

*Mr. Mason.*

## MOTOR-CABS.

### ANALYSIS.

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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  
5 of the same, as follows:—

1. The Act may be cited as the Motor-cabs Act, 1933. Short Title.

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

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

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

15 (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  
20 the mortgage or charge has been given *bona fide* to secure moneys repayment whereof or interest whereon is not chiefly dependent upon the earnings from any such motor-cab:

(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 any such design, colour, or mark :

(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 :

(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 :

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

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.

(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.

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.

Industrial Conciliation and Arbitration Act to apply.

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.

Responsibility for negligence.