



ANNO DECIMO OCTAVO

GEORGI V REGIS.

A.D. 1927.

No. 1820.

An Act to provide for the Licensing of Motor Vehicles used for carrying Goods and Passengers for Hire, and for other purposes.

[Assented to, December 21st, 1927.]

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 "Motor Transport Control Act, 1927," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. This Act shall remain in operation until the thirty-first day of December, nineteen hundred and thirty. Duration of Act

3. In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.

"Board" means the Board appointed pursuant to this Act:

"Licence" means licence granted under this Act and "licensed" has a corresponding meaning:

"Metropolitan Area" means—

(a) the Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, St. Peters, Thebarton, and Unley;

(b) the District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, Yatala North, and Yatala South; and

(c) the Garden Suburb:

"Motor

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“ Motor Vehicle ” means any motor car, motor charabanc, motor lorry, motor truck, motor trolley, motor van, motor tractor, and any other vehicle driven or propelled or ordinarily capable of being driven or propelled, either wholly or partially by any volatile spirit, steam, or electricity, or by means other than animal power.

The term includes a trailer at any time drawn by a motor vehicle as defined in this section, but does not include any motor cycle or any vehicle run upon rails :

“ Owner ” as regards a motor vehicle held under a hire purchase agreement means the holder of the motor vehicle under such agreement :

“ Railways Commissioner ” means the South Australian Railways Commissioner.

Appointment of Licensing Board.

4. (1) The Governor may appoint a Board consisting of three members who shall be charged with the administration of this Act.

(2) One of the members so appointed shall be the Railways Commissioner or his nominee ; one shall be the Highways Commissioner or his nominee ; the third shall be a person who in the Governor's opinion will be able to represent persons engaged in the business of carrying passengers or goods by motor vehicles.

(3) The said third member of the Board shall hold office for three years from the date of his appointment, but shall be eligible for re-appointment from time to time for a further period of three years.

(4) The Governor shall appoint one of the members to be Chairman.

(5) The Governor may make regulations not inconsistent with this Act prescribing all matters connected with or in any way relevant to the appointment of the Board, the conduct of its business, the term of office, and the remuneration of its members.

Officers of Board.

5. (1) The Governor may, on the recommendation of the Board, appoint a Secretary and such other officers and servants of the Board as may be necessary for carrying out the provisions of this Act. Any persons so appointed shall, if required by the terms of their appointment to give the whole of their time to the service of the Board, be subject to the Public Service Act, 1916.

(2) The Board may for the purpose of carrying out the provisions of this Act make use of the services of any persons employed in the Public Service : Provided that the consent of the Minister administering the Department in which any such persons are employed shall be first obtained.

Power to vary Metropolitan Area.]

6. The Governor, may from time to time by proclamation, vary the “ Metropolitan Area,” as defined for the time being by or under this Act, by adding any area thereto, or excluding any area therefrom.

7. The

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7. The Governor may from time to time by proclamation made on the recommendation of the Board declare that this Act shall not apply within any area mentioned in the proclamation, and may from time to time revoke or vary any such proclamation. The operation of this Act shall be restricted according to the tenor of any such proclamation for the time being in force.

Power to exclude parts of State from operation of Act.

8. After the expiration of two months from the commencement of this Act, the Railways Commissioner shall not—

Cessation of certain Railway services after commencement of this Act.

- (a) maintain or use any motor vehicle for the purpose of carrying passengers for hire or reward within the Metropolitan Area; or
- (b) maintain or use any motor vehicle for the purpose of carrying any goods for hire or reward within the Metropolitan Area except Post Office mails and goods which are being carried by the Railways Commissioner to a railway for transport by railway or goods which having been transported by railway are being carried by the Railways Commissioner from the railway for delivery to the consignee.

9. If it appears to the Minister of Railways and the Board that the Railways Commissioner at any time desires to use any motor vehicles for carrying passengers or goods on any route and that no other person is willing to carry passengers or goods on that route at rates or fares equal to or less than those proposed to be charged by the Railways Commissioner, the said Board may authorise the Railways Commissioner to carry passengers and goods or either passengers or goods by motor vehicles on that route, and the Railways Commissioner may, notwithstanding the other provisions of this Act, carry passengers or goods or both by motor vehicles on the said route accordingly.

Power for Railways Commissioner to run motors in certain cases.

10. (1) After the expiration of one month from the commencement of this Act no person shall, outside the Metropolitan Area, drive any motor vehicle or cause any motor vehicle to be driven or drawn for the purpose of carrying passengers or goods for hire or reward—

Prohibition on using unlicensed vehicle.

- (a) unless such vehicle is for the time being licensed under this Act; or
- (b) on any route not included in a licence for such vehicle which licence is, for the time being, in force.

Penalty—For a first offence, not exceeding One Hundred Pounds.
For any subsequent offence not exceeding Two Hundred Pounds.

(2) If any motor vehicle is driven or drawn in contravention of this section the owner of such vehicle, as well as the person driving the same, or causing the same to be driven or drawn, shall be guilty of an offence and liable to the penalties mentioned in subsection (1) of this section.

11. If

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Effect of hiring in certain cases.

11. If the owner of any motor vehicle lets such vehicle on hire to any person or persons and while the vehicle is so let on hire any of those persons or any goods of any of those persons are carried by such vehicle and the vehicle is at the time driven by the owner thereof or any person in his employment, or any person ordinarily in his employment notwithstanding that such person may for the time being be employed by the persons hiring the said vehicle, then the owner of the vehicle shall be deemed to have caused the same to be driven for the purpose of carrying passengers or goods as the case may be for hire or reward.

Application for licence.

12. Every application for a licence for a motor vehicle under this Act shall be made to the Board, and shall be made on such form and be accompanied by such information as the Board requires.

Applications how dealt with.

13. Every application for a licence shall be considered by the Board, which may, in its discretion, grant or refuse the same. No fee shall be charged for the grant of a licence.

Effect and duration of licence.

14. (1) Every licence shall authorise the vehicle therein mentioned to carry passengers or goods, or both passengers and goods, according to the tenor thereof, on any route therein included. The routes included in a licence may be routes individually named, or routes referred to as all the routes within the State (outside the Metropolitan Area) or within any portion of the State described in the licence, or may be otherwise described either individually or generally.

(2) Any licence may also contain such conditions as the Board thinks proper as to the rates to be charged in respect of the carriage of goods or passengers on the motor vehicle for which the licence is issued, or on any motor vehicle to which the licence is transferred, and as to the timetables to be observed by such motor vehicle.

(3) Every licence shall, unless sooner revoked, remain in operation for the period of twelve calendar months next after the date of the issue thereof.

(4) If the Board has reason to believe that any condition of a licence has been broken or has not been observed, it may revoke that licence by a notice in writing served on the holder thereof or posted to him at his last known or usual place of abode.

Transfer of licence.

15. (1) The Board may, in its discretion and subject to any conditions imposed by it, upon application made to it for the purpose transfer any licence from one motor vehicle to another motor vehicle of the same owner.

(2) If the person to whom a licence has been issued in respect of any motor vehicle transfers the ownership of that vehicle to any other person, that licence shall become void upon the expiration of one month after the transfer, unless the new owner within that period applies for and obtains the approval of the Board to the transfer.

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transfer. If any such transfer is so approved the licence shall continue in force as if originally issued to the transferee. A transfer under this subsection may be approved subject to any conditions imposed by the Board, and any such conditions shall be deemed to be conditions contained in the licence.

16. The Board, upon proof to its satisfaction that any licence has been lost, and on payment of such fee as it fixes, not exceeding ten shillings, may issue to the holder thereof a duplicate licence in lieu thereof. Duplicate licence.

17. If the holder of a licence applies not later than one month prior to the expiration of the licence for a licence in renewal thereof and his application is not dealt with before such expiration, the said licence shall continue in force until such time as the application has been finally dealt with by the Board. Continuance of licence pending grant of renewal.

18. (1) Every licence issued by the Board shall bear a number thereon. Licence disc.

(2) The Board shall issue to every person to whom a licence is issued under this Act a metal disc of such size and shape as the Board determines and containing thereon the same number as the licence with which it is issued.

(3) Every person to whom such a disc is issued shall cause the same to be securely affixed to the motor vehicle in respect of which the licence bearing the same number as the disc is issued. The disc shall be kept affixed to the left-hand side of the motor vehicle and in such a position as to be clearly visible and distinguishable.

(4) No person shall drive or cause to be driven or drawn any motor vehicle licensed under this Act unless such motor vehicle has the disc issued in respect of such motor vehicle affixed thereto nor unless such disc complies with every requirement of this section.

Penalty, Twenty Pounds.

19. If any person satisfies the Board by such evidence as the Board requires that he was on the first day of December, nineteen hundred and twenty-seven, engaged in business as a carrier of passengers or goods, or both, and was on that date using any motor vehicle for carrying passengers or goods, or both, for hire or reward on any route, he shall be entitled to be granted by the Board a licence for that vehicle entitling it to run on that route and to an annual renewal of such licence from year to year, and a transfer of such licence to any other motor vehicle acquired in substitution for that motor vehicle. A licence granted or renewed under this section shall be subject to the other provisions of this Act relating to licences, but no such licence shall be transferred to any person other than the person to whom the same is granted. Rights of persons engaged in business at commencement of Act.

20. In any proceedings for an offence against this Act—

(a) the allegation in the complaint that any place is outside the Metropolitan Area as defined in this Act shall be *prima facie* evidence of that fact :

(b) if

Evidentiary provision.

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- (b) if it is shown that any passengers or goods were carried on any motor vehicle such passengers or goods shall be deemed to have been carried for hire or reward unless the defendant satisfies the Court to the contrary :
- (c) a document purporting to be a certificate under the hand of the Secretary of the Board stating that any vehicle therein described or referred to was or was not licensed under this Act at the time mentioned in such certificate shall be *prima facie* evidence of the facts so certified :
- (d) any vehicle shall be deemed to be a motor vehicle within the meaning of this Act unless the defendant satisfies the Court to the contrary :
- (e) the allegation in the complaint that any person was on any date therein mentioned, the owner of any motor vehicle therein mentioned shall be *prima facie* evidence of that fact :
- (f) the allegation in the complaint that any route mentioned in such complaint is a route not included in a licence for the motor vehicle mentioned in such complaint, which licence is or was for the time being in force, shall be *prima facie* evidence of the facts so alleged.

Summary proceed-
ings for offences.

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

Protection of
Board.

22. No proceedings shall be instituted or heard in any Court in respect of the granting, refusal, or revocation of any licence under this Act.

Regulations.

23. The Governor may make all such regulations as he deems necessary or convenient for carrying this Act into effect and for securing the due observance thereof, and may, by any such regulation, impose penalties not exceeding Fifty Pounds for breach of the same or any other regulations. Such regulations shall provide for the insurances to be effected by persons carrying goods and passengers by vehicles licensed under this Act, and may contain any other provisions necessary to protect the persons and property of persons travelling on or consigning goods by vehicles licensed under this Act.

Financial provision

24. Any moneys required for the purpose of carrying this Act into effect shall be paid out of moneys provided by Parliament for those purposes.

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

G. J. R. MURRAY, Lieutenant-Governor.