

TAXI-CARS (CO-ORDINATION AND CONTROL).

No. 50 of 1975.

AN ACT to amend the Taxi-cars (Co-ordination and Control) Act, 1963-1973.

[Assented to 18th September, 1975.]

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, 1975.*

Short title
and
citation.

(2) In this Act the Taxi-cars (Co-ordination and Control) Act, 1963-1973, is referred to as the principal Act.

Reprinted
as approved
for reprint
17th July,
1970, as
amended by
Act No. 2
of 1973.

(3) The principal Act as amended by this Act may be cited as the Taxi-cars (Co-ordination and Control) Act, 1963-1975.

Commence-
ment.

2. The provisions of this Act shall come into operation on such date or such dates as is or are, respectively, fixed by proclamation.

Section 3
amended.

3. Section 3 of the principal Act is amended—

- (a) as to the interpretation of the term “Commissioner”, by deleting the words “Road and Air”, in line three;
- (b) as to the interpretation of the term “metropolitan area”, by deleting the words “under the Traffic Act”, in lines two and three, and substituting the words “for the purposes of this Act; and
- (c) by deleting the interpretation of the term “Traffic Act”.

Section 5
amended.

4. Section 5 of the principal Act is amended—

- (a) as to subsection (3), by deleting paragraph (b) and substituting a new paragraph as follows—
 - (b) a representative appointed, from time to time, by the Road Traffic Authority established under section six of the Road Traffic Act, 1974; and ;
- (b) by deleting subsection (4a) and substituting a new subsection as follows—
 - (4a) In relation to the persons chosen to represent the interests of taxi-car owners and operators—
 - (a) a person holding office as such a member immediately prior to the coming into operation of section four of the Taxi-cars (Co-ordination and Control) Act

Amendment Act, 1975, shall, subject to the provisions of section six of this Act, continue in that office for the balance of the period for which he was appointed; and

(b) subject to—

- (i) paragraph (a) of this subsection; and
- (ii) the restriction that a person shall not be eligible to be nominated as a candidate for election if, in the opinion of the Minister, he has a commercial interest in a taxi-car enterprise that is so similar to or associated with the interest in the industry held by a sitting member of the Board as to be likely to affect him in the discharge of the functions of his office as a member,

the three persons shall be elected, by and from amongst the persons who have continuously under this Act for the period of three months before the seventh day immediately preceding nomination day for the election to be held in respect of the vacancy been an owner or a full-time operator of a taxi-car, in such a manner as to ensure that of the persons so elected one shall be a person who is the owner of a taxi-car and one shall be a person who is registered as a full-time taxi-car driver. ; and

(c) by deleting subsection (4b).

Section 7
amended.

5. Section 7 of the principal Act is amended by deleting the words "Commissioner of Police", in line two, and substituting the words "Road Traffic Authority".

Section 9
amended.

6. Section 9 of the principal Act is amended—

- (a) by inserting after the section designation "9." the subsection designation "(1)"; and
- (b) by adding a new subsection, to stand as subsection (2), as follows—

(2) It shall be the function of the Board to keep under continuous review in the public interest the conduct of the taxi-car industry, to make recommendations to the Minister for amendments to this Act or the regulations where required, and generally in the administration of this Act to initiate and implement such actions as will in the opinion of the Board assist in providing an adequate and efficient taxi-car service to the public. .

Section 10
amended.

7. Section 10 of the principal Act is amended by adding after the word "Fund", in line two, the passage "and the moneys (if any) appropriated by Parliament for the purpose".

Section 11
amended.

8. Section 11 of the principal Act is amended—

- (a) as to subsection (1)—
 - (i) by inserting immediately after paragraph (c) a new paragraph as follows—
 - (ca) the cancellation or suspension of any taxi-car licence, and where appropriate the payment of a refund on account of the premium, in accordance

with the provisions of this Act relating to the disciplinary control of owners and operators and the requirements of the public interest; ;

- (ii) by adding after the word "taxi-cars", in line three of paragraph (d), the passage ", including the occasions and the conditions upon which multiple hiring may be required or authorised, in so far as the continued application of the fares and other charges so determined is not disallowed by the Minister";
- (iii) by adding after the word "area", in line three of paragraph (g), the passage ", including a requirement that specified taxi-cars be operated at specified times in specified localities"; and
- (iv) by deleting paragraph (h) and substituting two new paragraphs as follows—
 - (h) the registration, and the cancellation or the suspension of the registration, of taxi-car drivers and radio facilities;
 - (ha) the control by disciplinary procedures under this Act of the conduct and operations of owners and operators, and of taxi-cars; and ; and
- (b) as to subsection (3), by deleting the words "Nothing in this section", in line one, and substituting the passage "Except in relation to taxi-meters and other equipment required under this Act to be fitted to a taxi-car, or in so far as the provisions of section twenty-three B may require, nothing in this Act".

Section 11A
amended.

9. Section 11A of the principal Act is amended—

- (a) by deleting the word “minor” in line one;
- (b) by deleting the passage “Commissioner, the Deputy Commissioner, or any officer of the Commissioner”, in lines six to eight, and substituting the words “Chairman of the Board”;
- (c) by deleting the words “that person”, in line nine, and substituting the words “the Chairman of the Board”;
- (d) by deleting the passage “, other than this power of delegation”, in lines twelve and thirteen; and
- (e) by inserting a new subsection, to stand as subsection (1a), as follows—

(1a) A power or function delegated to the Chairman of the Board under subsection (1), other than the power of delegating further, may be delegated by the Chairman of the Board to the person holding or acting in the office of Deputy Commissioner or to any officer of the Commissioner named in the instrument of delegation, by an instrument in writing under his hand. .

Section 13
amended.

10. Section 13 of the principal Act is amended, as to subsection (2), by deleting the word “shall”, in line three of that subsection, and substituting the word “may”.

Section 14
amended.

11. Section 14 of the principal Act is amended—

- (a) by deleting subsection (1), and substituting a new subsection as follows—

(1) No taxi-car shall be operated within a control area or any portion of a control area unless the owner is the holder of a

taxi-car licence under this Act issued in respect of that vehicle for that area or portion of an area. ;

(b) as to subsection (2)—

(i) by deleting the passage “Traffic Act, 1919”, in line five, and substituting the passage “Road Traffic Act, 1974”; and

(ii) by adding after the word “Act” in line eight, the passage “, and, in either case, the licence shall be taken to be subject to such conditions as are prescribed or the Board may impose”; and

(c) by adding after subsection (2) four new subsections as follows—

(3) Where a vehicle is owned by more than one person as owner or hirer or otherwise, the person who is deemed to be the owner pursuant to a notice given to the Road Traffic Authority for the purposes of the Road Traffic Act, 1974, shall be deemed also to be the owner for the purposes of this section unless the Board consents to another of such persons being deemed to be the owner for the purposes of this section.

(4) A person shall not, in any control area or portion of a control area, operate any taxi-car that is not licensed under this section for that control area or portion of a control area or in respect of which such a licence is not in force.

(5) 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.

(6) Any person who contravenes, or who permits or suffers another person to contravene, the provisions of this section commits an offence.

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

Section 15
amended.

12. Section 15 of the principal Act is amended—

- (a) by deleting subsection (1) and substituting a new subsection as follows—

(1) A taxi-car licence issued under this Act shall, subject to the provisions of this Act, be valid for such period not exceeding one year as is specified therein, and the prescribed fee shall be paid at the rate of one-twelfth part for each calendar month or part thereof for which the licence is expressed to be valid. ; and

- (b) by deleting subsection (2) and substituting a new subsection as follows—

(2) Subject to section twenty, and unless the Board otherwise determines as a result of disciplinary measures taken under this Act, a licence issued to the applicant in respect of a taxi-car, whether under the provisions of this Act or of the Road Traffic Act, 1974, shall be renewed by the Board on the application of the holder and payment of the prescribed fee within one month prior to the expiry of that licence so long as that taxi-car conforms with the Board's requirements with respect to taxi-cars and any condition imposed by the Board in relation to that licence has been observed to the satisfaction of the Board. .

13. Section 15B of the principal Act is amended by adding a new subsection, to stand as subsection (4), as follows—

Section 15B
amended.

(4) Where the Board is satisfied that the circumstances so warrant, whether by reason of the illness of the operator, any action taken by the Board, or otherwise, 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 any such moneys may have been credited to the Public Account, the Treasurer of the State is authorised to make the requisite amount available to the Board for the purposes of this section and the Public Account is hereby appropriated accordingly. .

14. Section 16 of the principal Act is amended—

Section 16
amended.

- (a) by deleting the words "Traffic Act", in line two of subparagraph (i) of paragraph (a) of subsection (2), and substituting the passage "Road Traffic Act, 1974";
- (b) by deleting the words "Police Department", in lines one and two of subparagraph (ii) of paragraph (a) of subsection (2), and substituting the words "Road Traffic Authority";
- (c) by deleting subsection (2a); and
- (d) by deleting the passage "an issue, suspension or cancellation", in lines two and three of subsection (3), and substituting the words "the issue".

15. The principal Act is amended by inserting after section 16 a new section, to stand as section 16AA, as follows—

Section 16AA
added.

16AA. (1) A person shall not use radio facilities for the purpose of communication with and controlling or co-ordinating the

Radio
controlled
operations.

operations of taxi-cars in a control area unless those facilities are registered with the Board and the manner in which the facilities are used complies with the conditions of registration.

(2) Every application for the registration of radio facilities shall be made in writing to the Board and the Board may, on being satisfied as to the facilities provided and the terms and conditions under which they are to be available to operators, register those facilities either unconditionally or subject to conditions notified to and accepted by the applicant.

(3) The registration of radio facilities under this Act shall remain in force until determined by the Board by notice in writing or surrendered, and as evidence of that registration the Board shall issue to the applicant a letter of authority which may be retained by him during the currency of the registration and no longer.

(4) The Board may from time to time require, and the person named in the registration shall furnish, further or other information as to the facilities provided and the terms and conditions under which they are to be available to operators.

(5) A person who—

- (a) contravenes subsection (1) of this section;
- (b) fails to furnish information when lawfully required to do so under this section, or furnishes false or misleading information;
- (c) interferes with the transmission or reception of communications from radio facilities registered under this Act; or
- (d) 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: One thousand dollars. .

16. Section 16B of the principal Act is amended— Section 16B amended.

- (a) by inserting a new subsection, to stand as subsection (1a), as follows—

(1a) In circumstances in relation to which the Chairman of the Board has given a direction that the provisions of this subsection shall apply, an inspector may require the operator of any taxi-car to carry passengers at separate fares that are to be calculated in the manner specified in that direction. ; and

- (b) as to subsection (2),—

- (i) by deleting the words “of subsection (1)”, in lines one and two, and substituting the words “to the provisions”; and
- (ii) by deleting the words “Road and Air”, in line four.

17. Section 17 of the principal Act is amended by adding a new subsection, to stand as subsection (5), as follows— Section 17 amended.

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

Section 19
amended.

18. Section 19 of the principal Act is amended—

- (a) as to subsection (1), by deleting the passage “licence, thirty dollars, and, in the case of any transfer of a licence, four dollars”, in lines seven, eight and nine, and substituting the passage—

“licence—

- (a) where the licence is issued for unrestricted operation in the metropolitan area, fifty dollars; or

(b) in any other case, thirty dollars, and, in the case of any transfer of a licence, ten dollars”; and

- (b) as to subsection (2), by deleting the passage “Traffic Act, 1919,” where it occurs in line two and again in line eight, and substituting in each case the passage “Road Traffic Act, 1974,”.

Section 20
amended.

19. Section 20 of the principal Act is amended by deleting the words “Traffic Act”, where they occur in line five and again in line seven, and substituting in each case the passage “Road Traffic Act, 1974”.

Section 22
amended.

20. Section 22 of the principal Act is amended by deleting the words “a minor offence within the meaning of the Traffic Act”, in lines four and five, and substituting the passage “an offence which is prescribed for the purposes of section one hundred and two of the Road Traffic Act, 1974”.

Section 22B
amended.

21. Section 22B of the principal Act is amended—

- (a) by deleting the words “issued under the Traffic Act”, in lines two and three of subsection (2), and substituting the passage “under the Road Traffic Act, 1974”; and

- (b) by deleting the word “four”, in line six of subsection (2), and substituting the word “ten”.

22. Section 22C of the principal Act is amended— Section 22C
amended.

(a) as to subsection (1)—

- (i) by deleting the words “for a period of twelve months from the date on”, in lines three and four, and substituting the passage “, unless sooner cancelled, suspended or surrendered, for a period expiring on the anniversary of the first day of the month in”;
- (ii) by deleting the word “four”, in line seven, and substituting the word “ten”; and
- (iii) by deleting the words “of twelve months” in line eight;

(b) by deleting subsection (2);

(c) as to subsection (3), by deleting paragraph (b) and substituting a new paragraph as follows—

(b) a driver’s identification card in the prescribed form, ; and

(d) as to subsection (4), by deleting the words “issued under the Traffic Act”, in lines four and five, and substituting the passage “under the Road Traffic Act, 1974,”.

23. Section 22D of the principal Act is amended by adding after the word “Act”, being the last word in the section, the passage— Section 22D
amended.

unless the Board is satisfied—

- (i) that the proposed licensee is, or will upon completion of the transfer become, engaged full time in the management and operation of the taxi-cars; and
- (ii) that the proposed licensee will not thereby become the holder of more than five such licences.

Section 22E
repealed and
re-enacted.

24. Section 22E of the principal Act is repealed and re-enacted, with amendments, to stand as section 28A as follows—

Obstruction
of taxi-
stands.

28A. (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, forty dollars.

For a second or subsequent offence, one hundred dollars.

(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 remove the vehicle.

(3) The owner of a vehicle shall, if so directed by an inspector, inform an inspector or the Commissioner 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 pursuant to this section, or who furnishes false information, commits an offence.

Penalty:

For a first offence, forty dollars.

For a second or subsequent offence, one hundred dollars.

(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 seven days of the commission of the alleged offence, to inform an inspector or the Commissioner 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. .

25. Section 23 of the principal Act is amended by adding after subsection (2) two new subsections as follows—

Section 23
amended.

(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 pursuant to section twenty-one;
- (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 operator or any hirer or passenger, and require any such person to furnish particulars of his name and place of abode; and
- (e) inspect the vehicle.

(4) 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 or member of the Police Force exercising the powers conferred by this section,

commits an offence.

Penalty: One hundred dollars. .

Section 23A
amended.

26. Section 23A of the principal Act is amended—

- (a) by inserting after the word “defective”, in line three of subsection (2), the passage “, does not comply with the requirements of this Act or the regulations as to its external appearance or accessories,”;
- (b) by deleting the words “Traffic Act”, in line nine of subsection (2), and substituting the passage “Road Traffic Act, 1974,”; and
- (c) by adding after subsection (3) three new subsections as follows—

(4) The Board may direct any owner or operator 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.

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

- (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: One hundred dollars.

- (6) A person who operates a taxi-car the operation of which has been prohibited under subsection (5) of this section commits an offence.

Penalty: Two hundred dollars. .

27. Section 23B of the principal Act is amended by deleting the words "Traffic Act", in line seven, and substituting the passage "Road Traffic Act, 1974."

Section 23B
amended.

28. The principal Act is amended by inserting after section 23D a new section, to stand as section 23E, as follows—

Section 23E
added.

23E. (1) Where it appears to the Board—

Disciplinary
powers.

- (a) that any 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; or
- (d) that a person has defaulted in the payment of any moneys payable on account of a premium pursuant to section fifteen B,

and that disciplinary procedures under this Act should be instituted in relation to any person, the Chairman of the Board 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 of the Board 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 of the Board 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 condition in respect of any licence, permit or registration relating to that person.

(3) A decision of the Chairman of the Board—

- (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.

(4) A person who feels aggrieved by a decision of the Chairman of the Board under this section may within one month of the decision appeal against the decision to the Local Court held nearest to the place where the person resides. .

29. The principal Act is amended by inserting after section 23D a new section to stand as section 23F, as follows—

Section 23F
added.

23F. (1) The Chairman of the Board may by a summons in the prescribed form require the attendance before him of any person required to show cause under section twenty-three E, and may also require the attendance of any other person who in the opinion of the Chairman of the Board 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 of the Board may administer an oath or affirmation to a person appearing to give evidence before him, whether the witness has been summoned or is attending voluntarily, and the witness may be examined accordingly.

(3) In conducting any inquiry the Chairman of the Board 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 of the Board 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 of the Board 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 of the Board 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 summons issued by the Chairman of the Board under this section—

(a) may require the production of any document or other thing in the custody or control of the person summoned; and

(b) may be enforced by the Supreme Court or a Judge, on application by the Chairman of the Board, 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 of the Board has the same protection as a witness in a matter before the Supreme Court.

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

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

30. The principal Act is amended by inserting after section 23D a new section, to stand as section 23G, as follows—

Section 23G
added.

23G. Where for the purposes of section twenty-three E or section twenty-three F any function is vested in the Chairman of the Board that duty may be carried out or that power exercised on behalf of the Chairman of the Board by an officer of the Commissioner named in an instrument of delegation applicable thereto signed by the Chairman of the Board with the approval of the Minister. .

Delegation of
disciplinary
functions.

31. Section 24 of the principal Act is amended by adding after subsection (3) a new subsection as follows—

Section 24
amended.

(4) 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. .

32. Section 28 of the principal Act is amended by deleting the words "Traffic Act", in line three, and substituting the passage "Road Traffic Act, 1974".

Section 28
amended.

33. Section 29 of the principal Act is amended by deleting the word "forty", in line four, and substituting the words "one hundred".

Section 29
amended.
