subsection (4) by adding after the word “area” in the last line the words “or the same portion of an area”.

8. Subsection (3) of section seventeen of the principal Act is amended by adding after the word “surrender” in line seven the passage “, suspension”.

Amendment
to s. 17.
(Number
plates.)

Amendment
to s. 18.
(Transfer of
licence.)

9. Section eighteen of the principal Act is amended—

(a) by repealing and re-enacting subsection (1) as follows—

(1) Subject to section twenty-two D, a current taxi-car licence is transferable from one person to another if the licence has been in force—

(a) for less than five years from the date of issue, on the authority of the Minister, only;

(b) for more than five years from the date of issue, on the authority of the Board. ;

(b) by adding after subsection (1) subsections as follow—

(1a) Subject to subsection (2) of this section and to any adjustment of premium that the Minister may determine, the Board may, subject to such conditions as it may impose, authorise 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.

(1b) If a person to whom a taxi-car licence is issued surrenders the licence within a period of five years from the date of issue, the Treasurer of the State shall refund to him the full amount of any moneys paid as, or on account of, a premium payable pursuant to section fifteen B, for which purpose the Public Account is hereby, to the necessary extent, appropriated accordingly. ; and

- (c) by repealing and re-enacting subsection (2) as follows—

(2) The Board shall not authorise a transfer pursuant to subsection (1a) of this section, 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. .

10. Subsection (1) of section nineteen of the principal Act is repealed and re-enacted as follows—

Amendment
to s. 19.
(Fees.)

(1) In addition to any premium payable pursuant to section fifteen B and any increase in premium payable pursuant to subsection (1a) of section eighteen, there shall be payable to the Board, on the issue, renewal or transfer of a taxi-car licence such fees as may be prescribed, not exceeding, in the case of the issue or renewal of a licence, thirty dollars, and, in the case of any transfer of a licence, four dollars. .

11. Section twenty-two A of the principal Act is amended by adding after the word "Act" in line four the words "and complies with the conditions of registration".

Amendment
to s. 22A.
(Operators
to be
registered.)

12. Section twenty-two B of the principal Act is repealed and re-enacted as follows—

Substitution
of s. 22B.

22B. (1) Every application by a person to be registered as a taxi-car driver shall be made to the Board.

Registration
of operators.

(2) Upon being satisfied that the applicant is the holder of a valid driver's licence issued under the Traffic Act, entitling him for the purposes of that Act, to drive a taxi-car, the Board may, on payment of a fee of one dollar or such other fee, not exceeding four dollars,

as may be prescribed and subject to such conditions as may be prescribed, register the applicant as a full-time or part-time taxi-car driver for the purposes of this Act.

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

- (a) the name of each person registered as a taxi-car driver pursuant to subsection (2) of this section, indicating whether the registration is as a full-time or part-time taxi-car driver; and
- (b) such other particulars as may be prescribed to be furnished by the person. .

Amendment
to s. 22C.
(Renewal of
Registration.)

13. Subsection (3) of section twenty-two C of the principal Act is repealed and re-enacted as follows—

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

- (a) a prescribed certificate of registration endorsed with such particulars as may be prescribed; and
- (b) a prescribed identity disc,

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

Amendment
to s. 24.
(Recovery of
penalties.)

14. Subsection (3) of section twenty-four of the principal Act is amended by inserting after the word “area” in line four the words “or portion only of it”.

Amendment
to s. 26.
(Regulations.)

15. Section twenty-six of the principal Act is amended by adding after subsection (1) a subsection as follows—

(1a) Without limiting the generality of subsection (1) of this section, the Governor may make regulations prescribing a requirement for the furnishing of statutory declarations. .