

NORTHERN TERRITORY OF AUSTRALIA

COURTESY VEHICLE REGULATIONS

As in force at 1 January 2013

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2013

COURTESY VEHICLE REGULATIONS

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

1 Citation

These Regulations may be cited as the *Courtesy Vehicle Regulations*.

2 Commencement

These Regulations come into operation on the commencement of Part 5B of the *Commercial Passenger (Road) Transport Act*.

3 Definitions

In these Regulations, unless the contrary intention appears:

driver means the person driving or in charge of a courtesy vehicle.

hiring, of a courtesy vehicle, means the use of the courtesy vehicle to carry passengers for hire or reward.

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

4 Operator to maintain records

- (1) An operator must make a written record of:
 - (a) the courtesy vehicle;
 - (b) the dates and times during which the courtesy vehicle is operated for hiring;
 - (c) the full name and residential address of the driver during those periods and the number of the driver's licence issued to him or her under the *Motor Vehicles Act*;
 - (d) each hiring made by the courtesy vehicle; and

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- (e) any other matter that the Director requires as a condition of the operator's licence.

Penalty: \$3 000.

- (2) An operator must ensure that the record referred to in subregulation (1):

- (a) is kept in a safe place at the principal place of business of the operator; and

- (b) is produced whenever required by an inspector.

Penalty: \$3 000.

5 Operator to furnish information

An operator must, whenever requested by the Director to do so, furnish to the Director within the time specified by the Director full and correct information about any details specified in the request relating to any hiring made by the courtesy vehicle.

Penalty: \$3 000.

6 Maintenance

- (1) An operator must ensure the courtesy vehicle is properly and regularly maintained.

Penalty: \$3 000.

- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a courtesy vehicle, the operator must ensure that maintenance carried out on the courtesy vehicle is in accordance with that specified.

Penalty: \$3 000.

7 Damage or interference

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

Penalty: \$3 000.

8 Advertisements on courtesy vehicle

- (1) An operator must not operate the courtesy vehicle for a hiring if it bears or is marked with an advertisement unless the advertisement is approved.

Penalty: \$3 000.

- (2) In subregulation (1):

advertisement includes a statement or representation of any kind whether made by letters, maps, plans, drawings, pictorial representations or designs or a combination of any of those means.

9 Plate to be displayed

A driver must not operate the courtesy vehicle for a hiring unless an approved plate stating that no fare is payable by a passenger is affixed inside the courtesy vehicle in a conspicuous position.

Penalty: \$3 000.

10 Plying for hire prohibited

A person must not use a courtesy vehicle for the purpose of standing or plying for hire.

Penalty: \$3 000.

11 Hiring arrangements

- (1) A person must not use a courtesy vehicle (whether as the driver or a passenger) for a hiring unless the carriage of passengers:

(a) is offered as an inducement in respect of an agreement for the provision of accommodation or an activity for recreation or pleasure; and

(b) is provided without payment of a fare.

Penalty: \$3 000.

- (2) A driver must not ask for, or accept, payment of a fare for a hiring of the courtesy vehicle.

Penalty: \$3 000.

(3) If:

- (a) the carriage of passengers by a courtesy vehicle is offered as an inducement in respect of an agreement for the provision of accommodation or an activity for recreation or pleasure; and
- (b) a person enters into an agreement for the provision of that accommodation or activity,

the operator must provide:

- (c) the courtesy vehicle; or
- (d) if unable to do so – another commercial passenger vehicle,

to carry the person in accordance with the offer but otherwise subject to the Act and any regulations under the Act.

Penalty: \$3 000.

12 No touting or soliciting

- (1) A person must not tout or solicit for passengers for a courtesy vehicle.

Penalty: \$3 000.

- (2) A person does not commit an offence against subsection (1) if the person:

- (a) publicises or promotes the provision of accommodation or an activity for recreation or pleasure; and
- (b) as part of that publicity or promotion, offers to carry passengers in a courtesy vehicle as an inducement in respect of an agreement for the provision of that accommodation or activity.

13 Limitation on passengers

A driver must ensure that, during a hiring of the courtesy vehicle:

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

Penalty: \$3 000.

14 Luggage

Unless permitted by the driver, a person must not during a hiring of a courtesy vehicle bring into or carry on the courtesy vehicle 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 courtesy vehicle; or
- (b) damage the courtesy vehicle.

Penalty: \$3 000.

15 Driver to search

- (1) A driver must, immediately after completing a hiring of the courtesy vehicle, search the courtesy vehicle to ascertain whether a passenger has left any article in the courtesy vehicle.

Penalty: \$3 000.

- (2) If, as a result of the search carried out under subregulation (1), a driver discovers an article that appears to have been left in the courtesy vehicle by a passenger, the driver must:

- (a) immediately contact the passenger and return the article to the passenger; 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 practicable.

Penalty: \$3 000.

16 Purchase of intoxicating liquor prohibited

- (1) An operator or a driver must not agree to a hiring of the courtesy vehicle 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.

Penalty: \$3 000.

- (2) A driver must not during a hiring of the courtesy vehicle purchase intoxicating liquor for himself or herself or for or on behalf of a passenger or another person.

Penalty: \$3 000.

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- (3) A passenger must not during a hiring of the courtesy vehicle purchase intoxicating liquor for himself or herself or for or on behalf of another passenger or other person.

Penalty: \$3 000.

17 Animals

A driver must not during a hiring of the courtesy vehicle refuse to allow a person to board the courtesy vehicle because the person is accompanied by a guide-dog or hearing-dog.

Penalty: \$3 000.

18 Certain conduct prohibited

- (1) A person must not during a hiring of a courtesy vehicle do any of the following while in or on the courtesy vehicle:

- (a) smoke;
- (b) consume food or intoxicating liquor;
- (c) take or use a prohibited substance;
- (d) carry intoxicating liquor in an unopened container unless the property of a passenger.

Penalty: \$3 000.

- (2) A driver may, during a hiring of the courtesy vehicle, direct:

- (a) a passenger to alight from the courtesy vehicle; or
- (b) a prospective passenger not to board the courtesy vehicle, if the passenger or prospective passenger:
 - (c) appears to be suffering from an infectious disease;
 - (d) appears to be under the influence of drugs or intoxicating liquor;
 - (e) soils or damages, or is likely to soil or damage, the courtesy vehicle;
 - (f) causes a nuisance, or is likely to cause a nuisance, in the courtesy vehicle; or

(g) is carrying something that is causing, or is likely to cause, inconvenience to the driver or passengers in the courtesy vehicle.

(3) A person who fails to comply with a direction given under subregulation (2) commits an offence.

Penalty: \$3 000.

19 Illegal purpose

An operator or a driver must not:

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

Penalty: \$3 000.

20 Driver to have identity card

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

(2) An identity card issued under section 74 of the Act to a driver is to:

- (a) display the name of the driver;
- (b) display a recent photograph of the driver;
- (c) specify the expiry date of the card; and
- (d) indicate that the holder of the card is authorised to drive a courtesy vehicle.

(3) A driver must during a hiring of the courtesy vehicle:

- (a) display his or her identity card issued under subregulation (2) in a conspicuous place in the courtesy vehicle while driving the courtesy vehicle; and
- (b) produce that identity card when requested by a passenger or an inspector.

Penalty: \$3 000.

21 Annual licence fee

The annual fee payable for a courtesy vehicle licence is \$220.

ENDNOTES

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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

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LIST OF LEGISLATION

Courtesy Vehicle Regulations (SL No. 49, 2003)

Notified	1 October 2003
Commenced	1 October 2003 (r 2, s 2 <i>Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003</i> (Act No. 40, 2003) and <i>Gaz G38</i> , 24 September 2003, p 2)

Fees and Charges (Transport) Amendment Regulations 2012 (SL No. 45, 2012)

Notified	14 December 2012
Commenced	1 January 2013 (r 2)

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LIST OF AMENDMENTS

r 21 amd No. 45, 2012, r 4