

SOUTH AUSTRALIA

METROPOLITAN TAXI-CAB ACT, 1956

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 23 April 1992.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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APPENDIX 1 LEGISLATIVE HISTORY

APPENDIX 2 DIVISIONAL PENALTIES

METROPOLITAN TAXI-CAB ACT, 1956

being

Metropolitan Taxi-Cab Act, 1956, No. 33 of 1956
[Assented to 15 November 1956]

as amended by

Metropolitan Taxi-Cab Act Amendment Act, 1957, No. 25 of 1957 [Assented to 31 October 1957]
Metropolitan Taxi-Cab Act Amendment Act, 1963, No. 12 of 1963 [Assented to 24 October 1963]
Statute Law Revision Act, 1965, No. 39 of 1965 [Assented to 9 December 1965]
Metropolitan Taxi-Cab Act Amendment Act, 1972, No. 45 of 1972 [Assented to 20 April 1972]¹
Metropolitan Taxi-Cab Act Amendment Act, 1974, No. 58 of 1974 [Assented to 19 September 1974]²
Metropolitan Taxi-Cab Act Amendment Act, 1978, No. 99 of 1978 [Assented to 7 December 1978]³
Metropolitan Taxi-Cab Act Amendment Act, 1986, No. 63 of 1986 [Assented to 6 November 1986]⁴
Metropolitan Taxi-Cab Act Amendment Act, 1989, No. 32 of 1989 [Assented to 4 May 1989]⁵
Metropolitan Taxi-Cab (Miscellaneous) Amendment Act 1992 No. 2 of 1992 [Assented to 5 March 1992]⁶

¹ Came into operation 10 August 1972: *Gaz.* 10 August 1972, p. 1033.

² Came into operation 1 April 1975: *Gaz.* 14 November 1974, p. 3140.

³ Came into operation 19 February 1979: *Gaz.* 18 January 1979, p. 98.

⁴ Came into operation 1 April 1987: *Gaz.* 19 March 1987, p. 639.

⁵ Came into operation 1 June 1989: *Gaz.* 25 May 1989, p. 1395.

⁶ Came into operation 23 April 1992: *Gaz.* 23 April 1992, p. 1206.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

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

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

Short title

1. This Act may be cited as the *Metropolitan Taxi-Cab Act, 1956*.

Interpretation

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

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

"chairman" means the chairman of the board:

"constituent council" means a council whose area or part of whose area is within the metropolitan area:

"council" means a municipal council or district council:

"councillor" includes mayor and alderman:

"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:

"the Fund" means the Metropolitan Taxi-Cab Industry Research and Development Fund established by section 24a:

"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 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:

3.

"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.

Note: For definition of divisional penalties see Appendix 2.

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Constitution of board

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

(2) The board shall consist of seven members, appointed by the Governor, of whom—

- (a) one shall be a councillor of the Adelaide City Council nominated at the request of the Minister by that council;
- (b) one shall be a councillor of a constituent council nominated at the request of the Minister by the Local Government Association of South Australia Incorporated;
- (c) two shall be persons (one of whom shall be the holder of a taxi-cab driver's licence) nominated at the request of the Minister by a body or bodies representing the interests of persons engaged in the metropolitan taxi-cab industry;

and

- (d) three shall be persons nominated by the Minister—
 - (i) one of whom shall be a person who has, in the opinion of the Minister, appropriate knowledge and experience in the transport industry;
 - (ii) one of whom shall be a person who has, in the opinion of the Minister, appropriate knowledge and experience of the tourism industry;

and

- (iii) one of whom shall be a person who has, in the opinion of the Minister, appropriate knowledge and experience of industrial relations.

4.

(3) Where the Minister, by written notice, requests a body to make a nomination for the purposes of subsection (2) and the body fails to make a nomination within the time allowed by the Minister, the Minister may nominate a person for appointment to the board and such an appointment shall be deemed to have been made in accordance with subsection (2).

(4) The Governor may appoint a person to be a deputy of a member and the deputy may, in the absence of that member, act as a member of the board.

(5) The provisions of this section as to the qualifications and nominations required for the appointment of members extend to the appointment of deputies.

(6) On the commencement of the *Metropolitan Taxi-Cab Act Amendment Act, 1986*, all members of the board shall vacate their respective offices for the purpose of enabling new appointments to those offices to be made.

Responsibilities and functions of the board

4a. The responsibilities and functions of the board are—

- (a) to promote and control the metropolitan taxi-cab industry with a view to ensuring—
 - (i) the provision of an effective and efficient service to the public (in particular, in meeting the requirements of tourists);and
 - (ii) the safety of the public and taxi-cab drivers,and to encourage and assist any changes in the industry conducive to the achievement of those goals;
- (b) to keep under review and to report to the Minister on the operation of the metropolitan taxi-cab industry (including the economic aspects of its operation and its relationship to other public transport services);
- (c) to advise the Minister, of its own motion or at the request of the Minister, on any matter that relates to the metropolitan taxi-cab industry;
- (d) to perform the functions assigned to it under this Act.

Term of office

5. A member shall be appointed for such term not exceeding 4 years as the Governor determines and is, on the expiration of a term of appointment, eligible for reappointment.

Casual vacancies

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 one hundred cents in the dollar;
- (b) if he is convicted of an indictable offence;

5.

- (c) if he resigns by notice in writing posted or delivered to the Minister;
- (d) if the member ceases to satisfy a qualification for nomination by virtue of which the member was appointed;
- (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 appointed as provided by section 4 but any member appointed to a casual vacancy shall hold office only for the balance of the term of the member in whose stead he was appointed.

Disqualification of certain members

7. No person shall be appointed as a member of the board pursuant to section 4(2)(a) or (b) 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 shall appoint a member of the board to be the chairman of the board.

(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 appointed to the board.

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

* * * * *

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.

Quorum and presiding at meetings

12. (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.

(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 and in the event of an equality of votes shall have a second or casting vote.

(4) A decision carried by a majority of the votes cast by the members present at a meeting of the board shall be the decision of the board.

Board subject to directions of the Minister

12a. Notwithstanding any other provision of this Act or of any other Act the board is subject to the control of the Minister and in the exercise of the powers, functions, authorities and duties conferred or imposed on the board by or under this Act or any other Act, the board shall comply with the directions, if any, given by the Minister.

Meetings of board

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.

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.

Validity of acts of board and liability of members

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.

(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.

Remuneration of members

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.

Receipt of fees and costs of administration

17. (1) Subject to subsection (2), the board must receive and recover all fees and other amounts payable under this Act and must, out of that money, pay the costs of administration of this Act.

(2) The board must pay to the Minister for the credit of the Fund all amounts received in respect of taxi-cab licences issued according to a special licence allocation procedure specified in the regulations.

Accounts

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.

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.

Metropolitan Taxi-Cab Industry Research and Development Fund

24a. (1) The *Metropolitan Taxi-Cab Industry Research and Development Fund* is established.

(2) The Minister is responsible for the administration of the Fund in consultation with the board.

8.

(3) The Fund consists of—

(a) amounts paid in respect of taxi-cab licences issued according to a special licence allocation procedure specified in the regulations;

and

(b) income paid to the Fund under this section.

(4) The Fund must be kept in a separate account at the Treasury.

(5) The Fund may be applied by the Minister—

(a) for the purpose of carrying out research into the metropolitan taxi-cab industry;

(b) for the purpose of promoting the metropolitan taxi-cab industry;

or

(c) for any other purpose beneficial to the metropolitan taxi-cab industry.

(6) Any money standing to the credit of the Fund that is not for the time being required for the purposes referred to in subsection (5) may be invested by the Treasurer.

(7) Income from investment of the Fund must, at the direction of the Treasurer, be paid into the Fund.

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—division 9 fine; for a subsequent offence—division 8 fine.

Duty to obtain taxi-cab driver's licence

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.

Penalty: For a first offence—division 9 fine; for a subsequent offence—division 8 fine.

Exemption of country taxi-cabs

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—

- (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 168 of the *Road Traffic Act, 1961*, 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 sections and section 172 of the said Act and sections 91, 92, 93, 94 and 95 of the *Motor Vehicles Act, 1959-1962*, shall, *mutatis mutandis*, apply accordingly.

Taxi-cab licences

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

(2) A taxi-cab licence authorizes the holder of the licence to use the taxi-cab to which the licence relates for the purpose of carrying passengers for hire or reward in the metropolitan area.

(3) A taxi-cab licence—

- (a) is subject to—
 - (i) such conditions as are 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.

(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.

(5) The board may, as required for the issue of particular taxi-cab licences according to a special licence allocation procedure specified in the regulations, determine—

- (a) the term for which the licences remain in force;
- (b) any amount or amounts to be paid in respect of the licences.

Taxi-cab driver's licence

30a. (1) The board may, subject to this Act and the regulations, issue a taxi-cab driver's licence to a person.

(2) A taxi-cab driver's licence authorizes the holder of the licence to drive a taxi-cab within the metropolitan area for the purpose of carrying passengers for hire or reward.

(3) A taxi-cab driver's licence—

- (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.

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.

Provision as to fees paid under existing licences and permits

34. On and after the proclaimed day every licence or permit issued pursuant to a by-law or resolution made by a municipal or district council under which the licensee or permit holder 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, or to ply for hire at or from any taxi-cab stand within any part of the metropolitan area, shall have no effect. If the term for which any such licence or permit was granted extends beyond the proclaimed day, the holder thereof shall be entitled to a refund from the council which issued the licence or permit of a part of the fee paid for the licence or permit proportionate to the unexpired portion of the said term.

Regulations

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

- 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:
 - Ia. Prescribing a procedure involving competitive tendering or ballots or any other process as a special licence allocation procedure which may, pursuant to a determination of the board, be used for the issuing of taxi-cab licences:
 - Iab. Providing for the recovery by the board of any amount payable in respect of a taxi-cab licence issued pursuant to a special licence allocation procedure referred to in paragraph Ia:
- 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:
 - IIa. Controlling stands for taxi-cabs within the metropolitan area (subject to the powers of municipal and district councils to appoint and fix the location and extent of such stands and to alter, vary, cancel or remove such stands):
- 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:

* * * * *
- 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:
- VI. Fixing the term of licences:
- 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:
- VIII. Prohibiting, controlling, or regulating the transfer or leasing of licences of a particular kind or grade and any dealing of any kind whatsoever with licences of a particular kind or grade:

- 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:
- 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 taxi-cabs and holders of taxi-cab driver's licences and the issue, use and withdrawal of distinctive plates:
- XIIIa. Requiring taxi-cabs to be fitted with signs, meters and other devices or equipment:
- 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:
- 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:
- 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 a division 9 fine 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.

(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.

Operation of taxi-stand by-laws and resolutions, made by councils

36. (1) On and after the proclaimed day every by-law made by a municipal council pursuant to subparagraphs I, II, III, V to XXIII (both inclusive) of paragraph (17) of section 669 of the *Local Government Act, 1934-1957*, or by a district council pursuant to subparagraphs I and II of paragraph (8) of section 670 of the said Act, and every resolution of a municipal council pursuant to section 370 of the said Act, to the extent that the by-law or resolution 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 to the appointment or regulation of stands therefor or otherwise relates to such taxi-cabs, drivers or stands, shall have no force or effect, except those by-laws or resolutions or portions of by-laws or resolutions which appoint and fix the location and extent of a taxi-cab stand.

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

(3) Notwithstanding the provisions of section 370, subparagraph II of paragraph (17) of section 669 and subparagraph II of paragraph (8) of section 670 of the *Local Government Act, 1934-1957*, and subject to subsection (4) hereof, a municipal or district council's powers after the proclaimed day in respect of taxi-cab stands within the metropolitan area shall be limited to the power to appoint and fix the location and extent of such stands and to alter, vary, cancel or remove such stands.

Saving provisions

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.

(2) This Act shall be construed subject to the provisions of the *Road and Railway Transport Act, 1930-1939*, of the *Motor Vehicles Act, 1959-1962*, and of the *Road Traffic Act, 1961*: 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 forty kilometres from the General Post Office at Adelaide.

Registration of taxi-cabs

37a. Notwithstanding the provisions of the *Motor Vehicles Act, 1959-1962*, the following provisions shall apply in relation to licensed taxi-cabs:—

- (a) The Registrar of Motor Vehicles may register a taxi-cab for any period not exceeding twelve months, expiring on the day from time to time fixed by the Registrar of Motor Vehicles, with the approval of the board, for the purposes of this section:

* * * * *

- (c) On an application for registration of a vehicle which has been, but has ceased to be, a taxi-cab the Registrar of Motor Vehicles shall refuse to assign to the vehicle the registered number which the vehicle bore while it was a taxi-cab:

- (d) The plates bearing the registered number assigned to a taxi-cab and the number on such plates may be of any colour approved by the Registrar of Motor Vehicles and the board, and may bear any additional design, letters or figures so approved, for the purpose of indicating that the vehicle is such a taxi-cab:
 - (e) The board may, upon payment of the fee determined from time to time by the board, issue registration plates for a vehicle licensed under this Act, which said plates shall remain the property of the board:
 - (f) If the licence of a taxi-cab ceases to be in force (whether by reason of cancellation, suspension, expiry or other cause) and is not immediately renewed the registration of the taxi-cab shall thereupon become void:
 - (g) Unless satisfied that the applicant is the holder of a current and operative licence in respect of a taxi-cab the Registrar of Motor Vehicles shall not transfer the registration or issue a duplicate registration card in respect of any taxi-cab:
 - (h)
 - (i) The registered owner of a taxi-cab may, at any time, upon delivering to the Registrar of Motor Vehicles the current registration label issued for the vehicle, or destroying it in accordance with the Regulations under the *Motor Vehicles Act, 1959-1962*, apply to the Registrar of Motor Vehicles for cancellation of the registration of the vehicle and payment of the prescribed refund:
 - (ii) When any such application is made and the registration label is delivered or destroyed as mentioned in subparagraph (i) of this paragraph, the Registrar of Motor Vehicles shall cancel the registration and pay to the applicant an amount in respect of the period of registration unexpired calculated in accordance with the provisions of section 55 of the *Motor Vehicles Act, 1959-1962*:
 - (iii) The Registrar of Motor Vehicles shall not deduct from any such refund the cancellation fee mentioned in subsection (2) of section 55 of the said Act—
 - (I) when the registered owner of a motor vehicle applies for cancellation of the registration thereof and at the time of cancellation thereof applies for registration of the same vehicle as a taxi-cab; or
 - (II) when the registered owner of a taxi-cab applies for cancellation of the registration thereof and at the time of cancellation thereof applies for registration of the same vehicle as a motor vehicle:
- * * * * *
- (j) The provisions of section 163 of the *Road Traffic Act, 1961*, shall not apply to licensed taxi-cabs.

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: Division 9 fine.

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.

Allegations in complaint

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

- (a) that any specified place is within the metropolitan area; or
- (b) that any specified vehicle is a taxi-cab; or
- (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.

Evidence of plying for hire

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.

Application of fines

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

Summary disposal of proceedings for offences

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

* * * * *

APPENDIX 1

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 298.

Legislative history since 3 February 1976 (entries in bold type indicate amendments incorporated since the last reprint):

Section 2(1):	definition of "constituent council" substituted by 2, 1992, s. 3(a) definition of "director" inserted by 2, 1992, s. 3(b) definition of "the Fund" inserted by 32, 1989, s. 3 definition of "metropolitan area" substituted by 2, 1992, s. 3(c)
Section 3:	repealed by 2, 1992, s. 4
Section 4(2) - (6):	substituted by 63, 1986, s. 3
Section 4a:	inserted by 63, 1986, s. 4
Section 5:	substituted by 63, 1986, s. 4
Section 6(1):	amended by 63, 1986, s. 5(a)
Section 6(2):	amended by 63, 1986, s. 5(b)
Section 7:	amended by 63, 1986, s. 6
Section 8(1):	substituted by 63, 1986, s. 7
Section 9(1):	amended by 63, 1986, s. 8(a)
Section 9(2):	amended by 63, 1986, s. 8(b)
Section 10:	repealed by 63, 1986, s. 9
Section 12(1):	substituted by 2, 1992, s. 5
Section 14:	substituted by 2, 1992, s. 6
Section 17:	substituted by 32, 1989, s. 4
Section 24a:	inserted by 32, 1989, s. 5
Section 26:	amended by 2, 1992, s. 7
Section 27:	amended by 2, 1992, s. 8
Section 30:	substituted by 32, 1989, s. 6
Section 30(1):	substituted by 2, 1992, s. 9(a)
Section 30(2):	amended by 2, 1992, s. 9(b)
Section 30(3):	amended by 2, 1992, s. 9(c)
Section 30(4):	substituted by 2, 1992, s. 9(d)
Section 30a:	inserted by 32, 1989, s. 6
Section 30a(1):	substituted by 2, 1992, s. 10(a)
Section 30a(3):	amended by 2, 1992, s. 10(b)
Sections 31 - 33:	substituted by 2, 1992, s. 11
Section 35(1):	amended by 32, 1989, s. 7; 2, 1992, s. 12(a)-(j)
Section 35(1)(IV):	repealed by 2, 1992, s. 12(d)
Section 35(3):	inserted by 2, 1992, s. 12(k)
Section 37a:	amended by 99, 1978, s. 3(a); 2, 1992, s. 13
Section 37a(b):	repealed by 99, 1978, s. 3(b)
Section 39:	amended by 2, 1992, s. 14
Schedule:	repealed by 2, 1992, s. 15

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50

Note: This appendix is provided for convenience of reference only.