

NORTHERN TERRITORY OF AUSTRALIA

COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS

As in force at 1 October 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 2016

COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS

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

Part 1 Preliminary matters

1 Citation

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

Part 2 Infringement offences

2 Infringement offences

(1) For section 81 of the Act:

- (a) an offence against a provision of the Act, these Regulations or any other regulations made under the Act specified in column 2 and briefly described in column 3 is an infringement offence; and
- (b) the penalty for an infringement offence is the amount equal to the monetary value of the number of penalty units specified opposite the offence in column 4.

(2) In this regulation:

column means a column in Schedule 1.

3 Service

An infringement notice may be served on the alleged offender:

- (a) by serving it personally on the alleged offender; or
- (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.

4 Payment by cheque

Where a person tenders a cheque in payment of a prescribed penalty payment is taken 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- (1) An infringement notice may be withdrawn at any time within 28 days after service of the infringement notice but before payment of the penalty specified in the infringement notice by serving on the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 authorised 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 - (b) stating that the infringement notice is withdrawn.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; or
 - (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.

Part 3 General matters

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.

8 Payment terminals

- (1) A payment terminal may be installed in a commercial passenger vehicle.
- (2) A driver of a commercial passenger vehicle must not use a payment terminal installed in the vehicle to receive a fare for the hiring of the vehicle if the terminal is programmed to apply a fee for the use of the terminal that exceeds 5% (inclusive of GST) of the fare.

Maximum penalty: 25 penalty units.

- (3) A person who holds a licence to operate a commercial passenger vehicle must not permit the use of a payment terminal installed in the vehicle to receive a fare for the hiring of the vehicle if the terminal is programmed to apply a fee for the use of the terminal that exceeds 5% (inclusive of GST) of the fare.

Maximum penalty: 25 penalty units.

- (4) A person must not impose a fee for the use of a payment terminal to pay a fare for the hiring of a commercial passenger vehicle that exceeds 5% (inclusive of GST) of the fare.

Maximum penalty: 25 penalty units.

- (5) For subregulation (4), a person imposes a fee for the use of a payment terminal if the person manages or administers the whole or any part of the system under which the payment terminal is programmed.

- (6) In this regulation:

GST means the Goods and Services Tax payable under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

payment terminal means a device which interfaces with payment cards to make electronic funds transfers.

Schedule 1 Infringement offencesregulation 2(2), definition **column**

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

8.	section 71(8A)	Failing to allow the holder of a licence to participate in a communications or dispatch network	1
9.	section 71(9)	Interfering with a communications or dispatch network	1
11.	section 72(2)	Failure to comply with code of conduct	0.5
11A.	section 74(1)	Driving a commercial passenger vehicle without holding identity card	1

TAXIS REGULATIONS

12.	regulation 4	Failing to maintain records	1
12A.	regulation 4A	Failing to maintain taxi to minimum standard	1
13.	regulation 5(3)	Failing to display identity card	0.5
14.	regulation 7(1)	Touting or soliciting for passengers	1
15.	regulation 7(2)	Preventing another taxi driver from obtaining a hiring	1
16.	regulation 9	Demanding separate fares when not on multiple hiring	1
17.	regulation 10	Refusing a hiring involving a guide dog or companion dog	1
17A.	regulation 10A(1)	Refusing request for hire for wheelchair passenger (multiple purpose taxi)	1
17B.	regulation 10A(3)	Failing to record journey with wheelchair passenger	1
17C.	regulation 11A(3)	Failing to give the hirer a receipt for the deposit	2
17D.	regulation 11A(5)	Failing to refund to the hirer the excess paid for the hiring	2

17E.	regulation 11A(6)	Failing to pay to the taxi driver the balance outstanding for the hiring	2
17F.	regulation 11A(7)	Requiring payment of a deposit from a hirer using a smartcard	2
18.	regulation 13	Refusing passengers to be carried when within the seating capacity of a taxi	0.5
19.	regulation 15	Failing to notify hirer of arrival for hiring	0.5
20.	regulation 16(1)	Failing to take shortest practicable route	1
21.	regulation 16(2)	Failing to give correct information relating to fare payable	0.5
23.	regulation 20(a)	Parking taxi in a taxi rank when not available for hire	0.5
24.	regulation 20(b)	Failing to remain in vicinity of taxi when parked in taxi rank	0.5
25.	regulation 20(e)	Refusing hiring when parked in a taxi rank	1
26.	regulation 21	Parking taxi available for hire in a road or place outside a taxi rank	1
27.	regulation 23	Driving taxi without a taximeter	1
28.	regulation 24	Setting a taximeter to operate before hiring commences	0.5
29.	regulation 25	Failing to keep taximeter in working order	1
30.	regulation 26	Failing to make taxi available for inspection and testing of taximeter	1
30A.	regulation 27C(1)	Operator failing to ensure taxi has onboard system	4

30B.	regulation 27C(2)	Operator failing to ensure onboard system is functioning	4
30C.	regulation 27D	Operator failing to ensure signs fitted advising of security camera surveillance	4
30D.	regulation 27E	Operator failing to ensure driver competent to operate onboard system	4
30E.	regulation 27F(1)	Driver operating taxi when onboard system not functioning	2
30F.	regulation 27F(2)	Driver accepting hiring when onboard system not functioning	2
30G.	regulation 27G(1)	Person interfering with onboard system	4
30H.	regulation 27H	Person fitting taxi security camera system in Part 4A taxi that is not approved taxi security camera system	4
30J.	regulation 27L(1)	Person who is not authorised person or officer examining recording from onboard system	4
30K.	regulation 27L(3)	Person examining or copying recording from onboard system for an unauthorised purpose	4
30L.	regulation 27M(1)	Authorised person failing to maintain register about examining or copying recording	4
30M.	regulation 27M(2)	Authorised person failing to make register available on demand	4
30N.	regulation 27N	Authorised person failing to comply with request by officer	4
30P.	regulation 27P	Person failing to dispose of copy	4

31.	regulation 28(1)(a)	Smoking in taxi	1
31A.	regulation 28(1)(b) 28(2) and (3)	Consuming food or liquor in taxi or carrying liquor in taxi	0.5
32.	regulation 29	Accepting a hiring for the purchase of intoxicating liquor or purchasing intoxicating liquor for passenger	1
33.	regulation 32	Operating taxi without roof signs or without the correct lights	1
34.	regulation 34	Failing to supply information to Director	1

PRIVATE HIRE CAR REGULATIONS

34A.	regulation 4(1) or (2)	Failing to make or keep records	1
34B.	regulation 4A(1) or (2)	Failing to maintain a private hire car properly or as specified by Registrar of Motor Vehicles	1
35.	regulation 5	Hiring private hire car without pre-booking journey	1
36.	regulation 6(3)	Failing to accept hiring	1
37.	regulation 7	Touting or soliciting for passengers	1
38.	regulation 8	Failing to return to approved place	1
39.	regulation 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	1
40.	regulation 11	Accepting a hiring for the purchase of intoxicating liquor or purchasing liquor for a passenger	1

40A.	regulation 11A(3)	Failing to display identity card	0.5
41.	regulation 12	Failing to supply information on request by Director	1
42.	regulation 13	Operating a private hire car bearing advertisement that is not approved	1

LIMOUSINE REGULATIONS

42AA.	regulation 4(1) or (2)	Failing to make or keep records	1
42AB.	regulation 5	Failing to furnish information on request by Director	1
42AC.	regulation 6(1) or (2)	Failing to maintain limousine properly or as specified by Registrar of Motor Vehicles	1
42AD.	regulation 7(1)	Operating a limousine bearing advertisement that is not approved	1
42AE.	regulation 8	Standing or plying a limousine for hire	1
42AF.	regulation 9(1)	Hiring limousine without pre-booking journey	1
42AG.	regulation 10	Touting or soliciting for passengers	1
42AH.	regulation 11	Failing to return to approved place	1
42AI.	regulation 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	1
42AJ.	regulation 14(1) or (2)	Accepting a hiring for the purchase of intoxicating liquor or purchasing liquor for a passenger	1

42AK.	regulation 15(3)	Failing to carry or produce identity card	0.5
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TOURIST VEHICLES REGULATIONS

42A.	regulation 4	Failing to maintain records	1
43.	regulation 6	Failing to maintain vehicle to minimum standard	1
44.	regulation 11	Smoking; consuming intoxicating liquor, etc. in a tourist vehicle	0.5

PASSENGER BUS REGULATIONS

44A.	regulation 4	Failing to maintain records	1
45.	regulation 5	Failing to maintain vehicle to minimum standard	1
46.	regulation 8(a)	Permitting passengers to be carried in excess of capacity of bus	1
47.	regulation 13	Smoking, consuming intoxicating liquor etc on a bus	0.5
48.	regulation 14	Travelling on a bus without a valid ticket	0.5
49.	regulation 15	Failing to produce ticket on demand	0.5
50.	regulation 19	Failing to give name and address to an inspector	0.5

MINIBUS REGULATIONS

51.	regulation 4(3)	Failing to display identity card	0.5
52.	regulation 5	Failing to maintain records	1
53.	regulation 6	Failing to maintain minibus to minimum standard	1
54.	regulation 9	Touting or soliciting for passengers	1

55.	regulation 11(a)	Parking minibus in a minibus rank when not available for hire	0.5
56.	regulation 11(b)	Failing to remain in vicinity of minibus when parked in minibus rank	0.5
56A.	regulation 11(e)	Refusing hiring when parked in a minibus rank	1
57.	regulation 12	Parking minibus available for hire in a road or place outside a minibus rank	1
58.	regulation 14	Permitting passengers to be carried in excess of capacity of minibus	1
59.	regulation 16(1)	Refusing a hiring involving a guide dog or companion dog	1
60.	regulation 17(1)	Smoking, consuming intoxicating liquor, &c., in a minibus	0.5
60A.	regulation 18C(1)	Operator failing to ensure minibus has onboard system	4
60B.	regulation 18C(2)	Operator failing to ensure onboard system is functioning	4
60C.	regulation 18D	Operator failing to ensure signs fitted advising of security camera surveillance	4
60D.	regulation 18E	Operator failing to ensure driver competent to operate onboard system	4
60E.	regulation 18F(1)	Driver operating minibus when onboard system not functioning	2
60F.	regulation 18F(2)	Driver accepting hiring when onboard system not functioning	2

60G.	regulation 18G(1)	Person interfering with onboard system	4
60H.	regulation 18H	Person fitting minibus with security camera system in Part 3A minibus that is not approved minibus security camera system	4
60J.	regulation 18L(1)	Person is not authorised person or officer examining recording from onboard system	4
60K.	regulation 18L(3)	Person examining or copying recording from onboard system for an unauthorised purpose	4
60L.	regulation 18M(1)	Authorised person failing to maintain register about examining or copying recording	4
60M.	regulation 18M(2)	Authorised person failing to make register available on demand	4
60N.	regulation 18N	Authorised person failing to comply with request by officer	4
60P.	regulation 18P	Person failing to dispose of copy	4
61.	regulation 22	Failing to supply information to Director	1
62.	regulation 23	Failing to give name and address to an inspector	0.5

SPECIAL FUNCTION VEHICLE REGULATIONS

63.	regulation 4(1) or (2)	Failing to make or keep records	1
64.	regulation 5	Failing to furnish information on request by Director	1
65.	regulation 6(1) or (2)	Failing to maintain a special function vehicle properly or as specified by Registrar of Motor Vehicles	1

66.	regulation 8(1)	Operating a special function vehicle bearing advertisement that is not approved	1
67.	regulation 9	Standing or plying a special function vehicle for hire	1
68.	regulation 10(1)	Hiring a special function vehicle without pre-booking journey	1
69.	regulation 11	Touting or soliciting for passengers	1
70.	regulation 13(1) or (2)	Accepting a hiring for the purchase of liquor or purchasing liquor for a passenger	1

COURTESY VEHICLE REGULATIONS

71.	regulation 4(1) or (2)	Failing to make or keep records	1
72.	regulation 5	Failing to furnish information on request by Director	1
73.	regulation 6(1) or (2)	Failing to maintain a courtesy vehicle properly or as specified by Registrar of Motor Vehicles	1
74.	regulation 8(1)	Operating a courtesy vehicle bearing advertisement that is not approved	1
75.	regulation 10	Standing or plying a courtesy vehicle for hire	1
76.	regulation 11(2)	Asking for, or accepting, payment of a fare	1
77.	regulation 12(1)	Touting or soliciting for passengers	1
78.	regulation 13	Carrying passengers in excess of capacity or in part of a courtesy vehicle not designed for passengers	1

79.	regulation 16(1), (2) or (3)	Accepting a hiring for the purchase of liquor, purchasing liquor for a passenger, or passenger purchasing liquor	1
80.	regulation 17	Refusing a hiring involving a guide-dog or hearing-dog	1
81.	regulation 18(1)	Smoking, consuming food or liquor, taking or using prohibited substance, or carrying unopened liquor container in a courtesy vehicle	0.5
82.	regulation 20(3)	Failing to display or produce identity card	0.5

COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS

83.	regulation 8(2)	Using a payment terminal that applies a fee in excess of 5% of the fare	For an individual – 2 For a body corporate – 10
84.	regulation 8(3)	Permitting the use of a payment terminal that applies a fee in excess of 5% of the fare	For an individual – 2 For a body corporate – 10
85.	regulation 8(4)	Imposing a fee for the use of a payment terminal in excess of 5% of a fare	For an individual – 2 For a body corporate – 10

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 156(Murder)
12. Section 165 (Attempt to murder)
13. Section 177 (Acts intended to cause serious harm or prevent apprehension)
14. Section 181 (Serious 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)

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*****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

Statute Law Revision Act 2007 (Act No. 4, 2007)

Assent date	8 March 2007
Commenced	8 March 2007

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

Notified	26 March 2008
Commenced	26 March 2008

**Commercial Passenger Amendment (Security Cameras) Regulations 2010
(SL No. 21, 2010)**

Notified	29 September 2010
Commenced	1 November 2010

**Commercial Passenger Vehicle Legislation Amendment Regulations 2016
(SL No. 33, 2016)**

Notified	6 July 2016
Commenced	1 October 2016 (r 2)

3 LIST OF AMENDMENTS

pt 1 hdg	ins No. 33, 2016, r 4
pt 2 hdg	ins No. 33, 2016, r 5
r 2	sub No. 33, 2016, r 5
rr 3 – 4	amd No. 21, 2010, r 15
r 5	amd No. 21, 2010, r 15; No. 33, 2016, r 6
pt 3 hdg	ins No. 33, 2016, r 7
r 7	ins Act No. 3, 2006, s 17
r 8	ins No. 33, 2016, r 8
sch 1	amd No. 57, 1998, r 2; Act No. 19, 2000, s 10; No. 44, 2003, r 3; No. 50, 2003, r 3; No. 4, 2008, r 12; No. 21, 2010 r 15; No. 33, 2016, r 9
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 amd Act No. 4, 2007, s 2