

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

## Regulations under the Motor Traffic Ordinance 1932-1933.

I JOHN ARTHUR PERKINS, Minister of State for the Interior,  
in pursuance of the powers conferred upon me by the *Motor  
Traffic Ordinance 1932-1933* hereby make the following Regulations.

Dated this twenty-seventh day of June, 1934.

J. A. PERKINS  
Minister of State for the Interior.

### MOTOR HIRE CAR REGULATIONS.

#### PART I.—PRELIMINARY.

1. These Regulations may be cited as the Motor Hire Car Short title.  
Regulations.
2. These Regulations shall come into force on the fifth day of Commencement.  
July, 1934.
3. These Regulations shall apply in relation to public hire cars Application of  
Regulations.  
and to private hire cars.

Parts.

4. These Regulations are divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Drivers of Hire Cars.

Division 1.—Licensing of Drivers.

Division 2.—Conduct, &c., of Drivers of Public Hire Cars.

Part III.—Ranking.

Part IV.—Fares.

Part V.—Miscellaneous.

Definitions.

5. In these Regulations, unless the contrary intention appears—

“medical testing officer” means an officer appointed under the Ordinance to be a medical testing officer;

“official traffic sign” means any notice, sign or other device marked, placed or erected on or at the side of a public street by the authority of the Minister for the purpose of guiding, directing, regulating or warning motor vehicles or traffic;

“parking area” means a parking area specified in the Second Schedule to the Motor Traffic Regulations and indicated by an official traffic sign;

“public stand” means a public stand specified in the Schedule to these Regulations and indicated by an official traffic sign;

“testing officer” means an officer appointed under the Ordinance to be a testing officer; and

“the Ordinance” means the *Motor Traffic Ordinance* 1932, as amended from time to time.

PART II.—DRIVERS OF HIRE CARS.

Division 1.—Licensing of Drivers.

Drivers to be specially licensed.

6. No person shall drive a public or private hire car unless he holds a licence which specifies that he is licensed to drive a public or a private hire car, as the case may be.

Qualifications of drivers of public hire cars.

7. An applicant for a licence to drive a public hire car shall produce evidence to the satisfaction of the Registrar that he is—

(a) a person of good character;

(b) a fit and proper person to hold the licence; and

(c) is able to read and write the English language.

Qualifications of drivers of private hire cars.

8. An applicant for a licence to drive a private hire car shall produce evidence to the satisfaction of the Registrar that he is a fit and proper person to be the holder of the licence.

Certificates as to fitness and competency.

9. Before the grant of a licence to drive a public or private hire car, a certificate of fitness and a certificate of competency shall be given by a testing officer and the applicant shall answer in writing the questions required by the Registrar to be answered and shall sign his name thereto in the presence of the Registrar.

Certificate of character in respect of drivers of public hire cars.

10. The applicant for a licence to drive a public hire car shall submit to the Registrar a certificate of character signed by two persons of good repute approved by the Registrar.

Medical certificate in respect of hire car driver.

11. Before granting or renewing any licence to drive a public or private hire car, the Registrar may require the applicant to present a medical certificate given by a medical testing officer to the effect that he has on the date of the certificate personally examined the applicant, knowing him to be an applicant for the grant or renewal of such licence, and that, in his opinion, having proper regard to the health and safety of passengers and of the public generally, the applicant is a medically fit and proper person to be employed as the driver of a public or private hire car.

Badges for drivers of public hire cars.

12.—(1.) The Registrar shall issue to every licensed driver of a public hire car a metal badge, having thereon a representation of the Canberra Coat of Arms, the registration number of the licence and such other particulars as the Registrar thinks proper.

(2.) Every driver shall, at all times whilst driving or conducting a public hire car, display the badge upon the band of his cap or upon the lapel of his outer coat in such a manner as to be readily seen.

(3.) Within three days of the date of expiry of the period for which the badge was issued, or the date of the cancellation or suspension of the licence held by the person in whose name the badge was issued, that person shall return the badge to the Registrar.

(4.) Where a badge is required to be returned to the Registrar in pursuance of this regulation and is not so returned or is, when so returned, so defaced as, in the opinion of the Registrar, to be of no further use, the person to whom the badge was issued shall pay to the Commonwealth the sum of Five shillings, and that sum shall be recoverable as a debt due to the Commonwealth in any Court of competent jurisdiction.

(5.) Where a badge is lost, destroyed, or so damaged or defaced as to be of no further use, the person to whom the badge was issued shall notify the Registrar, and, in the case of loss or destruction, forward to the Registrar a statutory declaration of the loss or destruction and the Registrar shall, if satisfied that no improper use has been made of the badge, and on payment of the sum of Five shillings, supply the person with a new badge.

(6.) A badge shall not be transferable and any unauthorized person who wears a badge shall be guilty of an offence.

*Division 2.—Conduct, &c., of Drivers of Public Hire Cars.*

13.—The driver of a public hire car shall not—

Drivers not to smoke, &c.

- (a) smoke whilst the vehicle is conveying any passengers;
- (b) importune any person to hire the vehicle to the annoyance of that person or any other person;
- (c) leave his vehicle to tout for passengers or for a hiring;
- (d) endeavour to attract notice by whistling, shouting or calling;
- (e) permit the vehicle to loiter; or
- (f) wrongfully or forcibly prevent or attempt to prevent the driver of any other public motor vehicle from obtaining a hiring.

14. The driver of a public hire car shall, whilst plying for hire—

Rules as to cleanliness, &c., to be observed by drivers.

- (a) be clean and tidy, and wear clean and respectable clothes;
- (b) conduct himself in an orderly manner, and with civility and propriety towards every passenger or intending passenger; and
- (c) have a copy of these Regulations ready for production, and, at the request of any member of the Police Force, or an officer, acting in the execution of his duty, or of any person hiring or intending to hire or use the vehicle, produce the copy for inspection.

15. The driver of a public hire car shall not, upon any public street—

Public hire cars not to be driven by unauthorized persons.

- (a) permit any unlicensed person to act as the driver of the vehicle; or
- (b) without the consent of the owner of the vehicle, permit any person to act in his stead as the driver of the vehicle.

16. The driver of a public hire car shall, upon any public street, when not actually employed in or about the vehicle, remain on the driving seat thereof.

Driver to remain on driving seat.

17. The driver of a public hire car shall not, upon any public street, permit any person to place or carry in the vehicle any substance of an offensive character.

Offensive substance, &c., not to be carried.

18. The driver of a public hire car shall not—

Persons not to be carried on public hire cars without consent of hirer.

- (a) whilst hired, suffer or permit any person to ride or be carried in or upon the vehicle without the consent of the hirer;
- (b) sleep, or lounge, or eat his meals, inside the vehicle; or
- (c) convey upon the roof of the vehicle any luggage or goods unless safely and securely fastened to the vehicle.

19.—(1.) The driver of a public hire car which is upon a public stand shall, unless engaged for hire, accept any hiring for the conveyance of any person when requested so to do by—

Driver bound to accept hiring in certain cases.

- (a) any person other than a person who is—
  - (i) suffering from an infectious or contagious disease or illness;
  - (ii) drunk or dirty or attired so as to be likely to soil or damage the vehicle; or
  - (iii) noisy or violent, or misbehaving, or disturbing the public peace; or
- (b) a member of the Police Force acting in the execution of his duty.

(2.) The member shall, in respect of such hiring, be liable to pay the driver, in addition to the legal fare, reasonable compensation for any damage or loss of time consequent on the hiring.

Driver to accept hiring if he solicits at any place not a stand.

20. The driver of a public hire car shall, if he solicits a hiring whilst at any place other than a public stand, accept the hiring immediately when offered:

Provided that a driver may refuse to accept any hiring—

(a) by any person coming within the classes enumerated in paragraphs (i) to (iii) of paragraph (a) of regulation 19; or

(b) to proceed to any place outside the Territory.

On request driver bound to carry passengers in accordance with licence.

21.—(1.) The driver of a public hire car shall, when so requested by the hirer, convey in the vehicle any number of passengers not exceeding the number stated in the licence to ply for hire issued in respect of that vehicle.

(2.) In computing, for the purposes of this regulation, the number of passengers, a child apparently under five years of age shall not be taken into account.

Public hire car not to stand in public street.

22. The driver of any public hire car shall not permit the vehicle to stand at any place upon a public street, other than a public stand or parking area, for a longer period than thirty minutes except—

(a) whilst taking up or setting down passengers;

(b) by the direction or with the consent of a member of the Police Force; or

(c) whilst hired.

#### PART III.—RANKING.

Public stands.

23. Every place or part of a public street specified in the Schedule to these Regulations shall be a public stand for the exclusive use of public hire cars and shall be indicated by an official traffic sign.

Position of public hire car on public stand at Kingston.

24.—(1.) The driver of a public hire car shall, on arriving at the public stand at Kingston—

(a) if there is no other vehicle on that stand, take up the first position at the Northern end thereof; or

(b) if there are other vehicles on that stand, take up the first position available immediately to the South of such vehicles.

(2.) Where a position at the Northern end is vacated by any vehicle, the driver of the public hire car occupying the position upon such public stand nearest to that vacated may forthwith occupy the position vacated.

Position of public hire car on public stands other than that at Kingston.

25.—(1.) Unless otherwise directed by a member of the Police Force, the driver of a public hire car shall, on arriving at any public stand other than the public stand at Kingston—

(a) if there is no other vehicle on that stand, take up the position nearest to the telephone box on that stand; or

(b) if there are other vehicles on the stand, take up the first available position on the side of those vehicles which is furthest away from the telephone box.

(2.) Where a position on that public stand nearer to the telephone box is vacated, the driver of the public hire car next to the position vacated may forthwith cause the vehicle of which he is the driver to be drawn up to that position.

First car to have right of hiring.

26. Where more than one public hire car is upon a public stand, the vehicle nearest to the telephone box on such public stand shall, unless the person hiring selects a particular vehicle, have a right to the hiring.

Public hire car not to be placed on fully occupied stand.

27. The driver of a public hire car shall not cause it to be drawn upon a public stand which is fully occupied.

#### PART IV.—FARES.

Information as to fares to be furnished to Registrar.

28.—(1.) The Registrar may, by notice in writing, require the owner or driver of a public or private hire car to furnish to him, within the time specified in the notice, full and correct information concerning the fares charged for travelling in the vehicle.

(2.) Any owner or driver who, without reasonable excuse, fails, after receipt of a notice under the last preceding sub-regulation, to furnish the required information within the time specified in the notice shall be guilty of an offence.

29. The driver of a public hire car shall display or cause to be displayed in the vehicle, in such a position as to be readily seen by passengers, a notice indicating legibly the fares charged for hire. List of fares.

30. The driver of a public hire car shall, upon request, give to any intending passenger full and correct information concerning the fares charged for travelling in the vehicle. Driver to give information to public.

31.—(1.) The driver of a public hire car whose hirer has left without discharging the car, or without giving the driver instructions to wait, shall not be entitled to a fare for detention beyond thirty minutes unless he has ascertained that the hirer intended him to wait. Driver waiting for fare.

(2.) Where a hirer, upon leaving a public hire car, instructs the driver to wait, the driver may, if he thinks fit, claim his fare instead of waiting.

32.—(1.) The driver of a public hire car, on being discharged at any place and instructed to call back at a later hour, shall not be entitled to claim any fare for the time between the time of such discharge and the time appointed for him to call back, unless a special agreement is made between the hirer and the driver to that effect. Driver not to claim for time between first and second hirings unless agreement made.

(2.) A driver may, if he thinks fit, claim his fare to the time of discharge, and may refuse to accept the hiring to return.

33.—(1.) After the termination of a hiring, the hirer of a public hire car shall, upon demand by the driver, pay the fare chargeable in accordance with the notice mentioned in regulation 29 for the mileage over which the passenger has travelled, or such lesser amount as may be agreed upon. Fare to be paid on demand.

(2.) The driver of a public hire car shall not demand a greater fare than the fare chargeable in accordance with such notice.

34. The owner, or the driver of a public or private hire car, or any other person shall not demand or collect separate fares from passengers for any one hiring or for any one journey if there are more persons than one travelling. Separate fares not to be demanded or collected.

#### PART V.—MISCELLANEOUS.

35. Every licensee under a licence to ply for hire in respect of a public hire car or under a private hire car licence shall— Licensee to keep record of all drivers employed by him.

(a) keep a record of the full name and place of abode of each person who has driven the public or private hire car and the dates upon which that person drove such vehicle; and

(b) at the request of the Registrar, or a member of the Police Force, or an officer, acting in the execution of his duty, produce the record for the inspection of the Registrar, member or officer:

Provided that it shall not be necessary for the licensee to produce the record of any driver for a period exceeding three months preceding the date of the request.

36.—(1.) The Registrar may, by notice in writing, require the owner of a public or private hire car to produce at the office of the Registrar, within such time as is specified in the notice, his licence to ply for hire in respect of the public hire car or his licence to use a motor car as a private hire car, as the case may be. Owners of hire cars to produce licences to Registrar.

(2.) Any owner who, without reasonable excuse, fails, after receipt of a notice under the last preceding sub-regulation, to produce his licence at the office of the Registrar within the time specified in the notice shall be guilty of an offence.

37. A licensee under a licence to ply for hire in respect of a public hire car or under a private hire car licence shall, before permitting or employing any person to act as the driver of the vehicle, produce to that person, if required by him, the certificate of registration or licence in respect thereof. Production of certificate or licence to employee.

Public hire car to ply only in localities permitted.

38.—(1.) A public hire car shall not ply for hire on any public street upon which it is not licensed to ply.

(2.) The owner and the driver of any motor vehicle which plies for hire in contravention of the last preceding sub-regulation shall be guilty of an offence.

Notice of accident.

39. In the event of an accident occurring in connexion with a public hire car, the driver shall forthwith give notice thereof to the owner.

Public hire car not to be used for illegal purposes. Miniature plate to be affixed inside public hire car.

40. The driver or owner of a public hire car shall not cause or permit the vehicle to be used for an illegal purpose.

41. Subject to the next succeeding regulation, the owner of a public hire car shall cause to be securely fixed in a conspicuous place within the vehicle the metal plate supplied by the Registrar showing the letters and figures of the number-plates issued in connexion with the registration of the vehicle.

Label to be carried on vehicles not registered under the Ordinance.

42.—(1.) Where, in respect of a public hire car which is registered in some place outside the Territory, a licence is granted to ply for hire in the Territory, the Registrar shall issue to the person in whose name the vehicle is registered in such place, a label having thereon particulars of the vehicle, the duration of the licence and any other matters which the Registrar thinks proper to insert.

(2.) The label shall, during the currency of the licence, be affixed and kept affixed by the owner, on the inside or back of the main part of the windscreen of the vehicle, in such a position that the centre of the label is not more than six inches from the bottom left-hand or near side corner of the windscreen, and so that the front of the label faces towards the front of the vehicle.

Drivers of private hire cars not to tout for fares. Unlicensed person acting as driver to be subject to Regulations. Taking charge of vehicle where driver arrested.

43. The driver of a private hire car shall not tout for passengers for, or importune any person to use, the vehicle.

44. Any unlicensed person acting as the driver of a public or private hire car shall be subject to these Regulations and liable for any breach thereof in like manner as if he were a licensed driver.

45. Where any person driving a public or private hire car is arrested, any member of the Police Force may take charge of the vehicle and place it in a place of safety until claimed by the owner.

Offences.

46. Any person who commits, or knowingly aids, abets, counsels, procures or assists any person to commit, a breach of any of these Regulations shall be guilty of an offence.

Penalty: Ten pounds.

Offences resulting from accident or other unavoidable causes.

47. No person shall be deemed to be guilty of a breach of any of these Regulations if he proves to the satisfaction of the Court hearing the case that the occurrence which is the subject of the case was the result of accident, or could not have been avoided by any reasonable efforts on his part.

Regulation 23.

## THE SCHEDULE.

### PUBLIC STANDS.

#### KINGSTON.

That part of Giles-street, Kingston, 16 feet wide between lines lying 20 feet and 82 feet respectively south-westerly from Tench-street and within lines 10 feet from the north-western boundary of Giles-street and 9 feet from the alignment of the north-western kerb thereof.