

TAXI-CARS (CO-ORDINATION AND CONTROL).

No. 2 of 1973.

AN ACT to amend the Taxi-cars (Co-ordination
and Control) Act, 1963-1970.

[Assented to 21st May, 1973.]

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, 1973.*

Short title
and citation.

(2) In this Act the Taxi-cars (Co-ordination and Control) Act, 1963-1970, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Taxi-cars (Co-ordination and Control) Act, 1963-1973.

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Commence-
ment.

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

Section 3
amended.

3. Section 3 of the principal Act is amended—

(a) by adding after the section number “3.” the subsection designation “(1)”;

(b) by substituting for the interpretation of the term “operate” a new interpretation as follows—

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

(a) to drive; or

(b) to permit, cause or employ
another person to drive,

that taxi-car; and cognate expres-
sions shall be construed accord-
ingly; ;

(c) by deleting the interpretation of the term
“taxi-car”;

(d) by inserting after the interpretation of the
term “Taxi Control Fund” a new interpre-
tation as follows—

“taxi-stand” means a position or group of
positions set apart by a competent
authority, by means of a sign on or
near a road, for the standing of dis-
engaged taxi-cars; ; and

(e) by adding at the end thereof three new
subsections as follows—

(2) A motor vehicle, not being an
omnibus within the meaning of the
Traffic Act, 1919, which—

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

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

is a taxi-car for the purposes of this Act.

(3) For the purposes of this Act, the term "carrying of passengers for reward" is deemed to include any case where the owner or driver of the motor vehicle used—

- (a) offers that carriage as an inducement in respect of an agreement for the provision of other services or goods; or
- (b) receives any consideration in respect of an arrangement whereby that carriage is effected or to which that carriage is related.

(4) The carrying of passengers—

- (a) into a control area from a place outside the 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.

4. Section 5 of the principal Act is amended— Section 5
amended.

- (a) by repealing and re-enacting paragraph (a) of subsection (3) as follows—

- (a) The Commissioner, or in his absence the Deputy Commissioner, or in the absence of both the Commissioner

and the Deputy Commissioner a person nominated in writing by the Commissioner, who shall be Chairman; ;

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

(c) five persons, appointed by the Governor in accordance with the provisions of subsection (4) of this section, to hold office for a period of three years and to be eligible for re-appointment. ;

(c) by repealing and re-enacting subsection (4) and subsection (4a) as follows—

(4) Of the members of the Board appointed by the Governor—

(a) one shall be chosen, to represent on the Board 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; and

(c) three shall be persons chosen to represent the interests of taxi-car owners and operators in accordance with the provisions of subsection (4a) of this section.

(4a) Of the persons chosen to represent the interests of taxi-car owners and operators—

(a) in relation to appointments that commence after the coming into operation of the Taxi-cars (Co-ordination and Control) Act Amendment Act, 1973, a person is not eligible for appointment 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 another member of the Board as to be likely to affect him in the discharge of his functions;

(b) subject to paragraph (a) of this subsection,—

(i) one shall be nominated by the body known as the W.A. Taxi Operators' Association; and

(ii) one shall be a taxi-car owner and one shall be a full-time taxi-car driver, each of whom shall be persons who are qualified in accordance with paragraph (a) of subsection (4b) of this section and who are elected by persons qualified in accordance with paragraph (b) of that subsection. ; and

(d) as to subsection (4b), by substituting for the passage "paragraph (c) of subsection (4)", in lines two and three of that subsection, the passage "paragraph (b) of subsection (4a)". .

5. Subsection (2) of section 11 of the principal Act is amended— Section 11 amended.

(a) by deleting the words "seven hundred of the population or be less than one for every", in lines three and four; and

(b) by substituting for the passage "State.", in line seven, the passage "State, and shall be determined from time to time by the Board having regard to the reasonable requirements of the population of that area."

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Section 11A
added.

6. The principal Act is amended by adding after section 11 a new section as follows—

Power of
delegation.

11A. (1) Where by reason of the minor 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 Commissioner, the Deputy Commissioner, or any officer of the Commissioner, the Board may, by resolution with the approval of the Minister, delegate to that person its powers and functions under this Act in respect to any matter specified in the instrument of delegation, other than this power of delegation.

(2) A delegation under this section may be varied or revoked, and does not prevent the exercise of a power or the performance of a function by the Board.

Section 15B
amended.

7. Section 15B of the principal Act is amended by repealing subsection (2) and substituting two new subsections as follows—

(2) 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 Public Account in which case the Board shall give effect to that direction.

(3) Notwithstanding the provisions of subsection (2) of this section, where after the date of the coming into operation of the Taxi-cars (Co-ordination and Control) Act Amendment Act, 1973, any moneys are received by the Board as, or on account of, a premium in respect of which payment was at that date outstanding or had been deferred with the consent of the Board, the moneys so received shall be paid by the Board to the credit of the Public Account. .

8. Section 17 of the principal Act is amended by adding after subsection (3) a new subsection as follows—

Section 17
amended.

(4) An inspector may require any person having custody of a number plate issued pursuant to this section to produce and deliver that number plate to him for return to the Board if—

- (a) (i) the licence under which it was issued is no longer in force; or
 - (ii) any moneys payable as, or on account of, a premium under section fifteen B relating thereto are in arrear; or
 - (iii) any other moneys payable under this Act in respect of the vehicle or licence relating thereto have not been paid; and
- (b) the inspector has been authorised to obtain possession of that number plate by written notice under the hand of the Chairman of the Board and produces that notice on demand.

9. Section 17A of the principal Act is amended by adding after subsection (2) a new subsection as follows—

Section 17A
amended.

(3) A person shall not operate a vehicle under the authority of a permit issued under subsection (1) of this section 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.

Section 18
amended.

10. Section 18 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 on the authority of the Board if—

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

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

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

(1b) 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 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.

11. Section 18A of the principal Act is amended— Section 18A amended.

- (a) by adding after the word “vehicle”, in line four, the words “or a taxi-car licence issued in respect of that vehicle”;
- (b) by adding after the word “or”, in line six, the words “whereby that vehicle”;
- (c) by repealing and re-enacting paragraph (a) of subsection (1) as follows—
 - (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; and
 - (d) by substituting for the word “Act”, being the last word in subsection (2), the passage—

Act; or

- (c) if the authority for the transfer of that licence is vested in the Minister under subsection (1) of section eighteen” .

12. The principal Act is amended by adding Section 22E added.
after section 22D a new section as follows—

22E. (1) A person who stands any vehicle Taxi-stands.
upon a taxi-stand other than a taxi-car then
available for hire commits an offence.

(2) A person who parks or stands any vehicle
so as to obstruct a taxi-stand commits an
offence.

(3) An inspector may require the person apparently in charge of any vehicle parked or standing upon or so as to obstruct any taxi-stand to furnish him with particulars of his name and place of abode; and a person who, when so required, refuses to furnish those particulars or furnishes false particulars commits an offence.

Penalty: For a first offence, forty dollars and, for a subsequent offence, one hundred dollars.
