

1963.]

*Taxi-cars (Co-ordination  
and Control).*

[No. 81.

## TAXI-CARS (CO-ORDINATION AND CONTROL).

12° Elizabeth II., No. LXXXI.

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No. 81 of 1963.

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**AN ACT to make better provision for the Co-ordination and Control of Taxi-cars.**

*[Assented to 23rd December, 1963.]*

**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. This Act may be cited as the *Taxi-cars (Co-ordination and Control) Act, 1963.* Short title and citation.

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

Interpre-  
tation.

3. In this Act, unless the context requires otherwise—

“Board” means the Taxi Control Board constituted by this Act;

“Commissioner” means the Commissioner of Transport constituted under the State Transport Co-ordination Act, 1933;

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

“inspector” means a person so appointed under section twelve;

“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 a member of the Board;

“metropolitan area” means the metropolitan area as from time to time prescribed under the Traffic Act;

“operate”, as applied to a motor vehicle, means to ply or stand it for hire, or to carry passengers in it for reward, and inflexions and derivatives of the verb and the word, “operator” have a corresponding meaning; but the term does not include the carrying of passengers for reward into a control area, from a place outside the area, or 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;

“owner”, as applied to a taxi-car, means a person being the sole, part or joint owner of the vehicle and includes a person having the use of the vehicle under an agreement for its hire, lease or loan or under a hire purchase agreement and also includes a

person repossessing, or purporting to repossess, the vehicle under any such agreement;

“section” means a section of this Act;

“taxi-car” means a passenger motor vehicle, other than an omnibus within the meaning of the State Transport Co-ordination Act, 1933, that is operated within the meaning of this Act;

“Taxi Control Fund” means the fund established pursuant to section thirteen;

“Traffic Act” means the Traffic Act, 1919, or any Act enacted in substitution of that Act.

4. (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 authorised so to declare. Application of Act.

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

5. (1) For the purposes of the co-ordination and control of taxi-cars and for the carrying of this Act into effect, a board shall be constituted, as provided by this section, to be known as the Taxi Control Board. Taxi Control Board.

(2) The Board shall comprise seven members, including the Chairman.

(3) The members shall be—

(a) The Commissioner, or his deputy, who shall be Chairman;

(b) a member of the Police Force appointed, from time to time, by the Commissioner of Police; and

- (c) five persons, appointed by the Governor, to hold office for a period of three years and to be eligible for re-appointment.

(4) Of the five persons mentioned in paragraph (c) of subsection (3) of this section—

- (a) one shall be chosen from a panel of three names submitted by the body known as the Local Government Association of Western Australia, to represent on the Board the interests of local authorities;
- (b) one shall be nominated by the body known as the W.A. Taxi Operators' Association;
- (c) two shall be elected by taxi-car owners and operators other than such as are members of the body mentioned in paragraph (b) of this subsection; and
- (d) one shall be nominated by the Metropolitan (Perth) Passenger Transport Trust.

(5) For the purposes of subsection (4) of this section, the Minister shall, as the occasion requires, by notice in writing to such persons as, in his opinion, may be necessary, require the submission of a panel of names or the nomination of a person, as the case may require, within such period, being not less than one month, as may be stipulated in the notice; and, if upon the expiration of the period so stipulated or of any extended period as the Minister may, in his discretion, grant, he has not received the required panel of names or nomination, the Minister shall nominate such person as, having regard to the category in respect of which the panel of names or nomination was required, he thinks fit.

Offices of  
members to  
be vacated  
in certain  
circum-  
stances.

6. (1) A member shall be deemed to have vacated his office if he—

- (a) becomes bankrupt or institutes proceedings for the liquidation of his affairs by arrangement or composition with his creditors or assigns any allowance payable to him under this Act for the benefit of his creditors;
- (b) without the consent of the Minister, absents himself from three consecutive meetings of the Board;

(c) resigns his office by writing under his hand delivered to the Minister; or

(d) becomes incapable of performing his duties.

(2) The Governor may remove a member from his office by reason of the member's misbehaviour or incompetence and his office shall thereupon be vacated.

(3) Where a casual vacancy on the Board occurs the vacancy shall be filled by the appointment of a person nominated by the Minister to be recommended where applicable by the same interests who had previously recommended 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.

(4) The exercise of the rights, powers, authority or functions of, or the performance of the duties or obligations of, the Board is not affected by reason only of there being a vacancy in the office of member.

7. The members, other than the Chairman, his deputy, the member appointed by the Commissioner of Police and the member nominated by the Metropolitan (Perth) Passenger Transport Trust, while acting as such, are entitled to receive such fees in respect of attendance at meetings, or whilst engaged in any business of the Board, as the Governor may, from time to time, determine.

Remunera-  
tion of  
members.

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

Meetings and  
proceedings.

(2) The Chairman shall preside at all meetings of the Board at which he is present and, in his absence, his deputy shall preside.

(3) The Board shall conduct its proceedings in such manner as may be prescribed and, until prescribed, in such manner as the Board may determine; but in any event—

(a) four members shall constitute a quorum for the conduct of business;

- (b) all matters shall be determined by a majority of the votes of the members present and, where there is an equality of votes, the question is determined in the negative;
- (c) each member, including the Chairman, is entitled to one vote only on the determination of any matter.

(4) The Board shall cause minutes of all its proceedings to be kept, in manner and form as the Minister may direct or approve.

Adminis-  
tration.

9. Subject to the Minister, this Act shall be administered by the Board.

Expenses of  
adminis-  
tration.

10. The expenses of the administration of this Act shall be paid out of the Taxi Control Fund.

Powers and  
duties of  
Board.

11. (1) Subject to the Minister and to the provisions of this Act, the powers and duties of the Board include—

- (a) the making of investigations and inquiries into, and the formulation of schemes for, the co-ordination and control of taxi-cars and the recommending of regulations for that purpose;
- (b) the determination, subject to subsection (2) of this section, of the number, and kind, of taxi-cars to be licensed in any control area;
- (c) the issue of taxi-car licences and number plates and the transfer of taxi-car licences;
- (d) the determination of fares and other charges to be taken or made for the hire of taxi-cars;
- (e) the supervision, subject to subsection (3) of this section, of the fitness and cleanliness of taxi-cars;

- (f) the establishment, in conjunction with the Main Roads Department or (as the case may require) the appropriate local authority, or on the authority of the Minister, of stands for taxi-cars;
- (g) the arrangement and enforcement of schemes for the operation of taxi-cars in any part of a control area;
- (h) the control of the conduct and dress of taxi-car drivers; and
- (i) the enforcement of regulations made under this Act.

(2) The number of taxi-cars that may be licensed to operate within the metropolitan area shall not at any time exceed one for every seven hundred of the population or be less than one for every eight hundred of the population of that area, as from time to time estimated or declared by the Deputy Commonwealth Statistician for the State.

(3) Nothing in this section empowers, or imposes any duty on, the Board to inquire into the road-worthiness of, or the proper working of the mechanical equipment of, taxi-cars, or to enforce the provisions of, or regulations made under, any other Act.

12. (1) In order to make provision for the proper administration of this Act, the Minister may make available to the Board the services of any servant or officer of the Commissioner and the Governor may, for that purpose, appoint such additional servants or officers of the Commissioner as he thinks necessary and may appoint any person employed by the Commissioner to be an inspector, for the purposes of this Act.

Officers and employees.

(2) The cost of the services of any employee made available under the provisions of subsection (1) of this section shall be a charge on the Taxi Control Fund.

13. (1) All moneys payable under this Act shall be demanded by, and be recoverable in the name of, the Commissioner and shall be placed to the credit of an account to be kept at the Treasury and called the Taxi Control Fund.

Funds.

(2) The funds necessary for the exercise of the powers conferred, and the duties imposed on, the Board by this Act shall be paid out of the Taxi Control Fund.

Taxi-cars to  
be licensed  
under this  
Act.

14. (1) Every taxi-car that is operated within a control area is required to be licensed under this Act for that area 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 other than that for which it is licensed, commits an offence.

Penalty: For a first offence, forty pounds; for a second offence, one hundred pounds; and for any subsequent offence, two hundred pounds.

(2) When first required to be licensed under subsection (1) of this section, a taxi-car is deemed, subject to the payment of any prescribed fees, to be so licensed, if it is currently licensed as a passenger vehicle, under the Traffic Act, 1919; but, on the expiry of the passenger vehicle licence, that licence, if renewed, shall be renewed under the provisions of this Act.

Renewal of  
licences.

15. (1) Every licence issued under this Act is, subject to the provisions of sections eighteen, twenty and twenty-two, valid for a period of one year from the date of issue and shall, within one month prior to its expiry, be renewed and thereafter be renewed annually so long as the taxi-car in respect of which it is issued is operated in a control area.

(2) The Board shall, subject to section twenty, on the application of the operator, renew any licence issued to the applicant in respect of a taxi-car, whether issued under the provisions of this Act or of the Traffic Act, 1919.

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



16. (1) Every application for a licence in respect of a vehicle that is not currently licensed as a taxi-car shall be made to the Board. New  
licences.

(2) 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 to exceed the number provided by this Act or determined by the Board as that to be licensed for that area;  
and

(c) that the applicant is of good repute and is a fit and proper person to operate a taxi-car,

may authorise a licence to be issued in respect of the vehicle, for a specified control area, and the Commissioner shall, upon payment of the prescribed fee, issue the licence.

(3) Any person who feels aggrieved by the decision of the Board may within one month after such decision appeal therefrom to a Local Court held nearest to the place where the person resides.

(4) For the purposes of paragraph (b) of subsection (2) of this section, the Board may accept the surrender of a licence issued in respect of any one vehicle and authorise its issue in respect of an alternative vehicle, if to the person surrendering the licence and for the same area.

Number  
plates.

17. (1) Number plates of a type approved by the Board shall be issued for every vehicle licensed under this Act.

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

(3) Every number plate issued in respect of a taxi-car licensed under this Act is deemed to be, and remains, the property of the Board, irrespective of when, or by whom, it was issued; and every person having the custody of such a number plate shall return it to the Commissioner within fourteen days after the expiry, surrender or cancellation of the licence to which it relates.

Transfer of  
licences.

18. (1) A licence issued under this Act is transferable from one person to another and from one control area to have effect in another with the authority of the Board, only, and the Board may, subject to subsection (2) of this section, authorise, or refuse to authorise, any one of, or both, such transfers.

(2) The Board shall not authorise the transfer of a licence from one control area to have effect in another, if the transfer would occasion the number of taxi-cars licensed to operate in the area 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.

(3) Where a person ceases to be the owner of a taxi-car, or has parted with possession of it in such circumstances that another person becomes an owner of a taxi-car, licensed, or deemed to be licensed, under this Act, he shall, forthwith after the happening of that event,—

(a) notify the Board of the happening and of the name and address of the new owner;

and

- (b) unless the transfer of the licence has been authorised under this section, return to the Board the licence and number plates, issued in respect of the taxi-car.

(4) Where a person becomes the owner of a taxi-car that was, or is deemed to be, 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 taxi-car, unless, or until, the licence is transferred to him.

(5) A person failing to comply with the provisions of subsection (3) or (4) of this section 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, twenty pounds; and, for any subsequent offence, fifty pounds.

19. (1) There shall be payable to the Commissioner, on the issue, renewal or transfer of a licence, under this Act, such fees as may be prescribed, not exceeding, in the case of the issue or renewal of a licence, fifteen pounds, and, in the case of any transfer of a licence, two pounds. Fees.

(2) Where a passenger vehicle licence was issued under the Traffic Act, 1919, in respect of a taxi-car that is deemed, under the provisions of section fourteen, to be licensed under this Act, there shall be payable to the Commissioner, on a *pro rata* basis for the unexpired period of the licence, such fees as may be prescribed, but so that the aggregate of the fees already paid under the Traffic Act, 1919, and the amount payable under this subsection do not exceed the amount that would be payable, on the same basis, pursuant to regulations made under subsection (1) of this section.

Taxis to be  
licensed as  
vehicles  
under  
Traffic Act.

20. Notwithstanding any other provision of this Act, a licence shall not be issued in respect of a taxi-car unless a vehicle licence or registration certificate has been issued for that taxi-car under the Traffic Act; and any licence issued under this Act is valid so long, only, as the taxi-car is currently licensed or registered under the Traffic Act.

Licences to  
be carried.

21. Every licence issued under this Act shall be carried in the taxi-car in respect of which it was issued; and a person who operates a taxi-car in which the licence is not carried commits an offence, unless he shows that he took all reasonable steps to insure that the licence was so carried.

Cancellation  
of licences.

22. Where an offence is committed under this Act or an offence, other than a minor offence within the meaning of the Traffic Act, is committed under that Act, the court convicting the offender may, in addition to, or in lieu of, imposing any other penalty provided by law, order a licence issued, or deemed to be issued, to him under this Act to be cancelled.

Powers of  
inspectors  
and others.

23. (1) Every person appointed an inspector under the provisions of section twelve may exercise such powers, and shall discharge such duties, as may be prescribed.

(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.

Recovery of  
penalties.

24. (1) The Board may direct proceedings to be taken for the recovery of penalties in respect of offences against the provisions of this Act or the regulations, generally, or for the recovery of a penalty for any such offence, in a particular case.

(2) In any proceeding taken under this Act or the regulations no proof is 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) any direction to take the proceeding; or
- (d) the authority of a servant or officer of the Commissioner or a member of the Police Force to take the proceeding.

(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 licence was, or was not, issued for a specified control area 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.

25. Proceedings shall not lie against any person for any act, matter or thing done, or commanded to be done, by him and purporting to be done for the purpose of carrying out the provisions of this Act or the regulations, or for any act, matter or thing omitted to be done, unless that act, matter or thing was done, commanded to be done, or omitted to be done, maliciously or without reasonable and probable cause.

Immunity of persons or Board acting in good faith.

26. (1) The Governor may, with or without the recommendation of the Board, make regulations for any purpose for which regulations are contemplated or required by this Act; and may make all such other regulations as may, in his opinion, be necessary or expedient for giving full effect to the provisions of, and for the due administration of, this Act.

Regulations.

(2) Regulations made under this Act may impose a fine of twenty pounds for the breach of any regulation.

Determina-  
tions of the  
Board to be  
promulgated.

27. (1) A determination made by the Board under the provisions of paragraph (d) of subsection (1) of section eleven shall, if approved by the Minister, be published in the *Government Gazette* and in a newspaper circulating in the area to which the determination applies and shall, after the later of those publications, take effect, subject to the provisions of section thirty-six of the Interpretation Act, 1918, as though it were a regulation made under this Act.

(2) Every person who contravenes the provisions of a determination published as provided by this section is guilty of an offence.

Saving of  
operation of  
Traffic Act,  
1919.

28. Except as otherwise expressly provided, nothing in this Act limits or affects the operation of the Traffic Act; 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.

General  
penalty.

29. Every person who contravenes any of the provisions of this Act is guilty of an offence and is liable, where no other penalty is provided, to a fine of twenty pounds.

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