

NORTHERN TERRITORY OF AUSTRALIA

TAXIS REGULATIONS

As in force at 26 March 2008

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 26 March 2008

TAXIS REGULATIONS

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

Part 1 Preliminary

1 Citation

These regulations may be cited as the *Taxis Regulations*.

2 Commencement

These regulations shall come into operation on the commencement of the *Commercial Passenger (Road) Transport Act*.

3 Interpretation

(1) In these regulations unless the contrary intention appears:

determination means a determination made under section 26 of the Act.

lift incentive, see regulation 3A.

multiple hiring means the separate hiring of the same taxi by more than one hirer with each hirer paying a separate fare.

multiple purpose taxi means a standard taxi fitted to carry a passenger seated in a wheelchair and in respect of which the licence contains a condition that priority is to be given to carrying passengers in wheelchairs.

operator does not include a person who is only a driver of a taxi.

taxi area means an area declared as a taxi area under section 16 of the Act.

taxi rank means:

- (a) a space or area in a road or place designated as a taxi rank under the *Traffic Act*; or

- (b) a bus stop whenever a taxi is parked or standing in the bus stop in accordance with section 26A(1) of the Act.

testing officer means a person authorised to test taximeters under the *Motor Vehicles Act*.

- (2) For these Regulations (but subject to regulation 3A), the time a taxi is kept waiting by the hirer may be included in the time of the hiring.

3A Lift incentive

- (1) An eligible person who requires the wheelchair capability of a multiple purpose taxi may offer a lift incentive to the driver of the taxi.
- (2) The lift incentive may be provided in the form of:
 - (a) a redeemable voucher approved by the Minister; or
 - (b) another means of payment approved by the Minister.
- (3) If the taxi driver accepts the offer of the lift incentive:
 - (a) the hiring is taken to commence only after the wheelchair, and any person in the wheelchair, have been loaded into the vehicle and made secure; and
 - (b) the driver must not charge for any time spent waiting:
 - (i) for the hirer before loading the wheelchair; or
 - (ii) in loading and unloading the wheelchair.
- (4) A taxi driver is not obliged to accept a lift incentive and may instead charge for time spent waiting for the hirer and in loading and unloading the wheelchair.
- (5) The Minister may, by *Gazette* notice:
 - (a) determine the class or classes of persons who are eligible to participate in the lift incentive scheme; and
 - (b) determine the amount payable for a lift incentive from time to time.

Part 2 Duties of operator

4 Operator to maintain records

- (1) The operator of a taxi shall make and maintain a record of:
 - (a) the dates and times during which the taxi is operated for the carriage of passengers;
 - (b) the full name and residential address of the driver of the taxi during those periods and the number of the driver's licence issued to him or her under the *Motor Vehicles Act*;
 - (c) every journey made by the taxi that is registered on the taximeter fitted to the taxi; and
 - (d) any other matter that the Director requires as a condition of the operator's licence.
- (1A) The operator of a multiple purpose taxi must maintain a record of each journey made by the taxi entailing the carriage of a wheelchair passenger.

Maximum penalty: 30 penalty units.

- (2) The record referred to in subregulation (1) or (1A) and any record returned to the operator under regulation 11(5):
 - (a) shall be kept in a safe place at the principal place of business of the operator; and
 - (b) shall be produced whenever required by an inspector.

4A Maintenance

- (1) The operator of a taxi must ensure that the taxi is properly and regularly maintained.
- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a taxi, the operator of a taxi must ensure that maintenance carried out on the taxi is in accordance with that specified.

5 Identity card

- (1) For section 74 of the Act, a taxi is a prescribed class of commercial passenger vehicle.

- (2) An identity card issued under section 74 of the Act to a taxi driver is to:
 - (a) display the name of the driver;
 - (b) display a recent photograph of the driver;
 - (c) specify the expiry date of the card; and
 - (d) indicate that the holder of the card is authorised to drive a taxi.
- (3) A taxi driver must display the driver's identity in a conspicuous place in a taxi while driving the taxi.

Part 3 Conduct of drivers and passengers

6 Member of the police force

- (1) A member of the police force acting in the course of duty may require a taxi driver to carry the member of the police force as a passenger.
- (2) A taxi driver shall not refuse a request made under subregulation (1) and the member of the police force:
 - (a) is not required to pay the fare on demand by the taxi driver; and
 - (b) is not liable to pay any amount for any loss or damage occasioned by the request that exceeds reasonable compensation.

7 Touting prohibited

- (1) A person must not tout or solicit for passengers for a taxi.
- (2) A person does not commit an offence against subregulation (1) if the person marshals passengers for taxis at an event or place, and in accordance with conditions, approved by the Director.

7A Preventing other drivers from obtaining hirings

A taxi driver must not prevent, or attempt to prevent, by force or otherwise another taxi driver from obtaining a hiring.

8 Multiple hiring

- (1) A taxi driver shall not use the taxi for the purpose of multiple hiring unless the passengers for each hiring consent to the taxi being used for the purpose of multiple hiring.

- (2) Where a taxi is used on a multiple hiring basis the driver shall convey the passengers to the places specified under each hiring so that the distance travelled under each hiring is the shortest practicable having regard to the circumstances of the hiring.

9 Separate hiring

Except in the case of a multiple hiring referred in regulation 8, a taxi driver shall not demand or collect separate fares from passengers who travel on the taxi together on the same hiring.

10 Animals

- (1) Subject to subregulation (2) a taxi driver shall not refuse a hiring by reason only that a prospective hirer is accompanied by a:
- (a) guide dog; or
 - (b) a hearing or companion dog.
- (2) A taxi driver may refuse a hiring if an animal referred to in paragraph (b) is likely to be a nuisance or is likely to interfere with the operation of the taxi.

10A Hiring by passenger with wheelchair

- (1) The driver of a multiple purpose taxi must not refuse a request for a hiring, allocated by a communications network or dispatch network, entailing the carriage of a wheelchair passenger.

Maximum penalty: 30 penalty units.

- (2) However, a driver does not commit an offence against subregulation (1) in circumstances permitted by any of the following:
- (a) these Regulations;
 - (b) a code of conduct applicable under the Act to taxis;
 - (c) the multiple purpose taxi licence applicable to the taxi;
 - (d) the approval under the Act to operate the communications network or dispatch network.
- (3) The driver of a multiple purpose taxi must:
- (a) record all journeys entailing the carriage of a wheelchair passenger while he or she was the driver; and

- (b) provide the records to the operator of the taxi as soon as practicable.

Maximum penalty: 30 penalty units.

- (4) Subregulation (3) does not apply if the hiring was booked through a communications or dispatch network which itemises wheelchair journeys in reports by the network.

11 Hiring

- (1) Subject to these Regulations, a taxi driver shall not refuse a hiring if a prospective hirer demonstrates to the taxi driver his or her capacity to pay the fare applicable in relation to the proposed hiring.
- (2) Subject to these Regulations, a taxi driver shall not demand a fare in relation to a hiring that is in excess of the maximum fare payable under a determination then in force.
- (3) A taxi driver may refuse to accept a hiring for a journey that extends beyond a taxi area unless the prospective hirer agrees to pay:
 - (a) in relation to any distance to be travelled inside a taxi area, the amount payable under a determination then in force; and
 - (b) in relation to any distance to be travelled outside a taxi area, a negotiated fare.
- (4) A hirer shall on completion of a hiring pay to the taxi driver on demand by the taxi driver the fare applicable in relation to the hiring.
- (5) If a taxi is equipped with a mobile telephone and the taxi driver undertakes a hiring by that means and without the knowledge of the operator the taxi driver shall make a record of each such hiring and return the record to the operator as soon as is practicable.

12 Passengers with infectious diseases, &c.

A taxi driver may refuse to accept a hiring from a person:

- (a) who is apparently:
 - (i) suffering from an infectious disease; or
 - (ii) under the influence of drugs or alcohol; or
- (b) who is likely to:
 - (i) soil or damage the taxi; or

- (ii) cause a nuisance.

13 Hirer and passengers, children

- (1) When accepting a hiring a taxi driver shall allow all the passengers requested by the hirer to accompany the hirer so long as the permitted seating capacity of the taxi is not exceeded.
- (2) If children apparently under the age of 14 are among the passengers every third child is not to be counted when calculating the number of passengers to be carried on a taxi so long as the passengers so carried does not contravene the *Traffic Regulations* made under the *Traffic Act*.

14 Re-hiring

If a hiring is terminated and the taxi driver is requested to return to the place at which the hiring is terminated then unless the person requesting the hiring otherwise agrees:

- (a) a new hiring commences from the time the taxi driver returns to that place; and
- (b) the taxi driver shall not charge for the interval between the hirings,

but the taxi driver is not obliged to return for a new hiring unless he has already accepted the new hiring.

15 Notification of arrival

On arrival at a place to accept a hiring a taxi driver:

- (a) shall immediately notify the hirer of his or her arrival; and
- (b) shall not set the taximeter to start before giving notification of his or her arrival unless a time was specified for the commencement of the hiring and then only at the time so specified.

16 Fair dealing

- (1) A taxi driver shall when conveying a passenger take the shortest practicable route to the destination requested unless the passenger specifies another route.
- (2) A taxi driver shall give a prospective hirer full and correct information concerning the fare payable in relation to a proposed hiring.

- (3) The operator of a taxi shall ensure that the maximum fares then payable are displayed on a legible notice in a conspicuous position inside the taxi.
- (4) Before demanding the payment of the fare payable at the end of a hiring a taxi driver shall allow the passenger to see the amount payable as displayed on the taximeter and shall ensure that the taximeter is sufficiently illuminated, if necessary, for this purpose.
- (5) If, under these regulations, it is lawful to operate a taxi without a taximeter the taxi driver shall, during the period that the taxi is permitted to be operated in that manner, allow any passenger to ascertain the fare payable by using the fare card issued for that purpose by the Director.
- (6) If a taxi is operated without a taximeter during any period that the taxi driver has not been issued with a fare card the fare payable shall be calculated by reference to the distance travelled and the maximum amount payable in relation to that distance under a determination then in force.

17 Intoxicating liquor prohibited

If a passenger consumes intoxicating liquor or a prohibited substance in a taxi the taxi driver shall terminate the hiring and request the passenger to alight from the taxi.

18 Luggage

A person shall not, without the consent of the driver bring into or carry on the taxi any article or thing that in the opinion of the driver would be likely to:

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

19 Termination by taxi driver

A taxi driver may terminate a hiring if a person while travelling in a taxi:

- (a) uses profane, obscene, insulting or offensive language;
- (b) interferes with the comfort or safety of the persons travelling in the taxi; or
- (c) commits a nuisance,

and require the person to alight from the taxi.

20 Taxi ranks

The following provisions apply to and in relation to the use of taxi ranks:

- (a) a taxi driver shall not park or leave a taxi in a taxi rank unless the taxi is available for hire;
- (b) a taxi driver shall remain in the vicinity of a taxi that is parked in a taxi rank;
- (c) except where otherwise directed by an inspector, a taxi driver shall park his or her taxi in a queue in the first position then available in the taxi rank and shall move the taxi up the queue as space becomes available;
- (d) where more than one taxi is parked in a taxi rank the taxi that is in the first position in the taxi rank is entitled to accept any hiring then offered unless the hirer selects another taxi in the taxi rank;
- (e) subject to these Regulations and any code of conduct applicable to taxis under the Act, a taxi driver parked in a taxi rank shall not refuse a hiring.

21 Taxi not to be parked in a road

A taxi driver shall not park or stand a taxi that is available for hire in a road or public place except in a taxi rank unless the parking or standing is for the purposes of:

- (a) picking up or setting down passengers;
- (b) waiting under the instructions of a passenger; or
- (c) by direction or with the consent of an inspector,

but only if the parking or standing of the taxi is otherwise lawful.

22 Taxi drivers to search taxi

- (1) A taxi driver shall immediately after the completion of a hiring or any termination of a hiring, immediately search the taxi to ascertain whether a passenger has left any property in the taxi.

- (2) If as a result of the search carried out under subregulation (1) a taxi driver discovers an article that appears to have been left by a passenger the taxi driver shall:
 - (a) immediately call the hirer and return the article to the hirer; and
 - (b) if the return of the article under paragraph (a) has not been successful, deliver the article to the nearest police station as soon as is practicable.

Part 4 Taximeters

23 Taximeters to be fitted

- (1) A taxi driver shall not drive a taxi on a road in a taxi area unless the taxi is fitted with a taximeter:
 - (a) that conforms to the specification set out in Schedule 2;
 - (b) that is in good working order both generally and in relation to every component;
 - (c) that has been tested in accordance with these Regulations; and
 - (d) that is so adjusted as to be capable of indicating the fare payable in relation to a hiring in accordance with a determination then in force.
- (2) A taxi driver does not commit an offence against subregulation (1) if:
 - (a) the taxi is driven during a period approved by the Director for the purpose of enabling the taximeter to be repaired; and
 - (b) in accordance with such directions given by the Director for the purposes of this subregulation.
- (3) A taxi driver does not commit an offence against subregulation (1) if:
 - (a) the taximeter fitted to the taxi does not indicate the fare payable under a determination then in force but the fare demanded by the taxi driver in relation to a hiring does not exceed the maximum amount specified under a determination then in force; and

- (b) the taxi is operated only during the period approved by the Director for the purposes of this subregulation.

24 Operation of taximeter

The driver of a taxi which is fitted with a taximeter must:

- (a) as soon as a hiring commences – set the taximeter to operate; and
- (b) immediately on the completion or termination of the hiring – stop the taximeter.

25 Maintenance of taximeter

The operator of a taxi to which a taximeter is fitted shall:

- (a) keep the taximeter in good order and condition and, for that purpose, have the taximeter tested by a testing officer as often as is necessary to ensure its accuracy but not less than once in each 12 monthly period;
- (b) where, owing to an alteration in the taxi, including its equipment, or for another reason, the taximeter is not registering correctly or is otherwise malfunctioning:
 - (i) immediately notify the Director; and
 - (ii) until that taximeter is properly adjusted and the taxi is produced to the Director for a test of that taximeter, take adequate precautions to prevent the taxi from standing or being driven on a road in a taxi area for the purpose of conveying passengers or luggage or other goods; and
- (c) where the taximeter so fitted is not the taximeter originally tested by a testing officer or where, for any reason, the seal affixed as required by Schedule 2 is broken:
 - (i) immediately notify the Director; and
 - (ii) until the taxi is produced to the Director for a test of the taximeter and a testing officer seals the taximeter, take adequate precautions to prevent the taxi from standing or being driven on a road in a taxi area for the purpose of conveying passengers or luggage or other goods.

26 Inspection of taximeter

- (1) The operator of a taxi shall upon request made by the Director, specifying the taxi in relation to which the request is made, submit the taxi for the purpose of the inspection and testing of the taximeter fitted to the taxi by a testing officer.
- (2) If, after an inspection and test of a taximeter fitted to a taxi, a testing officer is of the opinion that the taximeter is not operating so as to give an accurate reading of the charge payable in relation to a hiring the testing officer:
 - (a) shall report that fact to the Director; and
 - (b) shall not affix a seal to the taximeter.
- (3) The operator of a taxi shall not operate a taxi the taximeter of which is not affixed with the seal of a testing officer.

27 Interference with taximeter prohibited

A person, other than a testing officer or a person who is an approved taximeter repairer, shall not interfere with a taximeter.

Part 5 Miscellaneous**28 Smoking, eating or drinking in taxi**

- (1) A person must not, in a taxi:
 - (a) smoke; or
 - (b) consume or use any intoxicating liquor or a prohibited substance.

Maximum penalty: 30 penalty units.

- (2) A person, while travelling in a taxi as either a passenger or the driver, must not consume food.

Maximum penalty: 30 penalty units.

- (3) A person must not carry any intoxicating liquor in a taxi unless:
 - (a) it is the property of a passenger; and
 - (b) it is in an unopened container.

Maximum penalty: 30 penalty units.

29 Driver not to purchase intoxicating liquor

A driver shall not:

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

30 Fees

- (1) The fees specified in Schedule 1 are payable in relation to the matters specified in that Schedule.
- (2) If a fee specified in Schedule 1 relates to a period of 12 months, the fee to be paid for a period of less than 12 months is to be charged on a pro rata basis.

31 Plate to be displayed in taxi

A taxi driver shall not operate a taxi unless there is affixed in a conspicuous position inside the taxi an approved plate indicating the number of the taxi.

32 Roof signs

- (1) A taxi shall not be operated unless:
 - (a) the taxi is fitted with a roof sign that conforms to this regulation; and
 - (b) the roof sign referred to in paragraph (a) is capable of being illuminated in accordance with this regulation.
- (2) The roof sign referred to in subregulation (1) shall be:
 - (a) so constructed as to display to the front of the taxi the word "TAXI" which is capable of being illuminated by the driver from inside the taxi;
 - (b) fitted with 2 tariff indicator lights that are capable of being operated by the driver from inside the taxi that indicate the tariff being charged through the operation of the taximeter in relation to the hiring then being undertaken;

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- (c) fitted with a device that indicates to the driver when seated in the normal driving position whether or not the relevant lights referred to in this regulation are operating in accordance with the requirements of this regulation; and
 - (d) in colours approved by the Registrar of Motor Vehicles.
 - (3) A taxi driver shall not operate a taxi unless:
 - (a) the word "TAXI" in the roof sign:
 - (i) is illuminated while the taxi is not engaged on a hiring; and
 - (ii) is not illuminated while the taxi is engaged on a hiring;
 - (b) the tariff indicator lights in the roof sign are illuminated to indicate the tariff being charged through the taximeter in relation to the hiring then being undertaken.

33 Advertisements

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

34 Operator to supply information

The operator of a taxi shall whenever requested by the Director to do so furnish to the Director within the time specified by the Director full and correct information of any details specified in the request relating to journeys undertaken by the taxi.

35 Offences

- (1) A person who contravenes or fails to comply with any of the provisions of these regulations commits an offence.

Penalty: \$3,000.
- (2) The penalty in subsection (1) does not apply if a provision indicates a penalty applicable for a contravention of that provision.

Schedule 1 Fees

regulation 30

1. The annual fee for a taxi licence to operate a taxi in a taxi area specified in Column 1 is, from the date specified in Column 2, 3, 4 or 5, the amount specified opposite the taxi area in that Column.

Column 1 Taxi Area	Column 2 31 March 2007 \$	Column 3 31 March 2008 \$	Column 4 31 March 2009 \$	Column 5 31 March 2010 \$
Darwin	16 000	16 800	17 600	18 400
Alice Springs	13 000	13 650	14 300	14 950
Katherine	9 000	9 450	9 900	10 350
Tennant Creek	4 500	4 725	4 950	5 175
Gove	5 000	5 250	5 500	5 750

2. The annual fee for a multiple purpose taxi licence to operate a multiple purpose taxi in a taxi area specified in Column 1 is, from the date specified in Column 2, 3, 4 or 5, the amount specified opposite the taxi area in that Column.

Column 1 Taxi Area	Column 2 31 March 2007 \$	Column 3 31 March 2008 \$	Column 4 31 March 2009 \$	Column 5 31 March 2010 \$
Darwin	8 000	8 400	8 800	9 200
Alice Springs	6 500	6 825	7 150	7 475
Katherine	4 500	4 725	4 950	5 175
Tennant Creek	2 250	2 362	2 475	2 587
Gove	2 500	2 625	2 750	2 875

3. Application for a substitute taxi licence \$450
4. Application for refund on surrender of taxi licence \$20
5. Inspection of taximeter under regulation 26 by an employee as defined in the *Public Sector Employment and Management Act* \$31.50

Schedule 2 Requirements for taximeters

regulation 23

- 1 A taximeter shall be of an approved type and:
 - (a) have a tariff indicator;
 - (b) be capable of displaying:
 - (i) the tariff prescribed by these Regulations for the journey being undertaken;
 - (ii) the hire charge; and
 - (iii) the distance rate,in easily discernible letters and figures;
 - (c) be capable of being effectively sealed against unauthorised alteration; and
 - (d) be capable of being installed in a position and manner approved.
- 2 A taximeter shall be designed so as to be capable of accurately computing and displaying the proportion of the fare for the journey of each hirer if the taxi is used for multiple hiring.
- 3 After being fitted to a taxi, a taximeter shall be tested by actual use of the taximeter.
- 4 Where a taximeter is, after testing, found to be satisfactory, it shall bear the seal of a testing officer so affixed that the internal part of the taximeter cannot be reached without the seal being broken.

ENDNOTES

1 KEY

Key to abbreviations

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

2 LIST OF LEGISLATION

Taxis Regulations (SL No. 58, 1992)

Notified	21 October 1992
Commenced	21 October 1992

Amendments of Taxis Regulations (SL No. 59, 1998)

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

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001

Amendments of Taxis Regulations (SL No. 10, 2003)

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

Commercial Passenger (Road) Transport (Consequential Amendments) Act 2003 (Act No. 41, 2003)

Assent date	7 July 2003
Commenced	1 August 2003 (Gaz G30, 30 July 2003, p 2)

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

Assent date	7 July 2003
Commenced	7 July 2003

Amendments of Taxis Regulations (SL No. 42, 2003)

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

Taxis Amendment (Wheelchair Passengers and Other Matters) Regulations 2008
(SL No. 4, 2008)

Notified	26 March 2008
Commenced	26 March 2008

3 LIST OF AMENDMENTS

r 3	amd No. 59, 1998, r 2; Act No. 62, 2001, s 3; No. 10, 2003, r 2; No. 42, 2003, r 3; No. 4, 2008, r 3
r 3A	ins No. 4, 2008, r 4
r 4	amd No. 59, 1998, r 3; No. 4, 2008, r 5
r 4A	ins No. 59, 1998, r 4
r 5	sub No. 10, 2003, r 3 amd Act No. 44, 2003, s 6
r 7	sub No. 42, 2003, r 4
r 7A	ins No. 42, 2003, r 4
r 8	amd No. 42, 2003, r 5
r 10A	ins No. 4, 2008, r 6
r 24	sub No. 4, 2008, r 7
r 28	sub No. 4, 2008, r 8
r 30	amd No. 59, 1998, r 5
r 35	amd No. 4, 2008, r 9
sch 1	sub No. 59, 1998, r 6 amd Act No. 41, 2003, s 6 sub No. 4, 2008, r 10