



ANNO QUADRAGESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1992

No. 2 of 1992

An Act to amend the Metropolitan Taxi-Cab Act 1956.

[Assented to 5 March 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Metropolitan Taxi-Cab (Miscellaneous) Amendment Act 1992*.

(2) The *Metropolitan Taxi-Cab Act 1956* is referred to in this Act as “the principal Act”.

Commencement

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

Interpretation

3. Section 2 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of “constituent council” and substituting the following definition:

“constituent council” means a council whose area or part of whose area is within the metropolitan area;

(b) by inserting after the definition of “councillor” in subsection (1) the following definition:

“director”, in relation to a body corporate, means—

(a) any person occupying or acting in the position of director or member of the governing body of the body corporate, by whatever name called and whether or not validly appointed to occupy or duly authorized to act in the position;

or

(b) any person in accordance with whose directions or instructions the persons referred to in paragraph (a) are accustomed to act:

and

(c) by striking out from subsection (1) the definition of “metropolitan area” and substituting the following definition:

“metropolitan area” means the part of the State that is comprised of—

(a) Metropolitan Adelaide as defined in Part IV of the Development Plan as from time to time in force under the *Planning Act 1982*;

and

(b) the areas of the City of Adelaide and the Municipality of Gawler.

Repeal of s. 3

4. Section 3 of the principal Act is repealed.

Quorum and presiding at meetings

5. Section 12 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) Four members constitute a quorum of the board, and no business may be transacted at a meeting of the board unless a quorum is present.

Substitution of s. 14

6. Section 14 of the principal Act is repealed and the following section is substituted:

Delegation by board

14. (1) The board may, by instrument in writing, delegate any of its powers, functions or duties—

(a) to a member of the board or a committee comprised of members of the board;

or

(b) to an officer of the board.

(2) A delegation under this section may be given subject to such conditions as the board thinks fit and specifies in the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the board from acting itself in any matter.

Duty to obtain taxi-cab licence

7. Section 26 of the principal Act is amended by striking out “, a fine not exceeding one hundred dollars; for any subsequent offence, a fine not exceeding two hundred dollars” and substituting “—division 9 fine; for a subsequent offence—division 8 fine”.

Duty to obtain taxi-cab driver’s licence

8. Section 27 of the principal Act is amended by striking out “, a fine not exceeding one hundred dollars; for any subsequent offence, a fine not exceeding two hundred dollars” and substituting “—division 9 fine; for a subsequent offence—division 8 fine”.

Taxi-cab licences

9. Section 30 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The board may, subject to this Act and the regulations, issue a taxi-cab licence of a prescribed kind or grade.;

(b) by striking out from subsection (2) “a taxi-cab” and substituting “the taxi-cab to which the licence relates”;

(c) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

(a) is subject to—

(i) such conditions as are prescribed;

and

(ii) such conditions as are determined by the board;;

and

(d) by striking out subsection (4) and substituting the following subsection:

(4) The board may from time to time—

(a) determine the maximum number of licences of a particular kind or grade to be issued in any given period;

(b) determine that no further taxi-cab licences of a particular kind or grade are to be issued by the board for the time being;

(c) determine that taxi-cab licences of a particular kind or grade will be issued according to a special allocation procedure specified in the regulations.

Taxi-cab driver's licence

10. Section 30a of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The board may, subject to this Act and the regulations, issue a taxi-cab driver's licence to a person.

and

(b) by striking out paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:

(a) is subject to—

(i) such conditions as prescribed;

and

(ii) such conditions as are determined by the board;_

and

(b) remains in force for such term as is prescribed or determined by the board.

Substitution of s. 31

11. Sections 31 to 33 of the principal Act are repealed and the following sections are substituted:

Temporary licences

31. (1) The board may, subject to this Act and the regulations, issue to a person who applies for a licence under this Act a temporary taxi-cab licence or a temporary taxi-cab driver's licence, or both, as the case may require.

- (2) Subject to the regulations, a temporary licence—
- (a) remains in force—
 - (i) for such term as is determined by the board;
 - or
 - (ii) until the happening of an event specified in the licence, whichever occurs first;
 - (b) is not renewable;
- and
- (c) has effect as an ordinary licence of the same kind or grade issued under this Act.

Character of licensees

32. The Commissioner of Police may, at the request of the board or on his or her own initiative, furnish the Board with information relating to the character of any person who is an applicant for a licence under this Act or any director or manager of a body corporate that is an applicant for a licence.

Dealing with licences

33. (1) The holder of a licence must not transfer, lease or otherwise deal with the licence except with the consent of the board.

Penalty: Division 9 fine.

- (2) The board may, subject to the regulations, consent to the transfer, lease or some other dealing with a licence, but any such consent is subject to—
- (a) such conditions as are prescribed;
 - and
 - (b) such conditions as are determined by the Board.

Regulations

12. Section 35 of the principal Act is amended—

- (a) by striking out from subsection (1) “and shall make regulations for the purpose mentioned in paragraph VIII hereof”;
- (b) by striking out paragraph II of subsection (1) and substituting the following paragraph:
 - II Prescribing fees to be paid on the issue, renewal, transfer of or other dealing with licences or for any other matter arising under this Act;
- (c) by striking out paragraph III of subsection (1) and substituting the following paragraphs:
 - III Empowering the board to fix fees or charges for the issue of taxi-cab signs, the testing of taxi-cab meters, the examination or testing of any motor vehicle or for any other matter arising under this Act:
 - IIIa Empowering the board to refund, reduce or remit fees or charges paid or payable to it;
- (d) by striking out paragraphs IV and V of subsection (1) and substituting the following paragraph:

V Providing for the examination or testing of licensed taxi-cabs and vehicles sought to be licensed and of devices and equipment fitted to such vehicles;;

(e) by striking out paragraph VII of subsection (1) and substituting the following paragraphs:

VII Providing for the substitution of another vehicle, with the consent of the board, for the taxi-cab to which a licence relates:

VIIa Providing for the appointment by the board of authorized officers and conferring on authorized officers or members of the police force specified powers for the enforcement of this Act or other powers or functions for the purposes of this Act;;

(f) by inserting in paragraph VIII of subsection (1) “of a particular kind or grade” after “licences” twice occurring;

(g) by striking out from paragraph IX of subsection (1) “; and providing for an appeal from any decision of any such officer and for the conduct of such appeals”;

(h) by inserting after paragraph XIII of subsection (1) the following paragraph:

XIIIa Requiring taxi-cabs to be fitted with signs, meters and other devices or equipment;;

(i) by inserting after paragraph XV of subsection (1) the following paragraphs:

XVa Authorizing the board or persons appointed by the board to conduct inquiries into matters relating to licences, the operation of licensed taxi-cabs and the conduct of licensees and conferring powers for the summoning and questioning of persons for the purposes of such inquiries:

XVb Providing for the establishment of an appeal tribunal (constituted of a magistrate or other specified person or persons) and for appeals to the tribunal against specified decisions of the board;

(j) by striking out from paragraph XVII of subsection (1) “two hundred dollars” and substituting “a division 9 fine”;

and

(k) by inserting after subsection (2) the following subsection:

(3) The regulations may leave a matter in respect of which regulations may be made to be determined by the board or an authorized officer appointed under the regulations.

Registration of taxi-cabs

13. Section 37a of the principal Act is amended—

(a) by striking out from paragraph (e) “prescribed fee” and substituting “fee determined from time to time by the board”;

and

(b) by striking out the second sentence of paragraph (e).

Penalty for obstructing, etc

14. Section 39 of the principal Act is amended by striking out “A fine not exceeding one hundred dollars” and substituting “Division 9 fine”.

Repeal of schedule

15. The schedule to the principal Act is repealed.

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

ROMA MITCHELL Governor