

NORTHERN TERRITORY OF AUSTRALIA

MINIBUS REGULATIONS

As in force at 1 August 2003

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 August 2003

MINIBUS REGULATIONS

Regulations under the *Commercial Passenger (Road) Transport Act*

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Minibus Regulations*.

2 Commencement

These Regulations come into operation on the date the *Commercial Passenger (Road) Transport Amendment Act 1998* commences.

3 Definitions

In these Regulations, unless the contrary intention appears:

driver means the person driving or in control of a minibus.

minibus rank includes a bus stop whenever a minibus is parked or standing in the bus stop in accordance with section 38K(1) of the Act.

operator means a person who operates a minibus otherwise than only as a driver.

passenger means a person travelling in a minibus other than the driver.

4 Identity card

- (1) For section 74 of the Act, a minibus is a prescribed class of commercial passenger vehicle.
- (2) An identity card issued under section 74 of the Act to a driver is to:
 - (a) display the name of the driver;
 - (b) display a recent photograph of the driver;

- (c) specify the expiry date of the card; and
 - (d) indicate that the holder of the card is authorised to drive a minibus.
- (3) A driver must display the driver's identity card in a conspicuous place in a minibus while driving the minibus.

Part 2 Duties of operator

5 Operator to maintain records

- (1) The operator must make a record of:
- (a) each minibus operated by the operator;
 - (b) the name and residential address of each driver engaged or employed by the operator and the number of the driver's licence issued under the *Motor Vehicles Act*; and
 - (c) any other matter that the Director requires as a condition of the operator's licence.
- (2) The operator must keep the record at his or her principal place of business.
- (3) The operator must produce the record to an inspector on being requested by the inspector.

6 Maintenance

- (1) An operator must ensure each minibus he or she operates is properly and regularly maintained.
- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a minibus, the operator must ensure that maintenance carried out on the minibus is in accordance with that specified.

7 Fares

An operator of a minibus must:

- (a) display in the minibus; and
 - (b) make available to a person on demand,
- the fares charged by the operator by distance or sector.

Part 3 Conduct of drivers and passengers

8 Member of Police Force

- (1) A member of the Police Force acting in the course of his or her duties may require a driver to carry the member as a passenger.
- (2) The driver must comply with the requirement.
- (3) A member of the Police Force carried as a passenger under this regulation:
 - (a) is not required to pay a fare or charge for the carriage; and
 - (b) is not liable to pay any amount for loss or damage occasioned by the carriage that exceeds reasonable compensation.

9 Touting prohibited

- (1) A driver must not:
 - (a) tout or solicit for passengers; or
 - (b) cause another person to tout or solicit for passengers on his or her behalf.
- (1A) A person does not commit an offence against subregulation (1) if the person marshals passengers for minibuses at an event or place, and in accordance with conditions, approved by the Director.
- (2) A driver must not prevent, or attempt to prevent, another driver from obtaining a passenger by force or otherwise.

10 Luggage

Unless permitted by the driver, a person must not bring into or carry on a minibus any article or thing that in the opinion of the driver would be likely to:

- (a) cause inconvenience to or injure any person travelling in the minibus; or
- (b) damage the minibus.

11 Minibus ranks

The following apply to the use of minibus ranks:

- (a) the driver of a minibus must not park or leave the minibus in a minibus rank unless it is available for hire;

- (b) the driver of a minibus must remain in the vicinity of the minibus when it is parked in a minibus rank;
- (c) unless directed otherwise by an inspector the driver of a minibus must park the minibus in a queue in the first position then available in the minibus rank and must move the minibus up the queue as space becomes available;
- (d) if more than one minibus is parked in a minibus rank – the driver of the minibus that is in the first position in the minibus rank is entitled to accept any hiring then offered unless the hirer selects another minibus in the minibus rank;
- (e) subject to these Regulations and any code of conduct applicable to minibuses under the Act, the driver of a minibus parked in a minibus rank must not refuse a hiring.

12 Minibus not to be parked in road

- (1) In this regulation, ***minibus*** means a minibus that is available for hire.
- (2) The driver of a minibus must not park or stand the minibus in a road or public place other than in:
 - (a) a minibus rank; or
 - (b) an approved place.
- (3) Subregulation (2) does not prevent the driver parking or standing the minibus for the purposes of:
 - (a) picking up or setting down passengers;
 - (b) waiting under the instructions of a passenger; or
 - (c) by direction or with the consent of an inspector.
- (4) Subregulation (3) applies only if the parking or standing of the minibus is otherwise lawful.

13 Minibus drivers to search minibus

- (1) Immediately after a hiring is completed or terminated, the driver of a minibus must search the minibus to determine whether a passenger has left any property in it.
- (2) If the driver of a minibus discovers an article in the minibus that appears to have been left by a passenger, the driver must:
 - (a) immediately call the hirer and return the article to the hirer; or

- (b) if article is not returned to the hirer under paragraph (a) – take it to the nearest police station as soon as is practicable.

14 Limitation on passengers

The driver of a minibus must ensure that:

- (a) the number of passengers carried in the minibus does not exceed the maximum number permitted to be carried; or
- (b) a passenger is not carried in any part of the minibus that is not designed to carry passengers.

15 Driver not to purchase intoxicating liquor

The driver of a minibus must not:

- (a) accept a hiring under which the driver is required to purchase intoxicating liquor for or on behalf of another person, whether or not that other person is a passenger; or
- (b) in the course of a hiring – purchase intoxicating liquor for or on behalf of a passenger.

16 Animals

- (1) The driver of a minibus must not refuse to allow a person to board the minibus by reason only that the person is accompanied by a guide-dog or hearing-dog.
- (2) A person must not bring onto a minibus any animal other than a guide-dog or hearing-dog.

17 Certain conduct prohibited

- (1) A person must not smoke or consume intoxicating liquor in a minibus.
- (2) The driver of a minibus may direct:
 - (a) a passenger to alight from the minibus; or
 - (b) a prospective passenger not to board the minibus,if the passenger or prospective passenger:
 - (c) appears to be suffering from an infectious disease;
 - (d) appears to be under the influence of drugs or intoxicating liquor;

- (e) soils or damages, or is likely to soil or damage, the minibus;
 - (f) causes a nuisance, or is likely to cause a nuisance, in the minibus;
 - (g) is carrying something that is causing, or is likely to cause, inconvenience to the driver or passengers;
 - (h) is smoking;
 - (j) is consuming intoxicating liquor; or
 - (k) is using profane or objectionable language.
- (3) A person who fails to comply with a direction given under subregulation (2) commits an offence.

18 Illegal purpose

The operator or driver of a minibus must not:

- (a) use the minibus for an illegal purpose; or
- (b) cause or permit the minibus to be used for an illegal purpose.

Part 4 Miscellaneous

19 Plate to be displayed in minibus

The driver of a minibus must not operate the minibus unless an approved plate showing the number of the minibus is affixed inside the minibus in a conspicuous position.

20 Advertisements

- (1) The operator of a minibus must not operate the minibus if it bears or is marked with an advertisement that has not been approved by the Director.
- (2) In subregulation (1), **advertisement** includes a statement or representation of any kind whether made by means of:
 - (a) letters, maps, plans or drawings; or
 - (b) pictorial representation or design,or any combination of those means.

21 Damage or interference

A person must not damage or interfere with a minibus unless the person is authorised to do so by the operator.

22 Operator to supply information

- (1) The operator of a minibus must provide to the Director full and correct information of journeys undertaken by the minibus whenever requested by the Director.
- (2) The operator must provide the information within the time specified by the Director.

23 Inspector may require name and address

An inspector may require a person to give his or her full name and address if the inspector reasonably suspects that the person has committed an offence.

24 Fees

The fee specified in the Schedule is payable in relation to the matter specified opposite the fee.

25 Offences

A person who contravenes or fails to comply with these Regulations commits an offence.

Penalty: \$3,000.

Schedule Fees

regulation 24

1. The annual fee for a minibus licence granted before 1 March 2003 to operate a minibus in a minibus area specified in Column 1 is, on and from the date specified in Column 2, 3, 4 or 5, the amount specified opposite the minibus area in that Column.

| Column 1 Minibus Area | Column 2 1 March 2003 \$ | Column 3 1 July 2003 \$ | Column 4 1 July 2004 \$ | Column 5 1 July 2005 \$ |
|--------------------------|--------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Darwin | 7 500 | 10 000 | 13 000 | 16 000 |
| Alice Springs | 6 000 | 8 000 | 10 500 | 13 000 |
| Katherine | 4 000 | 5 500 | 7 000 | 9 000 |
| Tennant Creek | 2 250 | 3 000 | 3 800 | 4 500 |
| Gove | 2 000 | 3 000 | 4 000 | 5 000 |

- 1A. The annual fee for a minibus licence granted on or after 1 March 2003 to operate a minibus in a minibus area specified in Column 1 is, on and from 1 March 2003, the amount specified opposite the minibus area in Column 2.

| Column 1 Minibus Area | Column 2 \$ |
|--|----------------|
| Darwin | 16 000 |
| Alice Springs | 13 000 |
| Katherine | 9 000 |
| Tennant Creek | 4 500 |
| Gove | 5 000 |
| 2. Application for refund of fee on surrender of licence | \$20 |
| 3. Application for exemption under section 38J of Act | \$50 |

ENDNOTES

1 KEY

Key to abbreviations

| | |
|------------------------------|-------------------------------------|
| amd = amended | od = order |
| app = appendix | om = omitted |
| bl = by-law | pt = Part |
| ch = Chapter | r = regulation/rule |
| cl = clause | rem = remainder |
| div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| f = forms | s = section |
| Gaz = <i>Gazette</i> | sch = Schedule |
| hdg = heading | sdiv = Subdivision |
| ins = inserted | SL = Subordinate Legislation |
| lt = long title | sub = substituted |
| nc = not commenced | |

2 LIST OF LEGISLATION

Minibus Regulations (SL No. 63, 1998)

| | |
|-----------|---|
| Notified | 23 December 1998 |
| Commenced | 1 January 1999 (r 1 and s 2 <i>Commercial Passenger (Road) Transport Amendment Act 1998</i> (Act No. 83, 1998)) |

Amendments of Minibus Regulations (SL No. 11, 2003)

| | |
|-----------|---|
| Notified | 28 February 2003 |
| Commenced | 1 March 2003 (r 1, s 2 <i>Commercial Passenger (Road) Transport Amendment Act 2003</i> (Act No. 1, 2003) and <i>Gaz S3</i> , 28 February 2003, p 3) |

Statute Law Revision Act (No. 2) 2003 (Act No. 44, 2003)

| | |
|-------------|-------------|
| Assent date | 7 July 2003 |
| Commenced | 7 July 2003 |

Amendments of Minibus Regulations (SL No. 41, 2003)

| | |
|-----------|---|
| Notified | 1 August 2003 |
| Commenced | 1 August 2003 (r 1, s 2 <i>Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003</i> (Act No. 40, 2003) and <i>Gaz G30</i> , 30 July 2003, p 13) |

3 LIST OF AMENDMENTS

| | |
|------|---------------------------|
| r 3 | amd No. 41, 2003, r 3 6 |
| r 4 | sub No. 11, 2003, r 2 |
| | amd Act No. 44, 2003, s 6 |
| r 9 | amd No. 41, 2003, r 4 |
| r 11 | amd No. 41, 2003, r 5 |
| sch | amd No. 11, 2003, r 3 |