

136

Transport (Amendment) Bill.

EXPLANATORY NOTE.

THIS Bill contains clauses limiting the number of hours per week which may be worked by taxi-cab drivers, and providing that such drivers shall have suitable intervals for rest between periods of driving. These clauses will apply only to drivers whose employment is not regulated by an award or industrial agreement.

The Bill also provides that an application for registration or renewal of registration of a taxi-cab or private hire car shall not be granted unless the Commissioner for Road Transport and Tramways is satisfied that the applicant has complied with section 18 of the Workers' Compensation Act in respect of every driver of the vehicle who is a worker within the meaning of that Act.

With a view to preventing undesirable practices which arise as a result of trafficking in number-plates by financial speculators, provision is made in the Bill for the Regulations to authorise the refusal of an application for registration of a taxi-cab or transfer of such registration where the Commissioner for Road Transport and Tramways is not satisfied that the applicant is the owner of the vehicle and has the use, control and management thereof.

The Bill also contains certain amendments of a machinery character.

157
[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1944

A BILL

To regulate the hours of employment of certain drivers of taxi-cabs; to make further provision as to the grant, renewal or transfer of registrations and licenses for public vehicles; for these and other purposes to amend the Transport Act, 1930-1943; the State Transport (Co-ordination) Act, 1931; and the Motor Traffic Act, 1909-1937; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Transport Short title
and citation.
(Amendment) Act, 1944."

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—(2)

(2)

Transport (Amendment).

(2) (a) The Transport Act, 1930, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(b) The Principal Act, as amended by this Act, 5 may be cited as the Transport Act, 1930-1944.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1944.

10 (4) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1944.

2. This Act shall commence upon a day to be appointed by the Governor and notified by proclamation 15 published in the Gazette. Commence-
ment.

3. The Principal Act is amended—

(a) (i) by inserting in the definition of "Owner" in section four next after the word "hire-purchase" the words "or hiring";

Amendment of Act No. 18, 1930.

Sec. 4. (Definitions.)

20 (ii) by inserting next after the definition of "Prescribed" in the same section the following new definition:—

"Private hire car" means a public motor vehicle (not being a motor omnibus) used for the conveyance of persons which does not stand or ply for hire in a public street.

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(b) by omitting from subsection three of section two hundred and sixty-four the definition of "Private hire car".

Sec. 264. (Regulations on recommendation of Trust.)

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4. The Principal Act is further amended by inserting next after section two hundred and thirty-nine the following new section:—

Further amendment of Act No. 18, 1930.

New sec. 239A.

Limitation of drivers' working hours.

239A. (1) For the purposes of this section—

35 (a) a week shall be a period of seven days commencing on any Sunday and terminating on the next following Saturday;

(b)

Transport (Amendment).

- (b) any time spent by a driver on any work whatsoever in connection with a taxi-cab or taxi-cab service shall be deemed to be time spent in driving.
- 5 (2) No person shall drive a taxi-cab—
- (a) unless within the preceding six hours and thirty minutes he has had at least one continuous period of not less than thirty minutes for rest from driving;
- 10 (b) for a period (including intervals of rest from driving as provided in paragraph (a) of this subsection) which exceeds seventy-two hours in any week;
- (c) unless he has twelve consecutive hours for rest from driving in any period of twenty-
- 15 four consecutive hours;
- (d) unless he has at least twenty-four consecutive hours for rest from driving in any week:
- 20 Provided that no person shall be guilty of an offence against paragraph (a) or paragraph (b) of this subsection if he satisfies the Court that non-compliance with the requirements of such paragraph
- 25 was due to unavoidable delay in the completion of a journey and that such delay could not reasonably have been foreseen.
- (3) Nothing in this section shall apply to any person whose hours of employment as a driver
- 30 of a taxi-cab are fixed or regulated by or under any award or industrial agreement.
5. The Principal Act is further amended—
- (a) by inserting next after section one hundred and seventy-one the following new section:—
- 35 171A. (1) Registration of a taxi-cab or private hire car shall not be granted under this Act in the name of any applicant unless the Commissioner for Road Transport and Tramways is
- satisfied

Further amendment of Act No. 18, 1930.
New sec. 171A.

Workers' compensation insurance for drivers of taxi-cabs and private hire cars.

Transport (Amendment).

satisfied that such applicant has complied with the provisions of section eighteen of the Workers' Compensation Act, 1926-1942, in respect of every driver of such vehicle who is a worker within the meaning of that Act.

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(2) Where registration of a taxi-cab or private hire car under this Act has been granted and the holder of the registration certificate issued in respect of such vehicle fails to satisfy the Commissioner for Road Transport and Tramways, when requested so to do, that the provisions of section eighteen of the Workers' Compensation Act, 1926-1942, are being complied with by such holder in respect of every driver of such vehicle who is a worker within the meaning of that Act, the said Commissioner may suspend, for such period as he thinks fit, such registration and registration certificate.

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(3) In this section "registration" includes renewal of registration.

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- (b) by inserting immediately before section one hundred and sixty-nine the following new heading:—

Sec. 169.
New heading.

PART XIII A.—Appeals relating to registrations and drivers' and conductors' licences.

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- (c) (i) by omitting from section two the words and symbols "DIVISION 7.—Appeals—ss. 167-169" and by inserting in lieu thereof the following words and symbols:—

Sec. 2.
(Consequential.)

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DIVISION 7.—Appeals—ss. 167, 168.

PART XIII A.—Appeals relating to registrations and drivers' and conductors' licences.

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- (ii) by omitting from the same section the symbols "170, 171" and by inserting in lieu thereof the symbols "170-171A".

*Transport (Amendment).***6.** The Principal Act is further amended—

Further
amendment of
Act No. 18,
1930.
Sec. 262.
(Regulations.)

5 (a) (i) by inserting at the end of subsection five of section two hundred and sixty-two the words “or classes of subject-matter other than those specified”;

(ii) by inserting next after the same subsection the following new subsection:—

10 (5A) Any regulation may authorise any matter or thing to be from time to time determined, applied or regulated by the Commissioner for Road Transport and Tramways either generally or for any class of cases or in any particular case.

cf. Act No.
5, 1909,
s. 3 (2) (c).

15 (b) (i) by inserting next after subparagraph (v) of paragraph (t) of subsection one of section two hundred and sixty-four the words “Without limiting the generality of the powers conferred by subparagraph (iii) of this paragraph the regulations may authorise the Commissioner for Road Transport and Tramways to refuse any application by any person for registration of a public vehicle, including any application for transfer or renewal thereof, or to cancel any registration of a public vehicle in the name of any person in any case where he is not satisfied that such person is the owner of such vehicle and has the use, control and management thereof”;

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Sec. 264.
(Regulations made on recommendation of Commissioner.)

30 (ii) by inserting at the end of paragraph (aa) of the same subsection the words “Any regulation under this paragraph may provide for the issue of a restricted license authorising the licensee to drive subject to compliance with any special terms or conditions set forth in such license by the Commissioner for Road Transport and Tramways”;

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(iii)

Transport (Amendment).

- (iii) by inserting in paragraph (ad) of the same subsection next after the word "badges" wherever occurring the words "or uniforms";
- 5 (iv) by inserting in paragraph (af) of the same subsection next after the word "luggage" the words "or other goods";
- (v) by omitting paragraph (ai) of the same subsection and by inserting in lieu thereof the
- 10 following paragraph:—
- (ai) the fixing, publication, or collection of fares, freights, or charges, or of maximum and/or minimum fares, freights or charges in respect
- 15 of the carriage of passengers or of passengers' luggage or other goods by public vehicles (other than motor omnibuses), the furnishing by prescribed persons of returns, verified in such manner as
- 20 may be prescribed, containing information (including particulars of income and expenditure in connection with the operations of such vehicles) necessary or convenient to be ascertained to enable such
- 25 fares, freights or charges to be so fixed, and the imposition of penalties for charging fares, freights or charges other than those fixed as prescribed.
- 30 (vi) by inserting in paragraph (aj) of the same subsection next after the word "fare" wherever occurring the words "freight or charge";
- 35 (vii) by omitting paragraph (ao) of the same subsection and by inserting in lieu thereof the following paragraph:—
- (ao) matters relating to insurance for
- 40 the purposes of section one hundred and fifty-four of this Act.
- (viii)

Transport (Amendment).

(viii) by inserting in the same subsection next after paragraph (ax) the following new paragraphs:—

5 (axi) the records to be kept by the drivers, owners or operators of public vehicles, the manner of keeping such records and the inspection thereof;

10 (axii) the furnishing by the drivers, owners or operators of public vehicles of prescribed particulars verified in such manner as may be prescribed.

7. The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment
of Act No.
32, 1931.

(a) (i) by omitting from subsection four of section sixteen the words “The license shall expire on the anniversary of the date upon which it is issued”;

Sec. 16.
(Duration
of license.)

20 (ii) by inserting at the end of the same section the following new subsections:—

25 (7) A license granted to any person under this Act may not be transferred by the licensee, but he or his legal personal representative may apply to the Commissioner for Road Transport and Tramways to transfer his license to a person nominated by him. The Commissioner for Road Transport and Tramways may, in his discretion, grant such application subject to such conditions, if any, as he shall deem fit, or refuse such application.

cf. Act No.
18, 1930,
s. 139.

30 (8) In dealing with an application for transfer of a license the Commissioner for Road Transport and Tramways shall consider all such matters as he may think necessary or desirable including (but without in any way limiting the generality of the

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1944

Transport (Amendment).

- 5 the foregoing) the public interest, the suitability and fitness of the person nominated and the extent, if any, to which he will, if the application be granted, have the use, management and control of the vehicle to which the application relates.
- 10 (b) by omitting from subsection three of section twenty-one the word "license" where secondly occurring and by inserting in lieu thereof the word "registration";
- 15 (c) by omitting from subparagraph (vii) of paragraph (a) of subsection eight of section forty-eight the words "and so that no license or permit shall be transferable except in accordance with such regulations".
- 20 8. The Motor Traffic Act, 1909-1937, is amended by inserting at the end of paragraph (j) of subsection one of section three the following words: "Any regulation under this paragraph may provide for the issue of a restricted license authorising the licensee to drive subject to compliance with any special terms or conditions set forth in such license by the Commissioner for Road Transport and Tramways."

Sec. 21.
(Cancell-
tion of
license.)

Sec. 48.
(Regula-
tions.)

Amendment
of Act No.
5, 1909, s. 3.
(Regula-
tions.)