

Mr. Mason.

MOTOR-CABS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Workers' Compensation Act to apply.</p>	<p>4. Industrial Conciliation and Arbitration Act to apply.</p> <p>5. Responsibility for negligence.</p> <p>6. Rule of evidence.</p>
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A BILL INTITULED

AN ACT to amend the Law relating to Motor-cabs.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Motor-cabs Act, 1930.

Short Title.

2. In this Act, unless the context otherwise requires,—

Interpretation.

“Motor-cab” means a vehicle propelled by mechanical power and designed solely or principally for the carriage of passengers.

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“Owner,” in relation to any motor-cab, includes—

(a) Any person who has any interest in such motor-cab, whether as owner or by way of mortgage or other charge, save that no person having an interest by way of mortgage or charge only shall by reason thereof be deemed to be an owner if such person shall prove that the mortgage or charge is to secure moneys upon such terms only as a bona fide lender might be expected to require has been given bona fide to secure moneys advanced by way of loan and so that payment thereof shall not be chiefly dependent upon the earnings from any such motor-cab:

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(b) Any person by whose permission, whether express or implied, a cab dress or uniform is so designed, coloured, or marked as to make the motor-cab or driver as one of a company or group distinguishable from drivers or motor-cabs not included in such company or group, or who, in the absence of any agreement, would have in law the right to prevent the use of such design, colour, or mark; and if there be no such person, then in respect of any driver who or whose motor-cab appears to be one of a group so designed,

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coloured, or marked, every other member of the group shall jointly and severally be deemed to be included in the expression "the employer":

(c) Any person whose garage or telephone service is publicly notified in any way for the purpose of securing custom for the business of carriage of passengers by motor-cab and whose garage or whose telephone service is chiefly used for the purposes of such business: 5

(d) Any person to or with whom the driver of a motor-cab pays or contracts to pay for any goods or services whatever in relation to the motor-cab by any payment conditioned upon the amount of the earnings of the driver or motor-cab: 10

(e) Any other person who is entitled to any share in the earnings of a motor-cab or of the driver thereof. 15

Workers' Compensation Act to apply.

3. (1) The driver of every motor-cab shall be deemed to be a worker within the meaning of the Workers' Compensation Act, 1922, and the owner to be an employer within the meaning of that Act. The carriage of passengers by and other incidental use of the motor-cab shall for the purposes of that Act be deemed to be employment in and for the purpose of a trade or business carried on by the owner, and if personal injury or death by accident arising out of and in the course of the employment is caused to the driver, the owner shall be liable to pay compensation and medical expenses in accordance with the provisions of that Act. 20 25

(2) Where there is more than one owner any notice required by the said Act to be given to an employer shall be sufficient in respect of all the owners if given to one of them.

(3) For the purpose of computing compensation the average weekly earnings shall be deemed to be the actual average weekly net earnings or the sum of five pounds five shillings, whichever sum be the greater. 30

Industrial Conciliation and Arbitration Act to apply.

4. The driver of every motor-cab shall be deemed to be a worker within the meaning of the Industrial Conciliation and Arbitration Act, 1925, and the owner to be an employer within the meaning of that Act, the agreement between the driver and owner, and the carriage of passengers by and all other incidental use of the motor-cab shall be deemed to be "industrial matters" as defined in that Act, and a dispute arising between one or more owners or employers, or one or more industrial unions or associations of owners or employers, and one or more industrial unions or associations of drivers in relation to such matters as are herein deemed to be industrial matters shall be deemed to be an industrial dispute within the meaning of that Act. 35 40

Responsibility for negligence.

5. In all actions by or against the owner in respect of any negligence or wrongful act or default by the driver while engaged in the business of the carriage of passengers, or in work incidental thereto, or in driving the motor-cab the driver shall be deemed to be the agent of the owner, and the owner shall be responsible accordingly. 45

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6. In determining whether any question is one to which this Act applies no Court shall be estopped by any deed or writing from inquiring into the real agreement between the parties, and any Court in determining such question may disregard any deed or writing or any 5 portion thereof if it is of opinion that such deed or writing or portion thereof is made for the purpose of evading this Act and not for the purpose of being acted upon by the parties. Rule of evidence.