ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 24 of 1981


[Assented to 19 March 1981]

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

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act, 1981".

(2) The Road Traffic Act, 1961-1980, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

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

3. Section 4 of the principal Act is amended by striking out the item:
   PART IVA—CENTRAL INSPECTION AUTHORITY. SECTIONS 163a-163i.

and substituting the following items:
   PART IVA—CENTRAL INSPECTION AUTHORITY. SECTIONS 163a-163k.
   PART IVB—LICENSING OF PASSENGER VEHICLES OPERATED FOR HIRE. SECTIONS 163l-163za.

4. Section 5 of the principal Act is amended by striking out from paragraph (b) of the definition of "omnibus" in subsection (1) the word "passengers" and substituting the passage "persons (including the driver)".

5. Section 163b of the principal Act is amended by striking out subsection (1) and substituting the following subsection:
   (1) The Minister may appoint such persons as inspectors for the purposes of this Part and Part IVB as he thinks necessary or expedient.
6. The following Part is inserted after section 163k of the principal Act:

PART IVB

LICENSING OF PASSENGER VEHICLES OPERATED FOR HIRE

163l. In this Part, unless the contrary intention appears—

"inspector" means a person appointed as an inspector under Part IVA;

"licence" means a licence issued under this Part;

"licensee" means the holder of a licence.

163m. (1) A person shall not operate, or in any way hold himself out as being willing to operate, a vehicle for the purpose of transporting any passenger for hire—

(a) unless he is a licensee or is employed by a licensee to operate the vehicle;

and

(b) otherwise than in accordance with any condition of his licence or a licence held by his employer.

Penalty: Five hundred dollars.

(2) In any proceedings for an offence against this section—

(a) an allegation in the complaint that a person was or was not the holder of a licence on a specified day shall, in the absence of proof to the contrary, be proof of the facts so alleged;

(b) an allegation in the complaint that a licence was subject to a specified condition shall, in the absence of proof to the contrary, be proof of the fact so alleged;

(c) proof that a passenger was transported on the vehicle shall, in the absence of proof to the contrary, be proof that the passenger was transported for hire;

and

(d) the licence and any conditions of the licence may be proved by production of a copy of the licence executed by the Minister.

163n. (1) The Minister may, by notice published in the Gazette, exempt any specified person or vehicle, or persons or vehicles of a specified class, from this Part, either unconditionally or subject to such conditions as the Minister thinks fit and specifies in the notice.

(2) The Minister may, by notice published in the Gazette, vary or revoke any notice given under this section.

163o. A licence issued under Part IIA of the State Transport Authority Act, 1974-1978, and in force immediately before the commencement of the Road Traffic Act Amendment Act, 1981, shall, upon that commencement, be deemed to be a licence issued under this Part and shall, subject to this Act, remain in force for the period for which it was granted by the State Transport Authority.
163p. (1) An application for a licence must be made to the Minister in a manner and form approved by the Minister.

(2) The Minister may require an applicant for a licence—

(a) to furnish him with any further information he may require; or

(b) to verify by statutory declaration any information furnished for the purposes of the application.

163q. (1) In determining whether or not to issue a licence to an applicant, the Minister shall have regard to the following matters:

(a) the suitability of the applicant to be issued a licence;

(b) the safety of any vehicle that the applicant proposes to operate;

(c) the suitability of any such vehicle for the operation to which the application relates;

(d) the transport requirements of the public in the area that the applicant proposes to serve;

(e) the condition of the roads over which the applicant proposes to operate any vehicle;

and

(f) such other matters as the Minister thinks are relevant to the operation to which the application relates.

(2) Where the Minister decides to issue a licence, he shall fix the fee for the licence and, if he thinks fit, the instalments in which it may be paid.

(3) Upon receiving the fee for a licence, or the first instalment of the fee, the Minister shall issue the licence to the applicant.

163r. (1) A licence shall be issued for such period and upon such conditions (if any) in relation to the following matters as the Minister thinks fit:

(a) the route or routes over which the licensee is licensed to operate vehicles;

(b) the vehicles that the licensee may operate under the licence;

(c) the maintenance of the vehicles that the licensee may operate under the licence in a safe and suitable condition;

(d) the payment to the Minister of any further instalments of the licence fee;

(e) the rates to be charged for the transport of passengers on the vehicles that the licensee may operate under the licence;

(f) the time-tables to which vehicles are to be operated by the licensee;

(g) the class of persons who may be transported on the vehicles to be operated by the licensee;
(h) the records to be kept by the licensee in relation to his operations under the licence;

and

(i) any other matters relating to the operations of the licensee under the licence.

(2) A licence shall specify—

(a) the person to whom the licence is issued;

(b) the period of the licence;

(c) the fee for the licence;

and

(d) the conditions of the licence.

163s. (1) The Minister may during the period of a licence revoke or vary a condition of the licence, or attach a further condition to the licence.

(2) Where the Minister exercises his powers under subsection (1), he shall, by notice in writing given personally or by post to the licensee, require the licensee to deliver his licence to the Minister within the period of time specified in the notice.

(3) A licensee shall not fail to comply with a notice given to him under subsection (2).

Penalty: Two hundred dollars.

163t. (1) A licensee may at any time surrender his licence to the Minister.

(2) The Minister may, if he is satisfied—

(a) that a licensee obtained his licence improperly;

(b) that a licensee failed to comply with, or contravened, a condition of his licence;

or

(c) that the licensee has been found guilty of an offence under Part IVA,

cancel the licence, or suspend the licence for such period as the Minister thinks fit.

(3) A licence—

(a) that is surrendered or cancelled under this section shall cease to have any effect;

or

(b) that is suspended under this section shall cease to have any effect during the period of the suspension.

163u. The Minister may, upon the application of a licensee or a person who may lawfully act in the stead of, or represent, a licensee, transfer his licence to a person who the Minister is satisfied is a suitable person to hold the licence.
163v. The Minister shall, if he is satisfied that a licence has been lost or destroyed, issue to the licensee, upon payment of the prescribed fee, a duplicate of that licence.

163w. The Central Inspection Authority shall be responsible for the examination and testing of vehicles for the purposes of this Part.

163x. (1) Subject to this section, an inspector may, for the purposes of ascertaining whether or not the provisions of this Part are being complied with—

(a) at any time enter and inspect any premises where there is, or he suspects on reasonable grounds that there is, a vehicle that is, or is to be, operated for the transport of passengers for hire;

(b) at any time enter and inspect any vehicle that is, or that he suspects on reasonable grounds is, a vehicle operated, or that is to be operated, for the transport of passengers for hire, and for that purpose require any such vehicle to stop;

(c) carry out, or cause to be carried out, an examination or test of any such vehicle;

(d) require any person to answer truthfully any relevant question; or

(e) require any person to produce any books, papers or documents that may be relevant to the investigation, and may examine and make copies of any of them.

(2) An inspector shall not exercise the powers conferred by subsection (1) (a) in respect of premises that are not the premises of a licensee except upon the authority of a warrant issued by a justice, unless the inspector believes on reasonable grounds that in the circumstances of the case urgent action is required.

(3) In the exercise of his powers under this section an inspector may be accompanied by such persons as he considers necessary or desirable in the circumstances.

(4) A person shall not—

(a) hinder or obstruct an inspector or a person accompanying an inspector in the exercise by the inspector or person of the powers conferred by this section;

or

(b) refuse or fail to comply with a requirement made of him under this section by an inspector.

(5) A person is not required to answer a question put to him under subsection (1) (d) if the answer would tend to incriminate him.

163y. A person shall not in furnishing any information, or keeping any record, pursuant to this Part make, or cause to be made, any representation that is to his knowledge false or misleading in any material particular.

Penalty: Five hundred dollars.
163z. (1) No personal liability shall attach to any person for an act or omission by him in good faith and in the exercise of his powers, or the discharge of his duties or functions, under this Part.

(2) A liability that would, but for subsection (1), lie against a person shall lie against the Crown.

163za. (1) Subject to this section, the provisions of this Part are in addition to and do not derogate from the provisions of any other Act.

(2) Notwithstanding any other provision of this Act, this Part does not apply in relation to any vehicle that is operated by or on behalf of the Crown.

(3) This Part does not apply in relation to a vehicle that is licensed as a taxi-cab under any Act.

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

K. D. SEAMAN, Governor