

# **NORTHERN TERRITORY OF AUSTRALIA**

## **COMMERCIAL PASSENGER (ROAD) TRANSPORT ACT**

As in force at 10 January 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 10 January 2007

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## COMMERCIAL PASSENGER (ROAD) TRANSPORT ACT

An Act to regulate the carrying of passengers in motor vehicles for hire or reward, and for related purposes

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Commercial Passenger (Road) Transport Act*.

#### 2 Commencement

The provisions of this Act shall come into operation on such date or dates as is or are fixed by the Administrator by notice in the *Gazette*.

#### 3 Interpretation

(1) In this Act, unless the contrary intention appears:

**accredited** means accredited under Part 3 and registered pursuant to section 11 as an accredited operator.

**approved** means approved by the Director.

**Board** means the Commercial Passenger Vehicle Board established under section 6A.

**bus stop** has the same meaning as in the *Motor Omnibus Regulations*.

**commercial passenger vehicle** means a taxi, private hire car, limousine, special function vehicle, minibus, courtesy vehicle, motor omnibus, tourist vehicle or special passenger vehicle.

**courtesy vehicle** means an approved motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, special function vehicle, minibus, motor omnibus, tourist vehicle or special passenger vehicle) used, with the services of a driver, to carry

passengers for hire or reward where the carriage:

- (a) is offered as an inducement in respect of an agreement for the provision of accommodation or activities for recreation or pleasure; and
- (b) is provided to passengers without payment of a fare.

**Director** means the Director of Commercial Passenger (Road) Transport appointed under section 5(1).

**disqualifying offence** means:

- (a) an offence against a law of the Territory prescribed by the Regulations; or
- (b) an offence against a law, or a repealed law, of the Territory or another jurisdiction (including a jurisdiction outside Australia) that substantially corresponds to an offence referred to in paragraph (a).

**inspector** means a person appointed or declared as such under section 64, and includes the Director.

**licence** means a licence granted or renewed under this Act.

**limousine** means an approved motor vehicle that:

- (a) is fitted, equipped or constructed to carry not more than 8 passengers and is used, with the services of a driver, to carry passengers for hire or reward on pre-booked journeys at pre-arranged fares;
- (b) is not fitted with a meter that either calculates or indicates the fare payable; and
- (c) does not stand or ply for hire.

**minibus** means an approved motor vehicle that:

- (a) is fitted, equipped or constructed to carry more than 8 passengers but not more than 15 passengers;
- (b) is used to carry passengers for hire or reward, including by responding to ad hoc hailings or by pre-booked journeys, for a fare (including a pre-arranged fare) determined in accordance with a rate of hire calculated by reference to the period of time the vehicle is hired or to the distance to be travelled;



- (c) is not fitted with a meter that either calculates or indicates the fare payable; and
- (d) is licensed to stand and ply for hire only at a minibus rank or at an approved place.

***minibus area*** means an area declared under section 38 to be a minibus area for the purposes of this Act.

***minibus rank*** means an area identified by signs as a minibus rank, where minibuses may stand or ply for hire, set aside for that purpose by a competent authority (as defined in the *Traffic Act*).

***motor omnibus*** means an approved motor vehicle fitted, equipped and constructed in accordance with the Australian Design Rules (within the meaning of the *Motor Vehicles Act*), or other standards as the Director determines, to carry more than 8 passengers and used to carry passengers for hire or reward.

***motor vehicle*** means any motor car, motor carriage, motor cycle, goods vehicle, motor omnibus, motor tractor, or other vehicle propelled upon a road wholly or partly by any volatile spirit or by steam, gas, oil, or electricity, or by any means other than human or animal power, and includes a trailer at any time attached to a motor vehicle but does not include any vehicle used on a railway or a powered cycle.

***operate***, in relation to a commercial passenger vehicle, means:

- (a) to drive or use; or
- (b) to cause or employ another person to drive or use,

that vehicle to carry passengers for hire or reward, otherwise than only in the capacity of an employee or a volunteer.

***private hire car*** means an approved motor vehicle that:

- (a) is fitted, equipped or constructed to carry not more than 8 passengers and used, with the services of a driver, to carry passengers for hire or reward on pre-booked journeys at pre-arranged fares determined in accordance with a rate of hire calculated by reference to the period of time the vehicle is hired or by reference to the distance to be travelled in the vehicle;
- (b) is not fitted with a meter that either calculates or indicates the fare payable; and

- (c) does not stand or ply for hire except in accordance with section 37B.

**Registrar of Motor Vehicles** means the Registrar of Motor Vehicles appointed under the *Motor Vehicles Act*.

**road** has the same meaning as in the *Local Government Act*, but construed as if a reference to a municipality were a reference to the Territory.

**route service**, in relation to the operation of a motor omnibus, means a motor omnibus service which is, or is advertised or held out to be, on a scheduled route basis having a regular time-table and having a fare structure related to the carriage of passengers over sectors of the scheduled route.

**route service hours**, in relation to an urban service area, means the hours of a day declared by the Director to be the hours of operation of route services in the urban service area.

**special function vehicle** means an approved motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, minibus, courtesy vehicle, motor omnibus, tourist vehicle or special passenger vehicle) that:

- (a) is a distinctive or unusual make or model or has a distinctive or unusual external appearance; and
- (b) is used, with the services of a driver, to carry passengers for hire or reward on pre-booked journeys for a pre-determined fee where the purpose of the journey is to transport the passengers in connection with an approved function or event or an approved class of functions or events.

**special passenger vehicle** means a motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, special function vehicle, minibus, courtesy vehicle, motor omnibus or tourist vehicle) used to carry passengers for hire or reward, being a motor vehicle declared by the Director, either generally as a class, or specifically, to be a special passenger vehicle for the purposes of this Act.

**substitute taxi** means an approved motor vehicle licensed by the Director under Division 2 of Part 4 and fitted out as a taxi, being a motor vehicle that is operated as a substitute for a taxi during those periods when that taxi is being serviced, maintained or repaired or is for any other reason unavailable for use as a taxi.

**taxi** means an approved motor vehicle fitted with an approved meter which is equipped or constructed to carry not more than:

- (aa) 11 passengers; or
- (ab) if the vehicle is exempt under section 18A – 15 passengers, and is used for the purpose of:
  - (a) standing or plying for hire; and
  - (b) carrying passengers for hire or reward, including by responding to ad hoc hailings or by pre-booked journeys, for a fare (including a pre-arranged fare) determined in accordance with a rate of hire calculated primarily by reference to distance travelled that, unless exempted by the Director in respect of particular types of hire, is indicated by the meter.

**this Act** includes regulations made under this Act.

**tour package** means a holiday, sightseeing or recreational tour undertaken by a tourist pursuant to an agreement entered into with a travel agency or company or person offering such tours, being a tour which includes travel segments and accommodation, and, if part of the agreement, the transfer of the tourist between transport terminals and that accommodation.

**tourist** means a person travelling from one place to another principally for the purposes of recreation or pleasure.

**tourist vehicle** means an approved motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, special function vehicle, minibus, courtesy vehicle, motor omnibus or special passenger vehicle) used for the carriage of tourists for hire or reward:

- (a) pursuant to pre-arranged bookings, outside the environs of a municipality;
- (b) within the environs of a municipality if that carriage is part of a tour package; or
- (c) on a tour of an approved type within the environs of a municipality.

**urban service area** means a motor omnibus urban route service area declared by notice under section 47.

- (2) For the purposes of this Act, ***to carry passengers for hire or reward*** includes any case where the operator or driver of a motor vehicle used:
- (a) offers the carriage as an inducement in respect of an agreement for the provision of other services or goods; or
  - (b) receives consideration for an arrangement whereby the carriage is affected or to which the carriage is related.
- (3) For the purposes of this Act and of any contract of insurance, a motor vehicle is deemed not to be used to carry passengers for hire or reward if the carriage is pursuant to a motor vehicle pooling arrangement, being an arrangement whereby the carriage:
- (a) is incidental to the main purpose of the journey;
  - (b) is not the result of touting for passengers by the driver or any other person on any road or because of being, or being part of, any commercial operation; and
  - (c) is undertaken for a consideration limited to:
    - (i) an undertaking by or on behalf of the passenger to carry the driver or a member of the driver's family on a similar journey; or
    - (ii) the payment of an amount which does not contain any element of profit in respect of the operation of the motor vehicle or of a motor vehicle pool or any recompense for the time of the driver.
- (4) A reference in this Act to the holder of a licence includes a reference to a person permitted by the holder of the licence to operate a commercial passenger vehicle under the licence.

#### **4 Act binds the Crown**

This Act binds the Crown not only in right of the Territory but, to the extent that the legislative power of the Legislative Assembly so permits, in all its other capacities.

## **Part 2                      Administration**

### **Division 1                Director of Commercial Passenger (Road) Transport**

#### **5                      Director of Commercial Passenger (Road) Transport**

- (1) The Minister may, by notice in writing, appoint a Chief Executive Officer or employee, as defined in the *Public Sector Employment and Management Act*, to be the Director of Commercial Passenger (Road) Transport.
- (2) Subject to this Act, the Director has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of the Director's functions under this Act.

#### **5A                      Directions of Minister**

- (1) In exercising a power or performing a function under this Act, the Director is subject to the directions of the Minister.
- (2) Without limiting subsection (1), the Minister may give the Director a direction about controlling in the public interest the number of licences in force for a class of commercial passenger vehicle.
- (3) Despite anything to the contrary in this Act or the Regulations, the Director must not grant a licence if to do so would be inconsistent with a direction under subsection (2).

#### **6                      Delegation**

- (1) The Director may, by notice in writing, delegate:
  - (a) to the Registrar of Motor Vehicles; or
  - (b) to a person,any of the powers and functions of the Director under this Act other than, subject to subsection (4), this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Director.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Director.
- (4) A delegation under subsection (1) to the Registrar of Motor Vehicles may, notwithstanding the exception in that subsection,

include a power of delegation of the powers and functions by the Registrar, but the exercise of that power shall not include a power of further delegation.

## **Division 2                      Commercial Passenger Vehicle Board**

### **6A                      Establishment and membership**

- (1) The Minister must establish a board to be known as the Commercial Passenger Vehicle Board.
- (2) The Minister must determine the Board's membership and how it is to operate.

### **6B                      Functions and powers**

- (1) The functions of the Board are:
  - (a) to provide advice to the Minister on all matters relating to commercial passenger vehicles (other than motor omnibuses, tourist vehicles and special passenger vehicles); and
  - (b) any other functions conferred on the Board in writing by the Minister.
- (2) The Board has the powers that are necessary and convenient for the performance of its functions.

### **6C                      Report on operations**

- (1) The Board must provide the Minister with a report on the Board's operations during a financial year within 3 months after the end of the financial year.
- (2) The Minister must lay a copy of a report provided under subsection (1) before the Legislative Assembly within 6 sitting days after receiving it.

### **6D                      Protection from liability**

- (1) This section applies to a person who is or has been a member of the Board.
- (2) The person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

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- (3) In addition, the person is not civilly or criminally liable for an act done or omitted to be done by the Board in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.
  - (4) Subsections (2) and (3) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.

## **Part 3                      Accreditation**

### **7                      Purpose of Part**

The purpose of this Part is to require the operator of a commercial passenger vehicle to be accredited, where accreditation indicates:

- (a) that the accredited person is (or, in the case of an accredited body corporate, the designated directors and managers of the body corporate are) considered to be of good repute and in all other respects fit and proper to be responsible for the operation of a commercial passenger vehicle; and
- (b) that the accredited person has demonstrated the capacity to meet the required standards of safety of passengers and the public to the degree and in the manner required in respect of the operations and in accordance with the conditions specified in the person's accreditation.

### **8                      Operator to be accredited**

- (1) Subject to this Act, a person who proposes to operate a commercial passenger vehicle, either alone or as part of or in connection with any other business, shall, before operating the commercial passenger vehicle, be accredited under this Part.

Penalty:        \$10,000.

- (2) An application for accreditation shall be made on an approved form accompanied by the prescribed fee (if any).

### **9                      Consideration of application**

- (1) The Director shall consider an application made under section 8 and may, subject to this Act:
  - (a) refuse it;
  - (b) accept it; or
  - (c) allow the applicant to amend it, and accept it as amended.

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- (2) For the purposes of subsection (1), the Director may require an applicant to provide such further information as the Director may require.
- (3) The Director shall not accredit, or renew the accreditation of, a person who:
- (a) is bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with the person's creditors or made an assignment of the person's remuneration for the benefit of the person's creditors;
  - (b) has been convicted of a disqualifying offence; or
  - (c) is otherwise considered by the Director not a fit and proper person to hold, or continue to hold, an accreditation.
- (3A) Subsection (3)(b):
- (a) applies regardless of when the offence was committed; but
  - (b) does not apply if:
    - (i) the person's criminal record for the conviction is a spent record within the meaning of the *Criminal Records (Spent Convictions) Act*; or
    - (ii) the person was discharged without any penalty being imposed for the conviction.
- (3B) Subsection (3)(b) does not apply to the renewal of a person's accreditation in relation to the person's conviction of a disqualifying offence if:
- (a) the Chief Executive Officer has previously decided under this Act the person may hold, or continue to hold, the accreditation despite the conviction; or
  - (b) the Local Court has, after the commencement of this subsection, decided under this Act the person may hold, or continue to hold, the accreditation despite the conviction.
- (3C) The Director must have regard to the following in considering whether the person is fit and proper for subsection (3)(c):
- (a) whether or not the person has shown a pattern of committing offences;
  - (b) any other circumstances concerning the person that the Director considers relevant.



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- (4) The Director shall not accredit, or renew the accreditation of, a body corporate:
- (a) unless the body corporate is authorised by its constitution, objects, purposes or rules to carry on the business associated with the accreditation;
  - (b) unless each director and manager (including a person conducting the business associated with the accreditation on behalf of the body corporate) would, whether initially or during a period of accreditation, be entitled as an individual, to be accredited; or
  - (c) in respect of which a liquidator, receiver, receiver and manager or official manager has been appointed under the Corporations Act 2001 unless in the particular circumstances it would, in the opinion of the Director, be inequitable not to accredit or renew the accreditation.
- (5) The Director must give written notice of a decision under this section to the applicant for the accreditation or renewal of accreditation.

## **10 Conditions of accreditation**

- (1) An operator's accreditation shall be subject to such conditions, if any, as are prescribed and to such other conditions, if any, as the Director thinks fit and specifies in relation to the accreditation.
- (2) The Director may from time to time, by written notice to an accredited operator, amend or revoke the conditions of accreditation or add new conditions.
- (3) The conditions referred to in this section shall be substantially the same for all operations of a similar nature unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.

## **11 Register of accredited persons, &c.**

- (1) The Director shall set up and maintain, or cause to be set up and maintained, whether by electronic means or otherwise, a register of accredited operators.
- (2) The register shall have entered in it the name of each person who has been accepted as an accredited operator, any conditions to which the accreditation is subject, the nature of any licences or authorizations held under this Act and any conditions subject to which they are held.

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- (3) Except as provided in subsection (2), all other information obtained by the Director for the purposes of this Part shall be kept confidential and not disclosed to any person other than for the proper administration of this Act.
  - (4) A member of the public may, during periods determined by the Director and upon payment of the prescribed fee (if any), search, or take or be provided with extracts from, any entry in the register.
  - (5) The Director shall issue each person entered in the register as an accredited operator with a certificate of accreditation which, without proof to the contrary, is evidence, for all purposes, that the person is accredited under this Part.
  - (6) The Director may require the holder of a certificate of accreditation to return it to the Director for a replacement certificate to be issued specifying new or amended conditions.

## **12 Period of accreditation, renewal**

- (1) An accreditation is effective, unless sooner cancelled or suspended under this Act, for 5 years from the day of its registration, but may be renewed by the Director upon application made in that behalf in the approved form accompanied by payment of the prescribed fee (if any).
- (2) Where an application for renewal is made but is not determined before the date on which the accreditation to which it relates expires, the accreditation shall remain effective until the application is determined.
- (4) In considering an application for renewal under subsection (1), the Director shall take into account the matters that would be taken into account if the application were for a new accreditation.

## **13 Effect of accreditation**

An accredited operator may:

- (a) apply for a licence under this Act; and
- (b) operate a motor vehicle or carry out an action licensed under this Act in accordance with the conditions specified in relation to the accreditation or the licence.

## **14 Operator's accreditation not transferable**

An operator's accreditation is not transferable.

**15           Director may grant exemption**

- (1) Notwithstanding section 8(1) but subject to the Regulations, the Director may in the special circumstances of the case, by notice in writing, exempt a person proposing to apply for a commercial passenger vehicle licence or other licence from the requirement of first being accredited under this Part.
- (2) The Director may, in a notice under subsection (1), impose such conditions on any exemption granted as the Director thinks fit.
- (3) The Director may, by notice in writing to the operator of a commercial passenger vehicle or other person exempted under subsection (1), lift the exemption granted and require the operator to be accredited on the expiry of a period of 3 months or such longer period as may be specified in the notice, commencing with the day the notice was given.
- (4) The Director shall cause a copy of any notice given under subsection (1) or (3) to be published in the *Gazette*.
- (5) The Director may, by notice in the *Gazette* and subject to such conditions as may be specified, exempt any class or classes of operators of commercial passenger vehicle operations using commercial passenger vehicles from the requirement of first being accredited under this Part.
- (6) The Director may, by notice in the *Gazette* and subject to such conditions as may be specified, lift any exemption granted under subsection (5) on the expiry of such period, being not less than 3 months from the date of the notice, as is specified.

**Part 4           Taxis**

**Division 1       Taxi licence**

**16           Taxi areas**

The Minister may, by notice in the *Gazette*, declare an area to be a taxi area for the purposes of this Act.

**17           Taxi licence**

- (1) Subject to this Act, a person who proposes to operate a taxi must hold a taxi licence for a taxi before commencing the operation.

Penalty:       \$10 000.

- (2) An application for a taxi licence is to be made on an approved form accompanied by the prescribed fee.

## **18       Consideration of application**

- (1) The Director must consider an application made under section 17(2) and may, subject to this Act:
- (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1), the Director may require an applicant to provide further information.
- (3) The Director must not issue a taxi licence to a person who is not accredited at the time the licence is granted.
- (4) The Director must not grant a taxi licence to a person unless, at the time the licence is granted, the taxi endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

## **18A      Exemption from passenger limit**

The Director may exempt an approved motor vehicle from the passenger limit for a taxi if:

- (a) the vehicle complies with the other requirements for that kind of taxi; and
- (b) the Director is satisfied that the exemption is appropriate in all the circumstances.

## **19       Registration number to be endorsed on licence**

A taxi licence is to have endorsed on it the registration number of the taxi as contained on the number plates issued under the *Motor Vehicles Act*.

## **20       Conditions of taxi licence**

- (1) A taxi licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to a taxi licence holder, amend or revoke the conditions of the licence or add new conditions.

- (3) The conditions of a taxi licence are to be substantially the same for all taxi licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a taxi licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) The Director may require the holder of a taxi licence to join a communications or dispatch network approved under section 71.
- (6) It is a condition of a taxi licence that the taxi endorsed on the licence is used as a taxi and is maintained to the approved standard.
- (8) It is a condition of a taxi licence that the taxi endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the taxi licence holder.
- (9) It is a condition of a taxi licence that the holder of the licence is to ensure that any injury to a person arising out of or in the course of the person's engagement to drive the taxi endorsed on the licence is covered by a policy of insurance.

## **21       Taxi to operate in taxi area**

- (1) The Director must specify in a taxi licence the taxi area within which the holder of the licence may operate the taxi endorsed on the licence.
- (2) A person must not operate a taxi within a taxi area that is not specified in the taxi licence.
- (3) Despite subsection (2), a person may operate a taxi within a taxi area that is not specified in the taxi licence if the passengers are driven:
  - (a) into the taxi area from a place outside the taxi area; or
  - (b) from within the taxi area to a place outside the taxi area on the return journey by a direct route to the place from which the passengers were driven into the taxi area.

## **22       Effect of taxi licence**

A taxi licence authorises the holder to operate the taxi endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

## **23           Term of taxi licence**

- (1) A taxi licence remains in force, unless sooner surrendered, cancelled or suspended under this Act:
  - (a) for 12 months from the day it is granted; or
  - (b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves.
- (2) If the Director approves a period under subsection (1)(b), the fee that is to be paid for the renewal of the licence is to be a pro rata fee based on the fee that is otherwise prescribed for the renewal of the licence.

## **23A          Renewal of taxi licence**

- (1) A taxi licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee.
- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new taxi licence.

## **24           Surrender of taxi licence**

- (1) The holder of a taxi licence may surrender the licence to the Director before the licence expires.
- (2) A person who surrenders a taxi licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term.

## **25           Director may grant exemption**

- (1) The Director may exempt a class of operators of taxis, or an operation using taxis, from the requirement to hold a taxi licence.
- (2) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (3) The Director may require payment of the prescribed fee (if any) before granting an exemption.

- (4) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**26           Determination of fares and charges**

- (1) The Minister may, by notice in the *Gazette*, determine the maximum fares and charges that may be charged for the hire or use of a taxi.
- (2) A person who charges a fare or charge that is higher than the maximum determined under subsection (1) is guilty of an offence.

Penalty:       \$1,000.

**26A       Taxis may use bus stops outside route service hours**

- (1) Despite anything to the contrary in this Act or the Regulations, the driver of a taxi that is available for hire may park or stand the taxi in a bus stop in an urban service area outside route service hours.
- (2) The driver of a taxi who parks or stands the taxi in a bus stop other than in accordance with subsection (1) commits an offence.

Penalty:       \$2 000.

**Division 2       Substitute taxi licence**

**27           Substitute taxi licence**

- (1) An accredited operator may apply to the Director for a substitute taxi licence.
- (2) An application under subsection (1) is to be on an approved form accompanied by the prescribed fee (if any).
- (3) The Director may require an applicant for a substitute taxi licence to provide further particulars.

**28           Conditions of substitute taxi licence**

- (1) A substitute taxi licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) It is a condition of every substitute taxi licence that, except as otherwise authorised by the Director, the motor vehicle in respect of which the licence was granted is not to be used as a taxi unless it has affixed to it the identification plate or plates approved by the Director for the purposes of this Act.

## **Part 5                      Private hire cars**

### **30                      Private hire car entitlement and licence**

- (1) Subject to this Act, a person who proposes to operate a private hire car must hold a private hire car licence before commencing the operation.

Penalty:            \$10 000.

- (2) An application for a private hire car licence is to be made on an approved form accompanied by the prescribed fee.

### **31                      Consideration of application**

- (1) The Director must consider an application made under section 30(2) and may, subject to this Act:
- (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1), the Director may require an applicant to provide further information.
- (3) The Director must not grant a private hire car licence if the applicant was not accredited at the time of the application.
- (4) The Director must not grant a private hire car licence to a person unless, at the time the licence is granted, the private hire car endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person

### **32                      Registration number to be endorsed on licence**

A private hire car licence is to have endorsed on it the registration number of the private hire car as contained on the number plates issued under the *Motor Vehicles Act*.

### **33                      Conditions of private hire car licence**

- (1) A private hire car licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to a private hire car licence holder, amend or revoke the conditions of the licence or add new conditions.



- (3) The conditions of a private hire car licence are to be substantially the same for all private hire car licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a private hire car licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) It is a condition of a private hire car licence that the private hire car endorsed on the licence be used as a private hire car and is maintained to an approved standard.
- (6) It is a condition of a private hire car licence that the private hire car endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

#### **34 Effect of private hire car licence**

A private hire car licence authorises the holder to operate the private hire car endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

#### **35 Term of private hire car licence**

- (1) A private hire car licence remains in force, unless sooner surrendered, cancelled or suspended under this Act:
  - (a) for 12 months from the day it is granted; or
  - (b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves.
- (2) If the Director approves a period under subsection (1)(b), the fee that is to be paid for the renewal of the licence is to be a pro rata fee based on the fee that is otherwise prescribed for the renewal of the licence.

#### **35A Renewal of private hire car licence**

- (1) A private hire car licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee.
- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new private hire car licence.

**36 Surrender of private hire car licence**

- (1) The holder of a private hire car licence may surrender the licence to the Director before it expires.
- (2) A person who surrenders a private hire car licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term.

**37 Director may grant exemption**

- (1) The Director may exempt a person proposing to operate a private hire car from the requirement to hold a private hire car licence.
- (2) The Director may exempt a class of operators of private hire cars, or an operation using private hire cars, from the requirement to hold a private hire car licence.
- (3) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (4) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**37A Determination of fares and charges**

- (1) The Minister may, by notice in the *Gazette*, determine:
  - (a) a fare or charge to be charged for the hire or use of a private hire car; or
  - (b) the method to be used to calculate such a fare or charge.
- (2) A person must not charge a fare or charge for the hire or use of a private hire car except in accordance with subsection (1).

Penalty: \$1 000.

**37B      Ranking for approved functions or events**

- (1) Despite anything to the contrary in this Act or the Regulations, the driver of a private hire car may park or stand the private hire car for hire to transport passengers at an approved function or event, or an approved class of functions or events, in accordance with the approved conditions.
- (2) The driver of a private hire car who parks, stands or plys a private hire car for hire other than in accordance with subsection (1) commits an offence.

Penalty:      \$3 000.

**Part 5AA      Limousines**

**37C      Limousine licence**

- (1) Subject to this Act, a person who proposes to operate a limousine must hold a limousine licence before commencing the operation.

Penalty:      \$10 000.

- (2) An application for a limousine licence is to be made on an approved form accompanied by the prescribed fee.

**37D      Consideration of application**

- (1) The Director must consider an application made under section 37C(2) and may, subject to this Act:
  - (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1), the Director may require an applicant to provide further information.
- (3) The Director must not grant a limousine licence if the applicant was not accredited at the time of the application.
- (4) The Director must not grant a limousine licence to a person unless, at the time the licence is granted, the limousine endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**37E Registration number to be endorsed on licence**

A limousine licence is to have endorsed on it the registration number of the limousine as contained on the number plates issued under the *Motor Vehicles Act*.

**37F Conditions of limousine licence**

- (1) A limousine licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to the holder of a limousine licence, amend or revoke the conditions of the licence or add new conditions.
- (3) The conditions of a limousine licence are to be substantially the same for all limousine licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a limousine licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) It is a condition of a limousine licence that the limousine endorsed on the licence be used as a limousine and is maintained to an approved standard.
- (6) It is a condition of a limousine licence that the limousine endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**37G Effect of limousine licence**

A limousine licence authorises the holder to operate the limousine endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**37H Term of limousine licence**

- (1) A limousine licence remains in force, unless sooner surrendered, cancelled or suspended under this Act:
  - (a) for 12 months from the day it is granted; or
  - (b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves.

- (2) If the Director approves a period under subsection (1)(b), the fee that is to be paid for the renewal of the licence is to be a pro rata fee based on the fee that is otherwise prescribed for the renewal of the licence.

**37J      Renewal of limousine licence**

- (1) A limousine licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee.
- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new limousine licence.

**37K      Surrender of limousine licence**

- (1) The holder of a limousine licence may surrender the licence to the Director before it expires.
- (2) A person who surrenders a limousine licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term.

**37L      Director may grant exemption**

- (1) The Director may exempt a person proposing to operate a limousine from the requirement to hold a limousine licence.
- (2) The Director may exempt a class of operators of limousines, or an operation using limousines, from the requirement to hold a limousine licence.
- (3) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (4) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**37M Determination of fares and charges**

- (1) The Minister may, by notice in the *Gazette*, determine:
  - (a) a fare or charge to be charged for the hire or use of a limousine; or
  - (b) the method to be used to calculate such a fare or charge.
- (2) A person must not charge a fare or charge for the hire or use of a limousine except in accordance with subsection (1).

Penalty: \$1 000.

**Part 5AB Special function vehicles**

**37N Special function vehicle licence**

- (1) Subject to this Act, a person who proposes to operate a special function vehicle must hold a special function vehicle licence before commencing the operation.

Penalty: \$10 000.

- (2) An application for a special function vehicle licence is to be made on an approved form.

**37P Consideration of application**

- (1) The Director must consider an application made under section 37N(2) and may, subject to this Act:
  - (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For subsection (1), the Director may require an applicant to provide further information.
- (3) The Director must not grant a special function vehicle licence to a person who is not accredited at the time the licence is granted.
- (4) The Director must not grant a special function vehicle licence to a person unless, at the time the licence is granted, the special function vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**37Q Registration number to be endorsed on licence**

A special function vehicle licence is to have endorsed on it the registration number of the special function vehicle as contained on the number plates issued under the *Motor Vehicles Act*.

**37R Conditions of special function vehicle licence**

- (1) A special function vehicle licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to the holder of a special function vehicle licence, amend or revoke the conditions of the licence or add new conditions.
- (3) The conditions of a special function vehicle licence are to be substantially the same for all special function vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a special function vehicle licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) It is a condition of a special function vehicle licence that the special function vehicle endorsed on the licence be used as a special function vehicle and is maintained to an approved standard.
- (6) It is a condition of a special function vehicle licence that the special function vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**37S Effect of special function vehicle licence**

A special function vehicle licence authorises the holder to operate the special function vehicle endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**37T Term of special function vehicle licence**

A special function vehicle licence remains in force, unless sooner surrendered, cancelled or suspended under this Act, for 12 months from the day it is granted or renewed.

**37U Renewal of special function vehicle licence**

- (1) A special function vehicle licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee (if any).

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- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new special function vehicle licence.

**37V Surrender of special function vehicle licence**

- (1) The holder of a special function vehicle licence may surrender the licence to the Director before it expires.
- (2) A person who surrenders a special function vehicle licence is entitled to a refund of a proportionate amount of the fee the person paid when applying for the grant or renewal of the licence (as applicable) in respect of each complete month in the unexpired term of the licence.

**37W Director may grant exemption**

- (1) The Director may exempt a person proposing to operate a special function vehicle from the requirement to hold a special function vehicle licence.
- (2) The Director may exempt a class of operators of special function vehicles, or an operation using special function vehicles, from the requirement to hold a special function vehicle licence.
- (3) An exemption is to be in writing and may specify:
- (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (4) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**Part 5A Minibuses**

**38 Minibus areas**

The Minister may, by notice in the *Gazette*, declare an area to be a minibus area for the purposes of this Act.



**38A Minibus licence**

- (1) Subject to this Act, a person who proposes to operate a minibus must hold a minibus licence before commencing the operation.

Penalty: \$10,000.

- (2) An application for a minibus licence is to be made on an approved form accompanied by the prescribed fee.

**38B Consideration of application**

- (1) The Director must consider an application made under section 38A and may, subject to this Act:

- (a) refuse it;
- (b) grant it; or
- (c) allow the applicant to amend it, and grant it as amended.

- (2) For the purposes of subsection (1), the Director may require an applicant to provide further information.

- (3) The Director must not issue a minibus licence to a person who is not accredited at the time the licence is granted.

- (4) The Director must not grant a minibus licence to a person unless, at the time the licence is granted, the minibus endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person

**38C Registration number to be endorsed on licence**

A minibus licence is to have endorsed on it the registration number as contained on the number plates issued under the *Motor Vehicles Act*.

**38D Conditions of minibus licence**

- (1) A minibus licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to a minibus licence holder, amend or revoke the conditions of the licence or add new conditions.
- (3) The conditions of a minibus licence are to be substantially the same for all minibus licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.

- (4) The Director may require the holder of a minibus licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) The Director may require the holder of a minibus licence to join a communications or dispatch network approved under section 71.
- (6) It is a condition of a minibus licence that the minibus endorsed on the licence is used as a minibus and is maintained to the approved standard.
- (7) It is a condition of a minibus licence that the minibus endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the minibus licence holder.
- (8) It is a condition of a minibus licence that the holder of the licence is to ensure that any injury to a person arising out of or in the course of the person's engagement to drive the minibus endorsed on the licence is covered by a policy of insurance.

**38E Minibus to operate in minibus area**

- (1) The Director must specify in a minibus licence the minibus area within which the holder of the licence may operate the minibus endorsed on the licence.
- (2) A person must not operate a minibus within a minibus area that is not specified in the minibus licence.
- (3) Despite subsection (2), a person may operate a minibus within a minibus area that is not specified in the minibus licence if the passengers are driven:
  - (a) into the minibus area from a place outside the minibus area; or
  - (b) from within the minibus area to a place outside the minibus area on the return journey by a direct route to the place from which the passengers were driven into the minibus area.

**38F Effect of minibus licence**

A minibus licence authorises the holder, subject to the conditions specified in the licence and the holder's accreditation, to operate a minibus:

- (a) subject to paragraph (b) and section 38E(3), within the minibus area specified in the licence and in any other place in the Territory that is outside other minibus areas; and
- (b) anywhere in the Territory for pre-booked charters or tours.

**38G Term of minibus licence**

- (1) A minibus licence remains in force, unless sooner surrendered, cancelled or suspended under this Act:
  - (a) for 12 months from the day it is granted; or
  - (b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves.
- (2) If the Director approves a period under subsection (1)(b), the fee that is to be paid for the renewal of the licence is to be a pro rata fee based on the fee that is otherwise prescribed for the renewal of the licence.

**38GA Renewal of minibus licence**

- (1) A minibus licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee.
- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new minibus licence.

**38H Surrender of minibus licence**

- (1) The holder of a minibus licence may surrender the licence to the Director before the licence expires.
- (2) A person who surrenders a minibus licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term.

**38J Director may grant exemption**

- (1) The Director may exempt a class of operators of minibuses, or an operation using minibuses, from the requirement to hold a minibus licence.
- (2) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.

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- (3) The Director may require payment of the prescribed fee (if any) before granting an exemption.
  - (4) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**38K Minibuses may use bus stops outside route service hours**

- (1) Despite anything to the contrary in this Act or the Regulations, the driver of a minibus that is available for hire may park or stand the minibus in a bus stop in an urban service area outside route service hours.
- (2) The driver of a minibus who parks or stands the minibus in a bus stop other than in accordance with subsection (1) commits an offence.

Penalty: \$2 000.

**Part 5B Courtesy vehicles**

**38L Courtesy vehicle licence**

- (1) Subject to this Act, a person who proposes to operate a courtesy vehicle must hold a courtesy vehicle licence before commencing the operation.

Penalty: \$10 000.

- (2) An application for a courtesy vehicle licence is to be made on an approved form.

**38M Consideration of application**

- (1) The Director must consider an application made under section 38L(2) and may, subject to this Act:
  - (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For subsection (1), the Director may require an applicant to provide further information.
- (3) The Director must not grant a courtesy vehicle licence to a person who is not accredited at the time the licence is granted.

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- (4) The Director must not grant a courtesy vehicle licence to a person unless, at the time the licence is granted, the courtesy vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**38N Registration number to be endorsed on licence**

A courtesy vehicle licence is to have endorsed on it the registration number of the courtesy vehicle as contained on the number plates issued under the *Motor Vehicles Act*.

**38P Conditions of courtesy vehicle licence**

- (1) A courtesy vehicle licence is subject to the conditions that the Director thinks fit and specifies in the licence.
- (2) The Director may, from time to time, by written notice to the holder of a courtesy vehicle licence, amend or revoke the conditions of the licence or add new conditions.
- (3) The conditions of a courtesy vehicle licence are to be substantially the same for all courtesy vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a courtesy vehicle licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (5) It is a condition of a courtesy vehicle licence that the courtesy vehicle endorsed on the licence be used as a courtesy vehicle and is maintained to an approved standard.
- (6) It is a condition of a courtesy vehicle licence that the courtesy vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**38Q Effect of courtesy vehicle licence**

A courtesy vehicle licence authorises the holder to operate the courtesy vehicle endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**38R Term of courtesy vehicle licence**

A courtesy vehicle licence remains in force, unless sooner cancelled or suspended under this Act, for 12 months from the day it is granted or renewed.

**38S      Renewal of courtesy vehicle licence**

- (1) A courtesy vehicle licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee (if any).
- (2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new courtesy vehicle licence.

**38T      Director may grant exemption**

- (1) The Director may exempt a person proposing to operate a courtesy vehicle from the requirement to hold a courtesy vehicle licence.
- (2) The Director may exempt a class of operators of courtesy vehicles, or an operation using courtesy vehicles, from the requirement to hold a courtesy vehicle licence.
- (3) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (4) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**Part 6                      Motor omnibuses****39                      Motor omnibus licence**

- (1) Subject to this Act, a person who proposes to operate a motor omnibus shall, before commencing the operation, hold a motor omnibus licence.

Penalty:            \$10,000.

- (2) An application for a motor omnibus licence shall be made on an approved form accompanied by the prescribed fee (if any).

**40 Consideration of application**

- (1) The Director shall consider an application made under section 39 and may, subject to this Act:
  - (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1) the Director may require an applicant to provide such further information as the Director may require.
- (3) The Director shall not issue a motor omnibus licence pursuant to this section if, at the time of its grant, the proposed grantee is not accredited.

**40A Registration numbers to be endorsed on licence**

A motor omnibus licence is to have endorsed on it the registration number of each motor omnibus to which the licence relates as contained on the number plates issued under the *Motor Vehicles Act*.

**41 Conditions of motor omnibus licence**

- (1) A motor omnibus licence shall be subject to such conditions, if any, as the Director thinks fit and specifies in the licence.
- (2) The Director may from time to time, by written notice to a licence holder, amend or revoke the conditions of the licence or add new conditions.
- (3) The Director may require the holder of a licence to return it to the Director for a replacement certificate to be issued specifying new or amended conditions.

**42 Effect of motor omnibus licence**

A motor omnibus licence authorises the holder, subject to the conditions specified in the licence and in relation to the holder's accreditation:

- (a) to operate a motor omnibus anywhere in the Territory for pre-booked charters and tours;

- (b) to operate a motor omnibus route service anywhere in the Territory except:
  - (i) on or in relation to a route declared under section 46 to be a pioneer route; or
  - (ii) subject to section 47(2), in an urban service area.
- (c) to stand and ply for hire only as part of a motor omnibus route service;
- (d) to ply for hire at any place outside a taxi area or minibus area in accordance with the Regulations; and
- (e) to ply for hire in a prescribed taxi area in accordance with the Regulations.

#### **43 Term of motor omnibus licence, renewal**

- (1) A motor omnibus licence remains in force, unless sooner cancelled or suspended under this Act, for a period of 3 years from the day of its grant, but may be renewed by the Director upon application made in that behalf in the approved form accompanied by payment of the prescribed fee (if any).
- (2) In considering an application for renewal under subsection (1), the Director shall take into account the matters that would be taken into account if the application were for a new motor omnibus licence.

#### **44 Director may grant exemption**

- (1) The Director may exempt a class of operators of motor omnibuses, or an operation using omnibuses, from the requirement to hold a motor omnibus licence.
- (2) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (3) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (4) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.



**45 Director may amend route, &c.**

- (1) Where, in relation to a motor omnibus operation advertised or held out to provide a regular passenger service, the Director considers that a route, timetable or practice of the operation may adversely affect the safety of a person or the safety of a vehicle, the Director may, by notice in writing, order the operator of the service to amend the route, timetable or practice in accordance with any requirements specified in the notice.
- (2) An operator to which subsection (1) applies shall comply with and not contravene an order of the Director under that subsection.

Penalty: \$5,000.

**46 Pioneer routes**

- (1) Where the Director is satisfied that, without protection under this section:
  - (a) a motor omnibus route service (being a route service that has been in operation for less than 12 months) is unlikely to be continued; or
  - (b) a proposed motor omnibus route service for an unserved route is unlikely to be proceeded with,the Director may, by notice in the *Gazette*, declare the route to be a pioneer route.
- (2) A declaration under subsection (1) gives the operator or proposed operator of the route service on the pioneer route exclusive rights of route service operation on that route in the same manner and to the same extent as exist or are proposed at the date the declaration is made, subject to such conditions as are specified in the notice, for a period of 12 months commencing with the day of publication of the notice.
- (3) If, on application made in that behalf before the expiry of the 12 month period specified in subsection (2), the Director, after a review of the operations of the operator of the route service on a pioneer route, is satisfied that protection is still needed to maintain the route service, the Director may extend, by notice in the *Gazette*, the protection under subsection (2) for one further consecutive period not exceeding 12 months.

**47 Urban service areas**

- (1) The Director may, by notice in the *Gazette*, declare an area specified in the notice, being an area wholly or partly urban, to be a motor omnibus urban route service area (in this Act referred to as an urban service area).
- (2) The Director may, in a notice under subsection (1), declare that a route or service specified in the notice is excluded from the urban service area.
- (3) A person shall not operate a motor omnibus route service in an urban service area without first holding an urban service area licence issued under section 48.

**48 Application for urban service area licence**

- (1) A person may apply to the Director for an urban service area licence in respect of a route service in an urban service area.
- (2) An application under subsection (1) shall contain such information as the Director may require and shall be accompanied by the prescribed fee (if any).
- (3) The Director may, on receiving an application under subsection (1), and subject to this section, grant or refuse the application.
- (4) The Director shall not grant an application under subsection (3) for a pioneer route declared within an urban service area.
- (5) In considering an application under this section for an urban service area licence in respect of a route (not being a pioneer route) where another urban service area licence is in force, the Director shall, before granting the application, take into account the possible effects the additional service could have on the existing operation.

**49 Director may prohibit or restrict other services in urban service area, recovery of loss**

- (1) Where a person commences a motor omnibus service (not being a route service) wholly or partly on a route in an urban service area for which an urban service area licence is in force, the Director may, if satisfied that the service affects or is likely to affect the licensed route service, direct the person, by notice in writing, to cease or restrict the service within such time and on such conditions as may be specified in the notice.

Penalty: \$5,000.

- (2) A person found guilty of an offence under subsection (1) of failing to comply with a direction of the Director shall, whether a conviction is entered or penalty imposed in respect of the offence or not, be liable to pay to the operator of the route service affected any financial loss on the service caused or likely to have been caused by the failure to comply, which loss shall be assessed by the court before which the defendant appears and recovered in a like manner to a monetary penalty.

**50            Conditions of motor omnibus licence or urban service area licence**

- (1) A licence under this Part shall be subject to such conditions, if any, as the Director thinks fit and specifies in the licence.
- (2) The Director may from time to time, by written notice to a licence holder, amend or revoke the conditions of the licence or add new conditions.
- (3) The Director may require the holder of a licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.
- (4) Without limiting the generality of subsection (1), the Director may impose conditions relating to:
- (a) the safety of vehicles operating under the licence;
  - (b) notification, display and publication of fares; and
  - (c) relief requirements, in the event of disruption of services.

**51            Director may delegate management of motor omnibus urban route service area**

- (1) The Director may, subject to such terms and conditions as may be agreed, delegate to a person all or any of the powers and functions of the Director in relation to motor omnibuses or motor omnibus services in an urban service area.
- (2) A delegation under subsection (1) may be revoked by the Director by agreement, or after the expiration of a period of no less than 12 months commencing with the day on which notice in writing of the proposed revocation is given to the delegate.

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## **Part 7                      Tourist vehicles**

### **52                      Tourist vehicle licence**

- (1) Subject to this Act, a person who proposes to operate a motor vehicle as a tourist vehicle shall, before commencing the operation, hold a tourist vehicle licence.

Penalty:            \$10,000.

- (2) An application for a tourist vehicle licence shall be made on an approved form accompanied by the prescribed fee (if any).

### **53                      Consideration of application**

- (1) The Director shall consider an application made under section 52 and may, subject to this Act:
  - (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1), the Director may require an applicant to provide such further information as the Director may require.
- (3) The Director shall not issue a tourist vehicle licence pursuant to this section if, at the time of its grant, the proposed grantee is not accredited.

### **53A                    Registration numbers to be endorsed on licence**

A tourist vehicle licence is to have endorsed on it the registration number of each tourist vehicle to which the licence relates as contained on the number plates issued under the *Motor Vehicles Act*.

### **54                      Conditions of tourist vehicle licence**

- (1) A tourist vehicle licence shall be subject to such conditions, if any, as the Director thinks fit and specifies in the licence.
- (2) The Director may from time to time, by written notice to a licence holder, amend or revoke the conditions of the licence or add new conditions.

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- (3) The conditions referred to in this section shall be substantially the same for all tourist vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
  - (4) The Director may require the holder of a licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.

## **55 Effect of tourist vehicle licence**

A tourist vehicle licence authorises the holder to operate a tourist vehicle in accordance with the conditions specified in the licence and in relation to the holder's accreditation.

## **56 Term of tourist vehicle licence, renewal**

- (1) A tourist vehicle licence remains in force, unless sooner cancelled or suspended under this Act, for 3 years from the day of its grant, but may be renewed by the Director on application made in the approved form accompanied by payment of the prescribed fee (if any).
- (2) In considering an application for renewal under subsection (1), the Director shall take into account the matters that would be taken into account if the application were for a new tourist vehicle licence.

## **57 Director may grant exemption**

- (1) The Director may exempt a class of operators of tourist vehicles, or an operation using tourist vehicles, from the requirement to hold a tourist vehicle licence.
- (2) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (3) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (4) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

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## **Part 8                      Special passenger vehicles**

### **58                      Special passenger vehicle licences**

- (1) Subject to this Act, a person who proposes to operate a special passenger vehicle shall, before commencing the operation, hold a special passenger vehicle licence.

Penalty:        \$10,000.

- (2) An application for a special passenger vehicle licence shall be made on an approved form accompanied by the prescribed fee (if any).

### **59                      Consideration of application**

- (1) The Director shall consider an application made under section 58 and may, subject to this Act:
- (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (2) For the purposes of subsection (1), the Director may require an applicant to provide such further information as the Director may require.
- (3) The Director shall not issue a special passenger vehicle licence pursuant to this section if, at the time of its grant, the proposed grantee is not accredited.

### **59A                    Registration numbers to be endorsed on licence**

A special passenger vehicle licence is to have endorsed on it the registration number of each special passenger vehicle to which the licence relates as contained on the number plates issued under the *Motor Vehicles Act*.

### **60                      Conditions of special passenger vehicle licence**

- (1) A special passenger vehicle licence shall be subject to such conditions, if any, as the Director thinks fit and specifies in the licence.
- (2) The Director may from time to time, by written notice to a licence holder, amend or revoke the conditions of the licence or add new conditions.

- (3) The conditions referred to in this section shall be substantially the same for all special passenger vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.
- (4) The Director may require the holder of a licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.

#### **61 Effect of special passenger vehicle licence**

A special passenger vehicle licence authorises the holder to operate a special passenger vehicle in accordance with the conditions specified in the licence and in relation to the holder's accreditation.

#### **62 Term of special passenger vehicle licence, renewal**

- (1) A special passenger vehicle licence remains in force, unless sooner cancelled or suspended under this Act, for 12 months from the day of its grant, but may be renewed by the Director on application made in the approved form accompanied by payment of the prescribed fee (if any).
- (2) In considering an application for renewal under subsection (1), the Director shall take into account the matters that would be taken into account if the application were for a new special passenger vehicle licence.

#### **63 Director may grant exemption**

- (1) The Director may exempt a class of operators of special passenger vehicles, or an operation using special passenger vehicles, from the requirement to hold a special passenger vehicle licence.
- (2) An exemption is to be in writing and may specify:
  - (a) the motor vehicle to which the exemption relates;
  - (b) the period for which the exemption is granted; and
  - (c) any other condition the Director thinks fit.
- (3) The Director may require payment of the prescribed fee (if any) before granting an exemption.
- (4) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

## **Part 9                    Inspectors and inspections**

### **64                    Appointment of inspectors**

- (1) The Director may, by notice in writing, appoint a person to be an inspector for the purposes of this Act.
- (2) A member of the Police Force is an inspector.
- (3) An inspector under this section shall have and may exercise such powers and perform such functions as the Director determines either generally for a class or classes of inspectors or specifically in a particular case.
- (4) The Director shall issue to each inspector appointed under subsection (1) an identity card containing a passport-type photograph and the signature of the inspector verified by the signature of the Director.

### **65                    Inspection of premises**

- (1) An inspector may enter, at all reasonable times, premises used by the holder of an operator's accreditation or licence as the place from which the business authorised by the accreditation or licence is conducted or where any records relating to the business are kept, and:
  - (a) inspect the premises and any motor vehicle found there;
  - (b) require any person there to answer questions (but not if the answer might tend to incriminate the person) or produce records under the person's control concerning any business apparently carried on there;
  - (c) make copies of or take extracts from records so produced;
  - (d) make such examination and inquiry as the inspector considers necessary to ascertain whether the provisions of this Act or the Regulations are being or have been complied with; and
  - (e) take such photographs as the inspector considers necessary in connection with the administration of this Act.
- (2) An inspector is not entitled to enter:
  - (a) any premises other than at the times specified in subsection (1); or
  - (b) a room used solely for residential purposes,



except with the consent of the occupier or where accompanied by a member of the Police Force acting under the authority of a search warrant.

- (3) An inspector shall not prevent or hinder the occupier of any premises, or the occupier's delegate, from accompanying the inspector when exercising a function under this Act on those premises.

## **66 Inspection of motor vehicles**

Where an inspector has reason to believe that a motor vehicle is being used to carry passengers for hire or reward, the inspector may:

- (a) stop the vehicle;
- (b) direct the driver to produce for inspection any licence or other document granted under this Act;
- (c) direct any person to alight from, or not to enter, the vehicle;
- (d) require information as to the use of the vehicle from the operator or any hirer or passenger, and require any such person to furnish particulars of the person's name and address;
- (e) require any person there to answer questions (but not if the answer might tend to incriminate the person); and
- (f) inspect the vehicle.

## **67 Inspector to produce identity card**

An inspector, on first entering premises under section 65 or on stopping or first entering a motor vehicle under section 66 shall, if requested to do so, produce the inspector's identity card or, where the inspector is a member of the Police Force but is not in uniform, evidence of membership of the Police Force to the occupier of the premises or, as the case may be, driver of the motor vehicle.

## **68 Inspector may require defects to be remedied or dangerous practices to cease**

- (1) Where, after inspecting any premises or motor vehicle, an inspector considers that any matter or thing or practice connected with the business carried out by the holder of an operator's accreditation or licence is defective or unnecessarily dangerous so that, in the opinion of the inspector, it is likely to endanger public safety or the safety of any person or to endanger any property, the inspector (or

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any other inspector) may require the person carrying out that practice or the agent of that person to remedy the defect or cease the practice within such time as is specified in writing, but where, in the opinion of the inspector, the defect or practice is likely to be of immediate danger, the inspector may require the person responsible to remedy the defect or cease the practice forthwith.

- (2) The Director may exercise the powers conferred by subsection (1) whether an inspection of any premises or motor vehicle has been made or not.
- (3) Where an inspector has required any person to remedy any defect or to cease any practice within a time specified in writing and that person has failed to comply with that requirement, then, if the inspector is satisfied that steps have been taken to comply but that person has been prevented by reasonable cause from completing the necessary action within the time specified, the inspector may extend the time specified for such further period as the inspector thinks fit.

## **69 Offences relating to inspectors**

A person who:

- (a) contravenes or fails to comply with a direction or requirement of an inspector; or
- (b) furnishes false information or wilfully hinders or obstructs, misleads, intimidates or threatens an inspector exercising the powers of an inspector,

is guilty of an offence.

Penalty: \$10,000.

## **Part 10 General**

### **70 Driver to be licensed under *Motor Vehicles Act***

A person shall not drive a motor vehicle while it is being used to carry passengers for hire or reward unless the person:

- (a) is licensed under the *Motor Vehicles Act* to drive the motor vehicle; or
- (b) is a person to whom section 32 of the *Traffic Act* applies.

Penalty: \$2,000.

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**71        Communication networks**

- (1) A person must not use or permit the use of:
- (a) a communications network for communicating with, controlling or co-ordinating commercial passenger vehicles used to carry passengers for hire or reward; or
  - (b) a dispatch network for accepting bookings for the use of commercial passenger vehicles for hire or reward or allocating commercial passenger vehicles for hire or reward on pre-booked journeys,

except in accordance with the written approval of the Director.

Penalty:        \$5 000.

- (2) A person may apply in writing to the Director for an approval under subsection (1).
- (3) An application under subsection (2) shall contain such particulars as are required by the Director and shall be accompanied by the prescribed fee (if any).
- (4) The Director shall consider an application under subsection (2) and may:
- (a) refuse it;
  - (b) grant it; or
  - (c) allow the applicant to amend it, and grant it as amended.
- (5) For the purposes of subsection (4), the Director may require an applicant to provide such further particulars as the Director may require.
- (6) An approval under subsection (1):
- (a) is subject to such conditions, if any, as the Director thinks fit; and
  - (b) shall remain in force until revoked by the Director.
- (7) The Director may, from time to time, require a person to whom an approval under subsection (1) is given to provide the Director with such information as the Director may require as to the communications or dispatch network provided under the approval and the terms and conditions under which the network is available to the operators of commercial passenger vehicles.

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(7A) A person:

- (a) must comply with a requirement under subsection (7); and
- (b) must not, in purported compliance with a requirement under subsection (7), provide the Director with information that the person knows is false or materially misleading.

Penalty: \$5 000.

- (8) It is a condition of every approval given under this section that, if requested by the Director in relation to a specified holder of a licence, the operator of the communications or dispatch network requested will allow that holder to participate in the use of the network on the same terms and conditions as other users notwithstanding any rule of the operator of the network which would otherwise preclude the holder from participating.

- (8A) A person must comply with a request by the Director referred to in subsection (8).

Penalty: \$5 000.

- (9) A person must not interfere with a communications or dispatch network.

Penalty: \$5 000.

## **72 Codes of conduct**

- (1) The Director may approve codes of conduct to apply to and in relation to the driver, owner or operator of a commercial passenger vehicle, to a passenger on such a vehicle or the operator of a communications or dispatch network approved under section 71.
- (2) Where a code of conduct is approved under subsection (1), a driver, owner or operator of a commercial passenger vehicle or an operator of a communications or dispatch network approved under section 71 who contravenes or fails to comply with the code when carrying passengers in the vehicle is guilty of an offence.

Penalty: \$2,000.

## **73 Conditions relating to carriage of passengers**

- (1) The Director may approve, generally in relation to all operators of a commercial passenger vehicle, or a class of operators or operations, or specifically in relation to an operator or an operation, conditions under which the operator will accept a passenger in the commercial passenger vehicle to which the conditions relate.

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- (2) Without limiting the generality of subsection (1), conditions may be imposed which relate to:
- (a) the cleanliness;
  - (b) the dress;
  - (c) the sobriety; or
  - (d) the general behaviour,
- of a passenger; or
- (e) passengers suffering from an infectious disease.

#### **74 Driver must hold identity card**

- (1) A person must not drive a commercial passenger vehicle of a prescribed class unless the person holds an identity card issued by the Director for that class of vehicle.

Penalty: \$2 000.

- (2) The Director may, on application, issue a person with an identity card for a class of commercial passenger vehicle if the Director is satisfied that the person:
- (a) holds a licence under the *Motor Vehicles Act* to drive a commercial passenger vehicle of that class;
  - (b) is a fit and proper person to drive a commercial passenger vehicle of that class; and
  - (c) has paid the prescribed fee (if any).
- (3) For subsection (2)(b), the Director may approve training standards and other matters required to be met by an applicant for an identity card.
- (4) An identity card remains in force, unless sooner surrendered, cancelled or suspended under this section, for the period the Director approves.
- (5) The Director may, on application, renew a person's identity card for the period the Director approves if satisfied:
- (a) that, if the person were applying for the issue of the identity card, the Director would grant the application; and
  - (b) that the person has paid the prescribed fee (if any).

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- (6) A person who holds an identity card issued under subsection (2) may surrender the identity card to the Director.
  - (7) If the Director is satisfied that a person who holds an identity card issued under subsection (2) is not a fit and proper person to drive a commercial passenger vehicle of the class for which the identity card is issued, the Director may:
    - (a) cancel the identity card; or
    - (b) suspend the identity card for the period the Director thinks fit.
  - (8) For subsection (7), a person who holds an identity card issued under subsection (2) is not a fit and proper person if, were the person applying for the issue of the identity card, the Director would refuse the application.
  - (9) If a person's identity card is lost or destroyed, the Director must issue the person with a replacement on payment of the prescribed fee (if any).

**74A Director may prohibit use of place to stand or ply for hire**

The Director may, by notice in the *Gazette*, declare that a class of commercial passenger vehicle is prohibited from using a specified place to stand or ply for hire, whether or not the use of the place for that purpose was previously authorised under this Act.

**75 Cancellation or suspension of accreditation or licence**

- (1) Where the Director is satisfied that:
  - (a) an accredited operator has contravened or failed to comply with a condition of his or her accreditation; or
  - (b) a commercial passenger vehicle is being or has been operated in contravention of or otherwise than in accordance with a licence,the Director may:
  - (c) cancel the accreditation and/or licence; or
  - (d) suspend the accreditation and/or licence for such period, being not longer than 4 weeks, as the Director thinks fit.

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- (2) Where the Director is satisfied that an accredited person or the holder of a licence is not a fit and proper person to be accredited or hold a licence, the Director may:
- (a) cancel the accreditation or licence; or
  - (b) suspend the accreditation or licence for such period as the Director thinks fit.
- (3) For the purposes of subsection (2), an accredited person or the holder of a licence is not a fit and proper person to be accredited or to hold the licence in any case where, if the person were to apply for accreditation or the licence at the time the Director was considering the matter, the application would be refused.
- (3A) In addition, the Director must have regard to the following in considering whether the accredited person or holder of a licence is fit and proper for subsection (2):
- (a) whether or not the accredited person or holder has shown a pattern of committing offences;
  - (b) any other circumstances concerning the accredited person or holder that the Director considers relevant.
- (4) The Director may cancel a licence where, in accordance with this Act, the application for the grant, renewal or transfer of the licence is accompanied by a means of payment (other than money) as payment of the prescribed fee for the application and the means of payment is dishonoured when duly presented for payment.
- (5) The Director shall cancel a taxi licence where:
- (a) a taxi has not been endorsed on the licence and operated as such for any continuous period of more than 3 months; or
  - (b) the holder, being an individual, has not been ordinarily resident in the Territory for more than 6 months or, being a body corporate, has ceased for more than 6 months to have its principal place of business in the Territory.
- (6) A cancellation or suspension under this section takes effect 7 days after the day of the decision of the cancellation or suspension.
- (7) The Director must give written notice of a decision under this section to the person for whom the decision is made.
- (8) The Territory is not liable for any loss or damage suffered by a person because of a decision under this section.

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**75A Cancellation of accreditation for disqualifying offence**

- (1) The Director must cancel the accreditation of an accredited operator on becoming aware the operator was convicted of a disqualifying offence (whether or not the conviction occurred after the commencement of this section).
- (2) Subsection (1) does not apply if:
  - (a) the operator's criminal record for the conviction is a spent record within the meaning of the *Criminal Records (Spent Convictions) Act*; or
  - (b) the operator was discharged without any penalty being imposed for the conviction.
- (3) If the conviction occurs on or after the commencement of this section, subsection (1) does not apply if:
  - (a) the Chief Executive Officer has previously decided under this Act the operator may hold, or continue to hold, the accreditation despite the conviction; or
  - (b) the Local Court has previously decided under this Act the operator may hold, or continue to hold, the accreditation despite the conviction.
- (4) If the conviction occurred before the commencement of this section, subsection (1) applies:
  - (a) whether or not the Director or a person designated by the Director had previously decided under this Act the operator may hold, or continue to hold, the accreditation despite the conviction; and
  - (b) whether or not the Local Court had previously decided under this Act the operator may hold, or continue to hold, the accreditation despite the conviction; and
  - (c) whether or not the conviction had been taken into account in any decision under this Act to accredit the operator or renew the operator's accreditation.
- (5) The Director must give written notice to the operator of the decision.
- (6) The cancellation takes effect 7 days after the day of the decision.
- (7) The lodging of an appeal against the conviction does not affect the operation of this section.



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- (8) However, if the appeal is successful, the operator's accreditation is taken to be in force again on the decision on the appeal.
  - (9) The Territory is not liable for any loss or damage suffered by the operator because of the decision.
  - (10) This section applies despite section 75.

**75B Suspension of accreditation for disqualifying offence**

- (1) If an accredited operator is charged with a disqualifying offence, the Director may suspend the accreditation for the period the Director considers appropriate.
- (2) The Director must give written notice to the operator of the decision.
- (3) The suspension takes effect 7 days after the day of the decision.
- (4) If the operator is not convicted of the disqualifying offence, the operator's accreditation is taken to be in force again on the decision on the charge.
- (5) The Territory is not liable for any loss or damage suffered by the operator because of the decision.
- (6) This section applies despite section 75.

**75C Accredited operator to notify Director about charge for disqualifying offence**

- (1) An accredited operator must immediately give written notice to the Director if the operator is charged with a disqualifying offence.

Penalty: 100 penalty units.

- (2) Immediately after a court has dealt with the charge, the operator must give written notice to the Director of the outcome of the charge.

Penalty: 100 penalty units.

**75D Inquiries about fitness to hold accreditation**

- (1) The Director may make inquiries about a person for deciding whether the person is fit and proper to hold, or continue to hold, an accreditation.
- (2) For subsection (1), the Director may request the Commissioner of Police to provide the Director with the following:
  - (a) a written report of the criminal history for the person;

- (b) other evidence in relation to the character of the person.
- (3) Subject to other laws in force in the Territory, the Commissioner of Police must comply with the request.
- (4) For subsection (2)(a), the criminal history of a person is that which is:
  - (a) in the possession of the Commissioner of Police; or
  - (b) ordinarily accessible to the Commissioner through arrangements with the police service of another jurisdiction, including a jurisdiction outside Australia.

## **Part 11            Appeals**

### **76            Reviews by Chief Executive Officer for disqualifying offences**

- (1) This section applies to a person if:
  - (a) under section 9, the Director refuses the person's application for an accreditation or the renewal of an accreditation because the person has been convicted of a disqualifying offence; or
  - (b) under section 75A, the Director cancels the person's accreditation because the person has been convicted of a disqualifying offence; or
  - (c) under section 75B, the Director suspends the person's accreditation because the person has been charged with a disqualifying offence.
- (2) The person may request the Chief Executive Officer to review the decision to decide whether there are any exceptional circumstances that warrant the person holding, or continuing to hold, an accreditation despite the conviction or charge.
- (3) The request must:
  - (a) be made within 28 days after the person receives notice of the Director's decision; and
  - (b) state the circumstances the person considers to be exceptional as referred to in subsection (2).
- (4) On the review, the Chief Executive Officer must confirm or revoke the Director's decision.

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- (5) The Chief Executive Officer must give the person written notice of the Chief Executive Officer's decision and the reasons for it.
  - (6) Section 77 applies (with the necessary changes) to the Chief Executive Officer's decision.
  - (7) Without limiting subsection (6), section 77 applies as if a reference to the Director were a reference to the Chief Executive Officer.
  - (8) On and after the revocation of the cancellation or suspension by the Chief Executive Officer, the person's accreditation is taken to be in force again.
  - (9) If the Chief Executive Officer acts with reasonable timeliness in relation to the review of the cancellation or suspension of a person's accreditation, the Territory is not liable for any loss or damage suffered by the person because of the cancellation or suspension.
  - (10) If:
    - (a) the Chief Executive Officer revokes the Director's decision to refuse an application referred to in subsection (1)(a); and
    - (b) the Director did not refuse the application under section 9(3)(a) or (c) (or both),the Chief Executive Officer must substitute the Director's decision for the application and direct the Director to accredit the person or renew the person's accreditation (as the case requires).
  - (11) The Director must comply with the request as soon as possible.
  - (12) The Chief Executive Officer may make procedural guidelines for reviews under this section.

## **77 Appeal against decision of director**

- (1) A person aggrieved by a decision of the Director:
  - (a) refusing an application for accreditation or licence or the renewal of accreditation or a licence or, where allowed, the transfer of a licence, or imposing or varying a condition of accreditation or a licence;
  - (b) cancelling or suspending any accreditation or licence; or
  - (c) refusing an application for approval under section 71 or revoking such an approval, or imposing a condition on such an approval,

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may appeal to the Local Court against the decision.

- (2) Notwithstanding subsection (1), no appeal shall lie against a decision of the Director to suspend an accreditation or licence under section 75(1)(d).
- (3) If a person is entitled to have a decision reviewed under section 76, the person must first exhaust the remedy under that section before applying under subsection (1) in relation to the decision.
- (4) Without limiting subsection (3), the person must first exhaust the remedy under section 76 before applying under subsection (1) if:
  - (a) the person may seek a review under section 76 of a decision arising from a particular provision in this Act (for example, a refusal to accredit the person because of section 9(3)(b)); and
  - (b) the person may also apply under subsection (1) in relation to the decision because it also arose from another provision in this Act (for example, if the refusal is also based on section 9(3)(c)).
- (4A) The application for the appeal must be made:
  - (a) within 28 days after:
    - (i) if subsection (3) does not apply – notice of the decision is given to the person; or
    - (ii) if subsection (3) applies – notice of the decision under section 76 is given to the person; or
  - (b) as otherwise decided by the Court if satisfied it is just and reasonable to do so in the circumstances.
- (5) The Director shall, if required by any person affected by a decision referred to in subsection (1), state in writing the reasons for the decision.
- (6) If the reasons of the Director are not given in writing at the time of making a decision and the person in relation to whom it was made then requested the Director to state the reasons in writing, the time for appealing shall run from the time of service upon that person of the written statement of those reasons.
- (7) The Local Court may:
  - (a) confirm the decision appealed against;

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- (b) substitute, or make in addition, any decision that should, in the opinion of the Local Court, have been made in the first instance; or
  - (c) make any further or other order as to costs or any other matter that the case requires.
- (8) An appeal must be by way of hearing de novo.

**78 Rights of accredited person or licensee pending disposal of appeal in certain cases**

Where a decision of the Director is to cancel or suspend any accreditation or licence or refuse an application for the renewal of any accreditation or, where appropriate, licence, that decision shall be of no effect until:

- (a) where an appeal against that decision has been made within the period specified in section 77(4), the appeal is determined; or
- (b) where no appeal has been made against the decision before the expiry of the specified period, that period expires.

**79 Local court may refer appeals back to director**

- (1) Notwithstanding section 77, the Local Court may, in any case, instead of determining an appeal under that section, direct the Director to reconsider, either generally or in respect of specified matters, the whole or any specified part of the matter to which the appeal relates.
- (2) In giving a direction under subsection (1) the Local Court shall:
  - (a) advise the Director of its reasons for doing so; and
  - (b) give to the Director such directions as it thinks fit as to the reconsideration or otherwise of the whole or any part of the matter that is referred back for reconsideration.
- (3) The Director shall, in reconsidering a matter referred back to it under this section, have regard to the Local Court's reasons for giving a direction under subsection (1) and to the actual directions under subsection (2).

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## **Part 12                      Miscellaneous**

### **79A                      General offence**

- (1) A person shall not:
- (a) operate; or
  - (b) cause, employ or permit another person to drive or operate, a motor vehicle for the purpose of the carriage of passengers for hire or reward, unless the first-mentioned person:
  - (c) is accredited under Part 3;
  - (d) holds a licence under this Act; and
  - (e) operates, or causes, employs or permits the other person to drive or operate, the motor vehicle for that purpose under and in accordance with the licence.

Penalty:        \$10,000.

- (2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she had no interest in the operation of the motor vehicle other than as its driver.
- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the conduct constituting the offence was engaged in without the defendant's express or implied authority.

### **79B                      Court order for payment of annual fee**

- (1) If:
- (a) a person operates, or causes or employs another person to drive or operate, a motor vehicle for the purpose of the carriage of passengers for hire or reward as if the person held a licence to operate the motor vehicle as a commercial passenger vehicle of a particular class; and
  - (b) a court finds the person guilty of an offence in that respect,
- the court must order the person to pay to the Director an amount equal to the prescribed annual fee that the person would have been required to pay for a licence in respect of a commercial passenger vehicle of that class.

(2) If:

(a) a person operates a commercial passenger vehicle in contravention of this Act as if it were of another class of commercial passenger vehicle; and

(b) a court finds the person guilty of an offence in that respect,

the court must order the person to pay to the Director an amount equal to the prescribed annual fee that the person would have been required to pay for a licence in respect of a commercial passenger vehicle of that other class.

(3) An order made under this section is in addition to the imposition of the penalty prescribed for the relevant offence.

## **80 General penalties**

A person who contravenes or fails to comply with a provision of this Act in respect of which no penalty, other than that provided by this section, is liable on being found guilty to a penalty not exceeding \$10,000.

## **81 Infringement offences and notices**

(1) An inspector may serve an infringement notice on a person if it appears to the inspector that the person has committed an offence against this Act or the Regulations, being an offence prescribed as an infringement offence.

(2) An infringement notice is a notice to the effect that:

(a) an offence is alleged to have been committed against this Act or the Regulations;

(b) if the penalty amount indicated is paid within the time and at the place specified – the alleged offence is expiated and no person is liable for any further proceedings in the matter; and

(c) the person served with the infringement notice can elect to have the matter dealt with by a court by serving written notice in accordance with the directions given on the infringement notice.

(3) If the prescribed penalty for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

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- (4) Payment under this section is not to be regarded as an admission of liability for the purposes of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
  - (5) The penalty prescribed for an infringement offence shall not exceed the maximum penalty that could be imposed for the offence by a court.
  - (6) The *Fines and Penalties (Recovery) Act* applies to an infringement notice issued under this section if the amount payable under the infringement notice is not paid within the specified time.

## **82 Regulatory offences**

- (1) An offence against this Act is a regulatory offence.
- (2) It is a defence to a prosecution for an offence referred to in subsection (1) if the defendant proves on the balance of probabilities that:
  - (a) any contravention or failure to comply constituting the offence occurred in an emergency and was necessary to preserve life or prevent injury or to protect property;
  - (b) the defendant did not intend to commit the offence, and that:
    - (i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or
    - (ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done; and
  - (c) any contravention or failure to comply constituting the offence was authorised by being:
    - (i) in the exercise of a right granted or recognised by law;
    - (ii) in execution of the law or in obedience to, or in conformity with, the law;
    - (iii) in obedience to the order of a competent authority whom the defendant is bound by law to obey unless the order is manifestly unlawful (the determination of which is a matter of law); or
    - (iv) pursuant to an authority, permission, or licence lawfully granted.



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**83 Vehicle may be forfeited**

- (1) In addition to the penalty prescribed for an offence against a provision of this Act, the court on finding a person guilty of an offence against that provision may, where the person has previously been found guilty of an offence against that provision, order that a vehicle used in the commission of the offence is forfeited to the Territory.
- (2) A vehicle forfeited to the Territory under subsection (1) may be dealt with or disposed of as the Minister thinks fit.

**84 Averments**

An extract from, or copy of, an entry in a register or record purported to be certified by the Director shall, in all courts and upon all occasions, be sufficient evidence of -

- (a) all particulars contained in the entry without requiring the production of any books, registers, licences, authorisations or other documents upon which the entry was founded; and
- (b) the signature of the Director.

**85 Arrangements with States**

- (1) The Minister may make arrangements with a State or another Territory having provisions in its law relating to commercial passenger vehicles and to the transport of passengers by road, being provisions of a similar nature to any or all of those contained in this Act, for the reciprocal recognition, enforcement or granting of exemptions from all or any of the provisions of this Act or those similar provisions.
- (2) The Minister may include in any arrangements under subsection (1) such matters as the Minister thinks fit, notwithstanding anything to the contrary in this Act, and every such arrangement shall have effect according to its tenor.
- (3) Notice of every arrangement under subsection (1) shall be published in the *Gazette* within 60 days after the date of its being made.

**85A Refund, remission or credit arrangement**

- (1) The Director may refund, in full or part, money paid under this Act if:
  - (a) a person has paid more than the fee or amount required;
  - (b) an application accompanied by a fee is refused; or

- (c) the Director is satisfied that the circumstances require it.
- (2) If the Director considers it appropriate, the Director may remit, in full or part, a fee or charge that is otherwise payable under this Act.
- (3) If a person has paid more money than is required in respect of a matter under this Act, the Director may approve a credit arrangement by which the person may use the excess money as payment or part payment of another fee or charge that is payable, or is expected to become payable, by the person.
- (4) The Regulations may prescribe all matters in respect of refunds, remissions or credit arrangements under this Act.

## **86 Acquisition to be on just terms**

Where the application of a provision of this Act would, but for this section, result in an acquisition of property otherwise than on just terms, the person from whom the property is acquired shall be entitled to receive just compensation for the acquisition, and a court of competent jurisdiction may determine the amount of the compensation or make such order as, in its opinion, is necessary to ensure that the acquisition is on just terms.

## **87 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving affect to this Act,

and, in particular:

- (c) prescribing the conditions to apply to and in relation to accreditation or to licences;
- (d) regulating all matters relating to the transport of passengers for hire or reward by commercial passenger vehicles and all matters relating to those vehicles and including accreditation and licensing;
- (e) prescribing fees, charges or levies for any matter or thing done or to be done for the purposes of this Act, or authorising the Director to fix any fees, charges or levies in respect of such matters as may be prescribed;

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- (f) prescribing the qualifications required for persons working on or in relation to a commercial passenger vehicle;
  - (g) regulating, restricting or prohibiting the form, construction and equipment of a commercial passenger vehicle;
  - (h) providing for a taxi licence to be used as security for a loan or liability;
  - (i) prescribing infringement offences and infringement fees;
  - (k) relating to the behaviour, rights and obligations of passengers, drivers and operators of commercial passenger vehicles;
  - (m) providing for the collection, holding and disposal of property left, lost or abandoned by persons using commercial passenger vehicles; or
  - (n) prescribing offences in respect of contravention of or non-compliance with any regulations made under this Act or any notice, requirement or direction given pursuant to any such regulations, and prescribing penalties not exceeding \$10,000 in respect of any offence.

## **88 Savings and transitional**

- (1) Any regulations made under the *Motor Vehicles Act* which relate to commercial passenger vehicles, the use of commercial passenger vehicles as security for loans, or to persons who operate or work on or in relation to commercial passenger vehicles, being regulations which, on the commencement of the *Motor Vehicles Amendment Act 1991*, could probably be no longer made under the *Motor Vehicles Act*, shall:
  - (a) continue to exist as regulations under this Act; and
  - (b) be capable of being amended or repealed by regulations made under this Act.
- (2) Where a reference in a regulation saved under subsection (1) is to a provision in the *Motor Vehicles Act* that has been repealed by the *Motor Vehicles Amendment Act 1991*, that reference shall be construed, where possible, as a reference to an appropriate or relevant provision in this Act.
- (3) An action, prosecution or other proceeding begun under the *Motor Vehicles Act* as then in force before the commencement of this Act may be continued as if this Act had never commenced, and an action, prosecution or other proceeding in respect of a thing done or omitted to be done under the *Motor Vehicles Act* as then in force

before the commencement of this Act may be brought, taken and prosecuted in the same manner as if this Act had never commenced.

- (4) Where, immediately before the commencement of this Act, a person had under the *Motor Vehicles Act* as then in force a licence, certificate or other authority relating to the use, possession or operation of a commercial passenger vehicle, that person is, on the commencement of this Act, authorised to use, possess or operate the commercial passenger vehicle until such time as the licence, certificate or other authority would otherwise have expired under the *Motor Vehicles Act*.
- (5) Where, immediately before the commencement of this Act, a person or body corporate had under the *Motor Vehicles Act* as then in force a public hire car licence, the person or body corporate may be granted a taxi licence on the expiration of the public hire car licence in accordance with subsection (4) notwithstanding that the person or body corporate is not eligible under section 20(1) to be granted the taxi licence, and section 20(2) does not apply to and in relation to such a person or body corporate to whom a taxi licence is granted until the person's or body corporate's accreditation is renewed under this Act.
- (6) The Director may, if it is considered administratively expedient for the purposes of the transition of requirements relating to commercial passenger vehicles under the *Motor Vehicles Act* to the requirements under this Act, extend, on payment of an appropriate fee determined by the Director, the authorisation given under subsection (4) for one further period not exceeding 12 months and may also, notwithstanding anything to the contrary in this Act, take such actions and impose such conditions (including the payment of appropriate fees) as is thought necessary for the purposes of the transitions.

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## ENDNOTES

**1****KEY**

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 lt = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

**2****LIST OF LEGISLATION*****Commercial Passenger (Road) Transport Act 1991 (Act No. 34, 1991)***

Assent date	27 June 1991
Commenced	27 October 1992 ( <i>Gaz</i> G42, 21 October 1992, p 2)

***Commercial Passenger (Road) Transport Amendment Act 1992 (Act No. 29, 1992)***

Assent date	9 June 1992
Commenced	9 June 1992

***Commercial Passenger (Road) Transport Amendment Act 1992 (Act No. 59, 1992)***

Assent date	22 October 1992
Commenced	22 October 1992

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz</i> S53, 29 June 1993)

***Statute Law Revision Act 1994 (Act No. 50, 1994)***

Assent date	20 September 1994
Commenced	20 September 1994

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 <i>Sentencing Act 1995</i> (Act No. 39, 1995) and <i>Gaz</i> S15, 13 June 1996)

***Commercial Passenger (Road) Transport Amendment Act 1998 (Act No. 83, 1998)***

Assent date	7 December 1998
Commenced	1 January 1999 (s 2)

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**Statute Law Revision Act (No. 2) 1999 (Act No. 48, 1999)**

Assent date 10 November 1999  
Commenced 10 November 1999

**Commercial Passenger (Road) Transport Amendment Act 2000 (Act No. 5, 2000)**

Assent date 14 March 2000  
Commenced 1 January 2000 (s 2)

**Statute Law Revision Act 2000 (Act No. 19, 2000)**

Assent date 6 June 2000  
Commenced 12 July 2000 (Gaz G27, 12 July 2000, p 2)

**Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)**

Assent date 29 June 2001  
Commenced 15 July 2001 (s 2, s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

**Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 (Act No. 60, 2001)**

Assent date 11 December 2001  
Commenced 1 January 2002 (s 2, s 2 *Fines and Penalties (Recovery) Act 2001* (Act No. 59, 2001) and Gaz G50, 19 December 2001, p 3)

**Commercial Passenger (Road) Transport Amendment Act 2003 (Act No. 1, 2003)**

Assent date 27 February 2003  
Commenced 1 March 2003 (Gaz S3, 28 February 2003)

**Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003 (Act No. 40, 2003)**

Assent date 7 July 2003  
Commenced ss 22 (to ext it ins s 37V(2): 10 January 2007 (Gaz G2, 10 January 2007, p 4) and 26: 1 October 2003 (Gaz G38, 24 September 2003, p 2); rem: 1 August 2003 (Gaz G30, 30 July 2003, p 13)

**Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)**

Assent date 15 September 2004  
Commenced 27 October 2004 (Gaz G43, 27 October 2004, p 3)

**Commercial Passenger Vehicles Legislation Amendment Act 2006 (Act No. 3, 2006)**

Assent date 8 March 2006  
Commenced 8 March 2006

### 3

### SAVINGS AND TRANSITIONAL PROVISIONS

- s 23 and sch *Commercial Passenger (Road) Transport Amendment Act 1998* (Act No. 83, 1998)
- s 16 *Commercial Passenger (Road) Transport Amendment Act 2003* (Act No. 1, 2003)
- pt 3 *Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003* (Act No. 40, 2003)

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**4 LIST OF AMENDMENTS**

s 3	amd No. 59, 1992, s 2; No. 50, 1994, s 4; No. 83, 1998, s 4; No. 1, 2003, s 4; No. 40, 2003, s 4; No. 3, 2006, s 3
pt 2	
div 1 hdg	ins No. 1, 2003, s 5
s 5	amd No. 28, 1993, s 3; No. 40, 2003, s 5
s 5A	ins No. 40, 2003, s 6
pt 2	
div 2 hdg	ins No. 1, 2003, s 6
ss 6A – 6C	ins No. 1, 2003, s 6
s 6D	ins No. 40, 2003, s 7
s 9	amd No. 29, 1992, s 3; No. 17, 1996, s 6; No. 83, 1998, s 5; No. 48, 1999, s 3; No. 17, 2001, s 21; No. 3, 2006, s 4
s 11	amd No. 83, 1998, s 6
s 12	amd No. 83, 1998, s 7
pt 4 hdg	sub No. 83, 1998, s 8
pt 4	
div 1 hdg	ins No. 83, 1998, s 8
s 16	sub No. 83, 1998, s 8
s 17	sub No. 83, 1998, s 8
	amd No. 1, 2003, s 7; No. 40, 2003, s 8
s 18	amd No. 1, 2003, s 8
s 18A	ins No. 40, 2003, s 9
s 19	sub No. 83, 1998, s 8
s 20	sub No. 83, 1998, s 8
	amd No. 1, 2003, s 9; No. 40, 2003, s 10
ss 21 – 22	sub No. 83, 1998, s 8
s 23	sub No. 83, 1998, s 8; No. 5, 2000, s 4
	amd No. 1, 2003, s 10
s 23A	ins No. 5, 2000, s 4
s 24	sub No. 83, 1998, s 8
	amd No. 40, 2003, s 11
s 25	sub No. 83, 1998, s 8
s 26	sub No. 83, 1998, s 8
	amd No. 1, 2003, s 11; No. 40, 2003, s 12
s 26A	ins No. 40, 2003, s 13
pt 4	
div 2 hdg	ins No. 83, 1998, s 8
ss 27 – 28	sub No. 83, 1998, s 8
pt 4	
div 3 hdg	ins No. 83, 1998, s 8
	rep No. 40, 2003, s 14
s 29	sub No. 83, 1998, s 8
	rep No. 40, 2003, s 14
pt 5 hdg	sub No. 83, 1998, s 8
s 30	sub No. 83, 1998, s 8; No. 40, 2003, s 15
s 31	sub No. 83, 1998, s 8
	amd No. 40, 2003, s 16
s 32	sub No. 83, 1998, s 8
s 33	sub No. 83, 1998, s 8
	amd No. 40, 2003, s 17
s 34	sub No. 83, 1998, s 8
s 35	sub No. 83, 1998, s 8; No. 5, 2000, s 5
	amd No. 40, 2003, s 18
s 35A	ins No. 5, 2000, s 5
s 36	sub No. 83, 1998, s 8; No. 40, 2003, s 19

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s 37	sub No. 83, 1998, s 8 amd No. 40, 2003, s 20
ss 37A – 37B	ins No. 40, 2003, s 21
pt 5AA hdg	ins No. 40, 2003, s 22
ss 37C – 37H	ins No. 40, 2003, s 22
s 37J	ins No. 40, 2003, s 22 amd No. 54, 2004, s 7
ss 37K – 37M	ins No. 40, 2003, s 22
pt 5AB hdg	ins No. 40, 2003, s 22
ss 37N – 37W	ins No. 40, 2003, s 22
pt 5A hdg	ins No. 83, 1998, s 8
s 38	sub No. 83, 1998, s 8
s 38A	ins No. 83, 1998, s 8
s 38B	ins No. 83, 1998, s 8 amd No. 1, 2003, s 12
s 38C	ins No. 83, 1998, s 8
s 38D	ins No. 83, 1998, s 8 amd No. 1, 2003, s 13; No. 40, 2003, s 23
ss 38E – 38F	ins No. 83, 1998, s 8
s 38G	ins No. 83, 1998, s 8 sub No. 5, 2000, s 6 amd No. 1, 2003, s 14
s 38GA	ins No. 5, 2000, s 6
s 38H	ins No. 83, 1998, s 8 amd No. 40, 2003, s 24
s 38J	ins No. 83, 1998, s 8
s 38K	ins No. 40, 2003, s 25
pt 5B hdg	ins No. 40, 2003, s 26
ss 38L –	
38T	ins No. 40, 2003, s 26
s 40A	ins No. 83, 1998, s 9
s 41	amd No. 83, 1998, s 10
s 42	amd No. 83, 1998, s 11
s 44	sub No. 83, 1998, s 12
s 50	amd No. 83, 1998, s 13
s 53A	ins No. 83, 1998, s 14
s 54	amd No. 83, 1998, s 15
s 57	sub No. 83, 1998, s 16
s 59A	ins No. 83, 1998, s 17
s 60	amd No. 83, 1998, s 18
s 63	amd No. 50, 1994, s 4 sub No. 83, 1998, s 19
s 71	amd No. 40, 2003, s 27
s 72	amd No. 40, 2003, s 28
s 74	sub No. 1, 2003, s 15 amd No. 40, 2003, s 29
s 74A	ins No. 83, 1998, s 20
s 75	amd No. 59, 1992, s 3; No. 3, 2006, s 5
ss 75A – 75D	ins No. 3, 2006, s 6
s 76	sub No. 3, 2006, s 7
s 77	amd No. 19, 2000, s 9; No. 3, 2006, s 8
s 79A	ins No. 59, 1992, s 4 amd No. 40, 2003, s 30
s 79B	ins No. 83, 1998, s 21
s 80	amd No. 17, 1996, s 6
s 81	amd No. 60, 2001, s 5
s 83	amd No. 17, 1996, s 6
s 85A	ins No. 83, 1998, s 22



## ENDNOTES

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s 87	amd No. 29, 1992, s 4
s 89	rep No. 29, 1992, s 5