

# **NORTHERN TERRITORY OF AUSTRALIA**

## **COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS**

As in force at 8 March 2006

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 8 March 2006

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## COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS

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

#### 1 Citation

These regulations may be cited as the *Commercial Passenger (Miscellaneous) Regulations*.

#### 2 Infringement offences prescribed

(1) In this regulation:

**column** means a column in Schedule 1.

(2) An offence against a provision of the Act or the regulations, as the case may be, specified in column 2 and briefly described in column 3 is prescribed as infringement offence for the purposes of section 81 of the Act.

(3) The penalty payable in relation to an infringement offence referred to in columns 2 and 3 is the amount specified opposite and corresponding to that offence in column 4.

#### 3 Service

An infringement notice may be served on the alleged offender:

- (a) by serving it personally on the alleged offender;
- (b) by posting it to the alleged offender at his or her last known address which may be ascertained from any identification produced to the inspector or from any register maintained by the Registrar of Motor Vehicles; or
- (c) by leaving it for the alleged offender at his or her last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

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#### **4 Payment by cheque**

Where a person tenders a cheque in payment of a prescribed penalty payment shall be deemed not to have been made unless the cheque is honoured on presentation.

#### **5 Withdrawal of infringement notice**

- (1) An infringement notice may be withdrawn at any time within 28 days after service of the infringement notice but before payment of the penalty specified in the infringement notice by serving on the alleged offender a notice:
  - (a) signed by the Director or a person authorized by the Director; and
  - (b) stating that the infringement notice is withdrawn.
- (2) A notice of withdrawal of an infringement notice referred to in subregulation (1) may be served on the alleged offender:
  - (a) by serving it personally on him or her;
  - (b) by posting it to the alleged offender at his or her last known address which may be ascertained from any identification produced by the alleged offender or from any register maintained by the Registrar of Motor Vehicles; or
  - (c) by leaving it for the alleged offender at his or her last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

#### **6 Fees**

The fees set out in Schedule 2 are payable in relation to the matter specified in that Schedule.

#### **7 Disqualifying offences**

For paragraph (a) of the definition of **disqualifying offence** in section 3(1) of the Act, the offences stated in Schedule 3 are prescribed.

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**Schedule 1**

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<b>THE ACT</b>			\$
1.	Section 21(2)	Operating a taxi within a taxi area not specified in licence	100
2.	Section 26(2)	Charging a fare or charge greater than that determined under determination in force	100
2A.	Section 26A(2)	Parking or standing a taxi in a bus stop during route service hours	400
2B.	Section 37B(2)	Parking, standing or plying a private hire car for hire	100
3.	Section 38E	Operating a minibus in a minibus area not specified in licence	100
3A.	Section 38K(2)	Parking or standing a minibus in a bus stop during route service hours	400
4.	Section 45(2)	Failing to comply with a route service order	100
5.	Section 47(3)	Operating a motor omnibus in an urban service area without a licence	100
6.	Section 71(1)	Using or permitting the use of a communications or dispatch network except in accordance with an approval	100
7.	Section 71(7A)	Failing to provide information or providing false information	100
8.	Section 71(8A)	Failing to allow the holder of a licence to participate in a communications or dispatch network	100

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9.	Section 71(9)	Interfering with a communications or dispatch network	100
11.	Section 72(2)	Failure to comply with code of conduct	50
11A.	Section 74(1)	Driving a commercial passenger vehicle without holding identity card	100

**TAXI REGULATIONS**

12.	Reg 4	Failing to maintain records	100
12A.	Reg 4A	Failing to maintain taxi to minimum standard	100
13.	Reg 5(3)	Failing to display identity card	50
14.	Reg 7(1)	Touting or soliciting for passengers	100
15.	Reg 7(2)	Preventing another taxi driver from obtaining a hiring	100
16.	Reg 9	Demanding separate fares when not on multiple hiring	100
17.	Reg 10	Refusing a hiring involving a guide dog or companion dog	100
18.	Reg 13	Refusing passengers to be carried when within the seating capacity of a taxi	50
19.	Reg 15	Failing to notify hirer of arrival for hiring	50
20.	Reg 16(1)	Failing to take shortest practicable route	100
21.	Reg 16(2)	Failing to give correct information relating to fare payable	50
22.	Reg 16(6)	Failing to calculate fare payable in accordance with determination	100

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23.	Reg 20(a)	Parking taxi in a taxi rank when not available for hire	50
24.	Reg 20(b)	Failing to remain in vicinity of taxi when parked in taxi rank	50
25.	Reg 20(e)	Refusing hiring when parked in a taxi rank	100
26.	Reg 21	Parking taxi available for hire in a road or place outside a taxi rank	100
27.	Reg 23	Driving taxi without a taximeter	100
28.	Reg 24	Setting a taximeter to operate before hiring commences	50
29.	Reg 25	Failing to keep taximeter in working order	100
30.	Reg 26	Failing to make taxi available for inspection and testing of taximeter	100
31.	Reg 28	Smoking or consuming intoxicating liquor in a taxi	50
32.	Reg 29	Accepting a hiring for the purchase of intoxicating liquor or purchasing intoxicating liquor for passenger	100
33.	Reg 32	Operating taxi without roof signs or without the correct lights	100
34.	Reg 34	Failing to supply information to Director	100
34A.	Reg 4(1) or (2)	Failing to make or keep records	100
34B.	Reg 4(1) or (2)	Failing to maintain a private hire car properly or as specified by Registrar of Motor Vehicles	100

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**PRIVATE HIRE CAR REGULATIONS**

35.	Reg 5	Hiring private hire car without pre-booking journey	100
36.	Reg 6(3)	Failing to accept hiring	100
37.	Reg 7	Touting or soliciting for passengers	100
38.	Reg 8	Failing to return to approved place	100
39.	Reg 9	Standing or parking a private hire car in a road or public place or on a lot off a road that is not approved	100
40.	Reg 11	Accepting a hiring for the purchase of intoxicating liquor or purchasing liquor for a passenger	100
40A.	Reg 11A(3)	Failing to display identity card	50
41.	Reg 12	Failing to supply information on request by Director	100
42.	Reg 13	Operating a private hire car bearing advertisement that is not approved	100

**LIMOUSINE REGULATIONS**

42AA.	Reg 4(1) or (2)	Failing to make or keep records	100
42AB.	Reg 5	Failing to furnish information on request by Director	100
42AC.	Reg 6(1) or (2)	Failing to maintain limousine properly or as specified by Registrar of Motor Vehicles	100
42AD.	Reg 7(1)	Operating a limousine bearing advertisement that is not approved	100



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42AE.	Reg 8	Standing or plying a limousine for hire	100
42AF.	Reg 9(1)	Hiring limousine without pre-booking journey	100
42AG.	Reg 10	Touting or soliciting for passengers	100
42AH.	Reg 11	Failing to return to approved place	100
42AI.	Reg 12(1)	Parking or standing a limousine for hire in a road or public place or on a lot off a road that is not approved	100
42AJ.	Reg 14(1) or (2)	Accepting a hiring for the purchase of intoxicating liquor or purchasing liquor for a passenger	100
42AK.	Reg 15(3)	Failing to carry or produce identity card	50

**TOURIST VEHICLES REGULATIONS**

42A.	Reg 4	Failing to maintain records	100
43.	Reg 6	Failing to maintain vehicle to minimum standard	100
44.	Reg 11	Smoking; consuming intoxicating liquor, etc. in a tourist vehicle	50

**PASSENGER BUS REGULATIONS**

44A.	Reg 4	Failing to maintain records	100
45.	Reg 5	Failing to maintain vehicle to minimum standard	100
46.	Reg 8(a)	Permitting passengers to be carried in excess of capacity of bus	100
47.	Reg 13	Smoking, consuming intoxicating liquor etc on a bus	50

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48.	Reg 14	Travelling on a bus without a valid ticket	50
49.	Reg 15	Failing to produce ticket on demand	50
50.	Reg 19	Failing to give name and address to an inspector	50

**MINIBUS REGULATIONS**

51.	Reg 4(3)	Failing to display identity card	50
52.	Reg 5	Failing to maintain records	100
53.	Reg 6	Failing to maintain minibus to minimum standard	100
54.	Reg 9	Touting or soliciting for passengers	100
55.	Reg 11(a)	Parking minibus in a minibus rank when not available for hire	50
56.	Reg 11(b)	Failing to remain in vicinity of minibus when parked in minibus rank	50
56A.	Reg 11(e)	Refusing hiring when parked in a minibus rank	100
57.	Reg 12	Parking minibus available for hire in a road or place outside a minibus rank	100
58.	Reg 14	Permitting passengers to be carried in excess of capacity of minibus	100
59.	Reg 16(1)	Refusing a hiring involving a guide dog or companion dog	100
60.	Reg 17(1)	Smoking, consuming intoxicating liquor, &c., in a minibus	50
61.	Reg 22	Failing to supply information to Director	100

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62.	Reg 23	Failing to give name and address to an inspector	50
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***SPECIAL FUNCTION VEHICLE REGULATIONS***

63.	Reg 4(1) or (2)	Failing to make or keep records	100
64.	Reg 5	Failing to furnish information on request by Director	100
65.	Reg 6(1) or (2)	Failing to maintain a special function vehicle properly or as specified by Registrar of Motor Vehicles	100
66.	Reg 8(1)	Operating a special function vehicle bearing advertisement that is not approved	100
67.	Reg 9	Standing or plying a special function vehicle for hire	100
68.	Reg 10(1)	Hiring a special function vehicle without pre-booking journey	100
69.	Reg 11	Touting or soliciting for passengers	100
70.	Reg 13(1) or (2)	Accepting a hiring for the purchase of liquor or purchasing liquor for a passenger	100

***COURTESY VEHICLE REGULATIONS***

71.	Reg 4(1) or (2)	Failing to make or keep records	100
72.	Reg 5	Failing to furnish information on request by Director	100
73.	Reg 6(1) or (2)	Failing to maintain a courtesy vehicle properly or as specified by Registrar of Motor Vehicles	100

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74.	Reg 8(1)	Operating a courtesy vehicle bearing advertisement that is not approved	100
75.	Reg 10	Standing or plying a courtesy vehicle for hire	100
76.	Reg 11(2)	Asking for, or accepting, payment of a fare	100
77.	Reg 12(1)	Touting or soliciting for passengers	100
78.	Reg 13	Carrying passengers in excess of capacity or in part of a courtesy vehicle not designed for passengers	100
79.	Reg 16(1), (2) or (3)	Accepting a hiring for the purchase of liquor, purchasing liquor for a passenger, or passenger purchasing liquor	100
80.	Reg 17	Refusing a hiring involving a guide-dog or hearing-dog	100
81.	Reg 18(1)	Smoking, consuming food or liquor, taking or using prohibited substance, or carrying unopened liquor container in a courtesy vehicle	50
82.	Reg 20(3)	Failing to display or produce identity card	50

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**Schedule 2 Fees**

	regulation 6
	\$
Application for accreditation or renewal of accreditation	100
Approval of communications or dispatch network	30
Grant or renewal of licence for special passenger vehicle:	
(a) grant or renewal of one licence	150
(b) grant or renewal of second or subsequent licence	25

## **Schedule 3 Disqualifying offences**

regulation 7

An offence against any of the following provisions of the Criminal Code:

1. Section 125B (Possession of child abuse material)
2. Section 125C (Publishing indecent articles) if the article is indecent because it portrays a child who is under, or who looks like he or she is under, 16 years of age
3. Section 125E (Using child for production of child abuse material or pornographic or abusive performance)
4. Section 127 (Sexual intercourse or gross indecency involving child under 16 years)
5. Section 128 (Sexual intercourse or gross indecency involving child over 16 years under special care)
6. Section 130 (Sexual intercourse or gross indecency by provider of services to mentally ill or handicapped person)
7. Section 131 (Attempts to procure child under 16 years)
8. Section 131A (Sexual relationship with child)
9. Section 132 (Indecent dealing with child under 16 years)
10. Section 134(2) or (3) (Incest)
11. Section 162 (Murder)
12. Section 165 (Attempt to murder)
13. Section 177 (Acts intended to cause grievous harm or prevent apprehension)
14. Section 181 (Grievous harm)
15. Section 182 (Attempting to injure by explosive substances)
16. Section 188(1) (Common assault) if section 188(2)(k) applies
17. Section 192 (Sexual intercourse and gross indecency without consent)
18. Section 192B (Coerced sexual self-manipulation)
19. Section 194 (Kidnapping for ransom)

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20. Section 201 (Abduction, enticement or detention of child under 16 years for immoral purpose)
  21. Section 202B (Sexual servitude)
  22. Section 202C (Conducting business involving sexual servitude)
  23. Section 202D (Deceptive recruiting for sexual services)
  24. Section 211 (Robbery)

An offence against any of the following provisions of the *Prostitution Regulation Act*:

1. Section 13 (Causing or inducing infant to take part in prostitution)
2. Section 14 (Allowing infant to take part in prostitution)
3. Section 15 (Obtaining payment in respect of prostitution services provided by infant)
4. Section 16 (Entering into agreement for provision of prostitution services by infant)

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## ENDNOTES

**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Commercial Passenger (Miscellaneous) Regulations 1992 (SL No. 60, 1992)***

Notified	29 October 1992
Commenced	29 October 1992

***Amendment of Commercial Passenger (Miscellaneous) Regulations (SL No. 22, 1994)***

Notified	10 August 1994
Commenced	10 August 1994

***Amendments of Commercial Passenger (Miscellaneous) Regulations (SL No. 57, 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 2000 (Act No. 19, 2000)***

Assent date	6 June 2000
Commenced	s 6: 4 December 1999; rem: 12 July 2000 ( <i>Gaz</i> G27, 12 July 2000, p 2)

***Amendments of Commercial Passenger (Miscellaneous) Regulations (SL No. 44, 2003)***

Notified	1 August 2003
Commenced	r 4(2) and (3): 1 October 2003; rem: 1 August 2003 (r 1, s 2 <i>Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003</i> (Act No. 40, 2003), <i>Gaz</i> G30, 30 July 2003, p 13 and <i>Gaz</i> G38, 24 September 2003, p 2)

***Amendments of Commercial Passenger (Miscellaneous) Regulations (SL No. 50, 2003)***

Notified	1 October 2003
Commenced	1 October 2003

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

Assent date	8 March 2006
Commenced	8 March 2006



**3 LIST OF AMENDMENTS**

r 7	ins Act No. 3, 2006, s 17
sch 1	amd No. 57, 1998, r 2; Act No. 19, 2000, s 10; No. 44, 2003, r 3; No. 50, 2003, r 3
sch 2	amd No. 22, 1994; No. 44, 2003, r 4; No. 50, 2003, r 4
sch 3	ins Act No. 3, 2006, s 18