



ANNO QUINTO

ELIZABETHAE II REGINAE

A.D. 1956.

No. 33 of 1956.

An Act to provide for the control of taxi-cabs in the metropolitan area of Adelaide, and for incidental purposes.

[Assented to 15th November, 1956.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Metropolitan Taxi-Cab Act, 1956". Short title.

2. (1) In this Act, unless the context or subject matter otherwise requires— Interpretation.

"board" means the Metropolitan Taxi-Cab Board constituted by this Act :

"chairman" means the chairman of the board :

"constituent council" means a council mentioned in the schedule :

"council" means a municipal council or district council :

"councillor" includes mayor and alderman :

"licence" means a licence issued under this Act which is, for the time being, in force, and "licensed" and "unlicensed" have corresponding meanings :

"member" means member of the board and includes the chairman :

"metropolitan area" means—

(a) that part of the State which is within ten miles of the General Post Office at Adelaide :

(b) that part of the municipality of Port Adelaide which is not comprised within the area defined by paragraph (a) hereof :

(c) any other part of the State declared by proclamation to be included within the metropolitan area :

“Minister” means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor :

“motor vehicle” means motor vehicle as defined by section 4 of the Road Traffic Act, 1934-1955 :

“owner” includes the holder under a hire-purchase agreement and the verb “to own” has a corresponding meaning :

“taxi-cab” means any motor vehicle which is so constructed that not more than eight persons (including the driver thereof) may be carried therein seated upon the seats thereof :

“the proclaimed day” means the day proclaimed by the Governor under section 25 of this Act.

(2) Any reference in this Act to a licence shall, unless the context otherwise requires, be deemed a reference to an original licence as well as to a licence in renewal of any licence.

Extension of
definition of
metropolitan
area.

3. (1) The Governor may, from time to time, by proclamation declare that any part of the State which is contiguous to any part of the metropolitan area (whether as defined by section 2 or by a proclamation made under this section) shall be included within the metropolitan area.

(2) If pursuant to any such proclamation any part of the State is included in the metropolitan area which is not comprised within the municipality or district council district of any of the councils mentioned in the schedule, the Governor shall by proclamation include in the schedule as a constituent council the name of the council of the municipality or district council district in which the said part of the State is situated.

(3) The Governor may, by proclamation, revoke or vary any proclamation made under this section.

Constitution
of board.

4. (1) There shall be a board to be called the “Metropolitan Taxi-Cab Board”.

(2) The board shall consist of twelve members who shall be elected or appointed as follows :—

- I. Four members shall, in the manner prescribed by regulation, be elected by the councillors holding office in the Adelaide City Council :
- II. Four members shall be appointed by the Governor on the nomination of the Municipal Association of South Australia :
- III. Two members shall be appointed by the Governor on the nomination of the section of the South Australian Employers Federation known as the Taxi-Cab Operators' Association :
- IV. One member shall be appointed by the Governor on the nomination of the Taxi Owner-Drivers section of the Transport Workers' Union :
- V. One member shall be appointed by the Governor who shall be the Commissioner of Police or an officer of the Police Force.

(3) If the Minister is satisfied that any of the organizations mentioned in paragraph II, III, or IV of subsection (2) is dissolved or has ceased to function, the Minister may, by notice published in the *Gazette*, declare that, for the purposes of this Act some other organization specified by the Minister which has similar objects to such organization shall be deemed to be substituted therefor.

(4) The Governor may make regulations prescribing—

- (a) the time and manner in which members shall be elected as provided by paragraph I of subsection (2) ;
- (b) the time and manner in which members may be nominated as provided by paragraphs II, III, and IV of subsection (2).

(5) No person shall be elected as a member pursuant to paragraph I of subsection (2) unless he is a councillor holding office in the Adelaide City Council and no person shall be appointed as a member pursuant to paragraph II of subsection (2) unless he is a councillor holding office in a constituent council.

5. Subject to this Act, every member shall hold office for four years : Provided that the term of office of any member expiring by effluxion of time shall continue until his successor is elected or appointed. Term of office.

6. (1) The seat of a member shall become vacant—

- (a) if he becomes insane, or dies, or becomes bankrupt, or executes a deed of assignment for the benefit of his creditors, or compounds with his creditors for less than twenty shillings in the pound ;

Casual vacancies.

- (b) if he is convicted of an indictable offence ;
- (c) if he resigns by notice in writing posted or delivered to the Minister ;
- (d) if elected pursuant to paragraph I of subsection (2) of section 4 he ceases to be a councillor of the Adelaide City Council or if appointed pursuant to paragraph II of subsection (2) of section 4 he ceases to be a councillor in a constituent council ;
- (e) if, pursuant to section 7, he becomes disqualified from holding office ;
- (f) if he absents himself from four consecutive meetings of the board without leave of the board.

(2) Upon a casual vacancy occurring in the office of any member his successor shall be elected or appointed as provided by section 4 but any member elected or appointed to a casual vacancy shall hold office only for the balance of the term of the member in whose stead he was elected or appointed.

Disqualification
of certain
members.

7. No person shall be elected or appointed as a member of the board pursuant to paragraph I or II of subsection (2) of section 4 or shall continue to be a member of the board if he has any interest, direct or indirect, in any business which is conducted wholly or partly for the purpose of hiring taxi-cabs.

Chairman.

8. (1) The Governor may appoint as chairman of the board one of the members elected pursuant to paragraph I of subsection (2) of section 4. The person so appointed shall hold office as chairman for the term during which he is elected as a member.

(2) The board may appoint one of its members to be the deputy chairman of the board.

Notice of
appointment.

9. (1) The Minister shall publish in the *Gazette* a notice stating the name of every person elected or appointed to the board.

(2) The notice shall be conclusive evidence of the election or appointment of the person named therein.

Default in
election.

10. If any election of a member is not duly held or if any nomination of a member is not made within such time as is prescribed by regulation, the Governor may make any appointment necessary to fill any seat on the board which would otherwise have been filled.

Right of
councillor to
sit on board.

11. The appointment of any councillor as a member of the board shall not disqualify him from continuing as a councillor, notwithstanding anything to the contrary in any Act.

12. (1) A quorum of the board shall consist of any six members.

Quorum and
presiding at
meetings.

(2) The chairman shall preside at every meeting of the board at which he is present. In his absence the deputy chairman shall preside. In the absence of both the chairman and the deputy chairman, the members present may elect a member present to preside at the meeting.

(3) The person presiding at a meeting shall have a deliberative vote only.

(4) If the votes given for and against any resolution before the board are equal, the resolution shall be deemed to be negatived.

13. Meetings of the board shall, subject to anything prescribed by regulation, be conducted in accordance with such procedure as the board from time to time determines.

Meetings of
board.

14. The board may, from time to time, appoint a committee or committees of its members, and may delegate to any such committee any of its powers and duties under this Act.

Power to
appoint
committees
and delegate
powers.

15. (1) No act or proceeding of the board shall be invalid on the ground only of any vacancy in the office of the chairman or any member, or of any defect in the appointment of the chairman or any member.

Validity of
acts of board
and liability
of members.

(2) No member of the board shall be personally liable in respect of any transaction, act or omission of the board entered into, done or made in good faith in the execution or intended execution of this Act.

16. The members of the board shall be paid, from the revenue of the board, such fees as are from time to time fixed by the Governor.

Remuneration
of members.

17. The board shall receive and recover all fees and charges payable under this Act and shall from those fees and charges and any other revenue of the board, pay all the costs of the administration of this Act.

Receipt of
fees and costs of
administration.

18. The board shall keep books of account in such manner and form as are in accordance with proper methods of accounting, and at the end of every financial year of the board shall produce a balance-sheet showing accurately and in detail its assets and liabilities, receipts and expenditure and profit and loss account.

Accounts.

- Audit.** **19.** (1) The board shall appoint an auditor who shall hold a Local Government Auditor's Certificate.
- (2) The auditor shall make an audit of the board's accounts at least once in every year.
- Annual report.** **20.** The board shall within three months after the close of each financial year of the board prepare and present to the Minister a balance-sheet and a report on its operations during that financial year. The report shall as soon as practicable after the receipt thereof be laid before both Houses of Parliament.
- Officers.** **21.** (1) The board may appoint a secretary and such other officers and servants as the board deems necessary for the execution of this Act.
- (2) With the consent of the Adelaide City Council or any other council, the board may make use of the services of any person employed by or of any equipment or property of the Adelaide City Council or, as the case may be, other council, and may appoint any such person as a licensing officer, inspector, or other officer for the purposes of this Act.
- The board shall make to the Adelaide City Council or other council such payments as are agreed upon for the use of the services of any such person or of any such equipment or property.
- Incorporation of board.** **22.** The board shall be a body corporate with perpetual succession and a common seal and power to hold and dispose of property, and may, in its corporate name, be a party to any legal proceedings.
- Premises of board.** **23.** The board may purchase or take on lease or other tenancy any premises required by it for the execution of this Act.
- Overdraft.** **24.** For the purposes of the execution of this Act, the board may borrow money on overdraft.
- The proclaimed day.** **25.** The Governor may, by proclamation, fix a day as the proclaimed day for the purposes of this Act.
- Duty to obtain taxi-cab licence.** **26.** Any person who after the proclaimed day—
- (a) drives any unlicensed taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward or in which any passenger is carried for hire or reward ; or
- (b) is the owner of an unlicensed taxi-cab which is driven within the metropolitan area for the purpose of carrying passengers for hire or reward or in which any passenger is carried for hire or reward ; or

- (c) employs or causes any person to drive an unlicensed taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward ; or
- (d) owns, keeps or lets within the metropolitan area an unlicensed taxi-cab for the purpose of the conveyance of passengers for hire or reward,

shall be guilty of an offence.

Penalty : For a first offence, a fine not exceeding fifty pounds ; for any subsequent offence, a fine not exceeding one hundred pounds.

27. Any person who does not hold a taxi-cab driver's licence and who after the proclaimed day, within the metropolitan area, drives a taxi-cab for the purpose of carrying passengers for hire or reward or in which any passenger is carried for hire or reward shall be guilty of an offence.

Duty to obtain taxi-cab driver's licence.

Penalty : For a first offence, a fine not exceeding fifty pounds ; for any subsequent offence, a fine not exceeding one hundred pounds.

28. (1) Notwithstanding the other provisions of this Act it shall be lawful for a person to drive an unlicensed taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward or in which any passenger is carried for hire or reward if—

Exemption of country taxi-cabs.

- (a) the person so driving the vehicle is licensed as a taxi-cab driver by an authority other than the board ; and
- (b) the taxi-cab is licensed as such by an authority other than the board ; and
- (c) every passenger carried in the taxi-cab commenced his journey outside the metropolitan area ; and
- (d) the provisions of the Road and Railway Transport Act, 1930-1939 (if applicable) are complied with in relation to such journey.

(2) In proceedings for an offence against this Act it shall not be necessary for the prosecution to negative any of the matters mentioned in subsection (1) of this section, but the defendant may prove these matters if he relies on them.

(3) A person shall not be convicted of any offence against this Act by reason only of the driving of a taxi-cab in the circumstances mentioned in subsection (1) of this section.

Suspension of
driver's licence
in certain
cases.

29. A conviction for an offence against paragraph (a) of section 26 of this Act or against section 27 of this Act shall, for the purpose of section 38a of the Road Traffic Act, 1934-1955, be deemed to be a conviction for an offence in the commission of which a motor vehicle was used and, without limitation of the operation of any provision of the said Act, the said section and sections 38d, 67, 67a, and 67g of the said Act shall, *mutatis mutandis*, apply accordingly.

Issue of
licences.

30. (1) The board may, in respect of any taxi-cab, issue a taxi-cab licence to any fit and proper person. Every such licence shall authorize the taxi-cab to be used for the purpose of carrying passengers for hire or reward in the metropolitan area.

(2) The board may issue a taxi-cab driver's licence to any fit and proper person. Every such licence shall authorize the licensee to drive a taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward.

(3) Every licence shall be issued after compliance with the prescribed conditions and upon payment of the prescribed fee, and shall contain such conditions and remain in force for such period as is prescribed.

Temporary
licences.

31. (1) The board may, at its discretion, issue a temporary taxi-cab licence or a temporary taxi-cab driver's licence, or both, to any person who applies for a licence under this Act.

(2) Every such temporary licence shall be 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 licence of the same kind issued under this Act.

Character of
licensees.

32. (1) A licence shall not be issued or renewed unless the board is satisfied that the person to whom it relates is a fit and proper person to hold a licence.

(2) The board may request the Commissioner of Police to inform it whether, in his opinion, any person applying for the issue or renewal of a licence is a fit and proper person to hold the licence and the Commissioner of Police may inform the board accordingly.

(3) If the Commissioner of Police is of opinion that any person being an applicant as aforesaid or being the holder of a licence is not a fit and proper person to hold a licence under this Act, the Commissioner of Police may, whether or not a request has been made to him under subsection (2) in respect of that person, inform the board of his opinion.

33. (1) The granting or refusal of a licence or of the renewal of a licence shall be at the discretion of the board. Licences.

(2) The grant or renewal of a licence may be made subject to such conditions in any particular case as the board thinks fit.

(3) A licence shall not be transferred, leased, or otherwise dealt with except with the consent of the board, and the board may, in giving any such consent, impose any conditions which it thinks fit.

(4) If—

(a) a taxi-cab licence is issued in respect of a taxi-cab which is not owned by the licensee ; or

(b) a taxi-cab licence is transferred to a person who is not the owner of the taxi-cab ; or

(c) consent is given by the board to the leasing of a taxi-cab licence,

the board shall forthwith report to the Minister that it has issued the licence or, as the case may be, consented to the transfer or lease, and shall in the report state its reasons for issuing the licence or giving the consent as aforesaid and state what steps are being taken by it to insure that there shall not be trafficking in licences to the detriment of licensees and the public. Every such report shall be laid before Parliament by the Minister.

34. (1) On and after the proclaimed day every licence issued pursuant to a by-law made by a municipal or district council under which the licensee is entitled to ply for hire for the carriage of passengers with a motor vehicle within any part of the metropolitan area or to drive or keep or let a motor vehicle for hire for the carriage of passengers within any part of the metropolitan area shall have no effect. If the term for which any such licence was granted extends beyond the proclaimed day the said person shall be entitled to a refund from the council which issued the licence of a part of the fee paid for the licence proportionate to the unexpired portion of the said term. Provision as to fees paid under existing licences.

(2) Nothing in this section shall apply with respect to any fee paid pursuant to section 370 of the Local Government Act, 1934-1954, or pursuant to any by-law made pursuant to subdivision II of paragraph (17) of section 669, or subdivision II of paragraph (8) of section 670 of the said Act.

35. (1) The Governor, on the recommendation of the board, may make regulations for all or any of the following purposes, Power to make regulations.

and shall make regulations for the purpose mentioned in paragraph VIII hereof :—

- I. Prescribing the conditions under which licences of any kind or grade may be issued or renewed under this Act, and the qualifications of licensees including the examination of persons seeking to be licensed as taxi-cab drivers :
- II. Fixing kinds or grades of licences and defining the rights conferred by each kind or grade of licence :
- III. Prescribing fees to be paid on the issue, renewal, transfer of or other dealing with licences, or the examination or testing of any motor vehicle or for any other matter arising under this Act :
- IV. Providing for the examination and testing of motor vehicles sought to be licensed as taxi-cabs :
- V. Providing that any examination or test may be carried out and any licence may be issued by an officer designated for the purpose by the regulations or by the board : and providing for an appeal from any decision of any such officer to the board and for the conduct of such appeals :
- VI. Fixing the term of licences :
- VII. Limiting the number of licences :
- VIII. Prohibiting, controlling, or regulating the transfer or leasing of licences and any dealing of any kind whatsoever with licences :
- IX. Providing for the cancellation or suspension of licences ; providing that the board may authorize any officer designated by the board for the purpose to cancel or suspend any licence under the circumstances prescribed by the regulations ; and providing for an appeal from any decision of any such officer and for the conduct of such appeals :
- X. Fixing the rates of fares to be charged to passengers in taxi-cabs, the charges to be made for passengers' goods in taxi-cabs, and the mode of computing those fares or charges ; and for providing that any such fares or charges may be recovered by summary proceedings in a court of summary jurisdiction :
- XI. Prescribing the nature of engagement of taxi-cabs :
- XII. Regulating the conduct and the dress of drivers of taxi-cabs :

- XIII. Prescribing means of identifying licensed taxicabs and holders of taxi-cab drivers' licences and the issue, use and withdrawal of distinctive plates :
- XIV. Providing for the delivering over and disposal of articles left in taxi-cabs :
- XV. Regulating the conduct of passengers in taxi-cabs and for punishing persons evading or attempting to evade the payment of fares or charges therefor :
- XVI. Prescribing rules for the conduct of meetings and the business of the board and of committees of the board :
- XVII. Prescribing penalties not exceeding one hundred pounds for the breach of any regulation and prescribing minimum penalties for any such breach :
- XVIII. Prescribing any other matters which are convenient or necessary to be prescribed for the purpose of carrying this Act into effect.

(2) Different regulations may be made in respect of the several grades or kinds of licences.

36. (1) On and after the proclaimed day every by-law made by a municipal council pursuant to subdivision I, III, V to XXIII (both inclusive) of paragraph (17) of section 669 of the Local Government Act, 1934-1954, or by a district council pursuant to subdivision I of paragraph (8) of section 670 of the said Act, to the extent that the by-law relates to the licensing of taxi-cabs plying for hire or kept or let for hire in the metropolitan area or to the licensing of drivers thereof or otherwise relates to such taxi-cabs or drivers, shall have no force or effect.

Cessation of operation of by-laws.

Notwithstanding this subsection, any offence committed against any such by-law before the proclaimed day may be adjudicated on and punished as if this subsection had not been enacted.

(2) Nothing in this Act shall affect the power of a municipal or district council under section 370 of the Local Government Act, 1934-1954, nor the power of a municipal council to make by-laws pursuant to subdivision II of paragraph (17) of section 669 of the said Act, or of a district council to make by-laws pursuant to subdivision II of paragraph (8) of section 670 of the said Act.

37. (1) This Act shall be construed subject to the provisions of The Municipal Tramways Trust Act, 1935-1952, and nothing in this Act shall apply to any motor omnibus to which section 30 of the said Act applies.

Saving provisions.

(2) This Act shall be construed subject to the provisions of the Road and Railway Transport Act, 1930-1939, and of the Road Traffic Act, 1934-1955: Provided that nothing in the Road and Railway Transport Act, 1930-1939, shall apply with relation to the driving of a taxi-cab for the purpose of carrying passengers for hire or reward from any place within the metropolitan area to any place which is distant not more than twenty-five miles from the General Post Office at Adelaide.

Power of search.

38. Any member of the board and any officer or servant of the board may, if he has reasonable cause to suspect that any motor vehicle is being or has been driven, or is being or has been kept or let contrary to the provisions of this Act and is on any land or premises, enter the land or premises and therein search for the motor vehicle and examine it if found.

Penalty for obstructing, etc.

39. Any person who obstructs or hinders any person in the execution of any power, duty, or function conferred or imposed on him by or under this Act, or any regulation made under this Act shall be guilty of an offence.

Penalty: A fine not exceeding fifty pounds.

Service of notice.

40. Any notice under this Act may be served—

- (a) by post; or
- (b) by delivering it personally to the person to whom it is addressed; or
- (c) by leaving it at the usual place of residence of such person, or at his usual place of business with some person there apparently of or above the age of fifteen years.

Evidence of licence, etc.

41. (1) In any proceedings for an offence against this Act a document purporting to be a certificate under the hand of the chairman, deputy chairman, or secretary of the board that at the date specified in the document—

- (a) any specified vehicle was or was not licensed under this Act as a taxi-cab; or
- (b) any specified person was or was not licensed under this Act as a taxi-cab driver; or
- (c) any specified person was the owner of any specified vehicle,

shall be *prima facie* evidence of the facts alleged in the document.

(2) Any licence may be proved in any court by the production of a copy of that licence if that copy is certified by a certificate purporting to be under the hand of the chairman, deputy-chairman or secretary of the board.

42. In any proceedings for an offence against this Act, the allegation in the complaint—

Allegations in complaint.

(a) that any specified place is within the metropolitan area ; or

(b) that any specified vehicle is a taxi-cab ;

(c) that any specified vehicle is a motor vehicle or ;

(d) that any specified day is after the proclaimed day, shall be *prima facie* evidence of the fact alleged.

43. In any proceedings for an offence against this Act, if evidence is given that a motor vehicle was driven within the metropolitan area and that there was displayed, printed or otherwise affixed thereon or therein, any notice, sign, light, device, or words indicating that the vehicle was a taxi-cab or hire car or available for hire, then (whether or not evidence is given that any passengers were carried in the vehicle) the vehicle shall be deemed to have been driven for the purpose of carrying passengers for hire or reward.

Evidence of plying for hire.

44. All fines imposed for any offence against this Act shall be paid to the board.

Application of fines.

45. All proceedings for offences against this Act shall be disposed of summarily.

Summary disposal of proceedings for offences.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.

THE SCHEDULE.

CONSTITUENT COUNCILS.

(a) The municipal councils of Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens, and Woodville.

(b) The district councils of East Torrens, Meadows, Salisbury, Stirling, and Tea Tree Gully.

(c) The Garden Suburb Commissioner of Colonel Light Gardens.