

NORTHERN TERRITORY OF AUSTRALIA

MINIBUS REGULATIONS

As in force at 1 January 2013

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 1 January 2013. Any amendments that commence after that date are not included.

MINIBUS REGULATIONS

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

Part 1 Preliminary

1 Citation

These Regulations may be cited as the *Minibus Regulations*.

2 Commencement

These Regulations come into operation on the date the *Commercial Passenger (Road) Transport Amendment Act 1998* commences.

3 Definitions

In these Regulations:

approved minibus security camera system, for Part 3A, see regulation 18A.

authorised person, for Part 3A, see regulation 18A.

authorised purpose, for Part 3A, see regulation 18A.

driver means the person driving or in control of a minibus.

functioning, for Part 3A, see regulation 18A.

minibus rank includes a bus stop whenever a minibus is parked or standing in the bus stop in accordance with section 38K(1) of the Act.

minibus security camera system, for Part 3A, see regulation 18A.

officer, for Part 3A, see regulation 18A.

onboard system, for Part 3A, see regulation 18A.

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

Part 3A minibus, for Part 3A, see regulation 18A.

passenger means a person travelling in a minibus other than the driver.

4 Identity card

- (1) For section 74 of the Act, a minibus 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; and
 - (b) display a recent photograph of the driver; and
 - (c) specify the expiry date of the card; and
 - (d) indicate that the holder of the card is authorised to drive a minibus.
- (3) A driver must display the driver's identity card in a conspicuous place in a minibus while driving the minibus.

Part 2 Duties of operator

5 Operator to maintain records

- (1) The operator must make a record of:
 - (a) each minibus operated by the operator; and
 - (b) the name and residential address of each driver engaged or employed by the operator and the number of the driver's licence issued under the *Motor Vehicles Act*; and
 - (c) any other matter that the Director requires as a condition of the operator's licence.
- (2) The operator must keep the record at his or her principal place of business.
- (3) The operator must produce the record to an inspector on being requested by the inspector.

6 Maintenance

- (1) An operator must ensure each minibus he or she operates is properly and regularly maintained.

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

7 Fares

An operator of a minibus must:

- (a) display in the minibus; and
- (b) make available to a person on demand;

the fares charged by the operator by distance or sector.

Part 3 Conduct of drivers and passengers

8 Police officer may require to be carried as passenger

- (1) A police officer acting in the course of duty may require a driver to carry the police officer as a passenger.
- (2) The driver must comply with the requirement.
- (3) A police officer carried as a passenger under this regulation:
 - (a) is not required to pay a fare or charge for the carriage; and
 - (b) is not liable to pay any amount for loss or damage occasioned by the carriage that exceeds reasonable compensation.

9 Touting prohibited

- (1) A driver must not:
 - (a) tout or solicit for passengers; or
 - (b) cause another person to tout or solicit for passengers on his or her behalf.
- (1A) A person does not commit an offence against subregulation (1) if the person marshals passengers for minibuses at an event or place, and in accordance with conditions, approved by the Director.
- (2) A driver must not prevent, or attempt to prevent, another driver from obtaining a passenger by force or otherwise.

10 Luggage

Unless permitted by the driver, a person must not bring into or carry on a minibus 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 minibus; or
- (b) damage the minibus.

11 Minibus ranks

The following apply to the use of minibus ranks:

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

12 Minibus not to be parked in road

- (1) In this regulation, *minibus* means a minibus that is available for hire.
- (2) The driver of a minibus must not park or stand the minibus in a road or public place other than in:
 - (a) a minibus rank; or
 - (b) an approved place.
- (3) Subregulation (2) does not prevent the driver parking or standing the minibus for the purposes of:
 - (a) picking up or setting down passengers; or

- (b) waiting under the instructions of a passenger; or
 - (c) by direction or with the consent of an inspector.
- (4) Subregulation (3) applies only if the parking or standing of the minibus is otherwise lawful.

13 Minibus drivers to search minibus

- (1) Immediately after a hiring is completed or terminated, the driver of a minibus must search the minibus to see if a passenger has left any property in it.
- (2) If the driver of a minibus discovers an article in the minibus that appears to have been left by a passenger, the driver must:
- (a) immediately call the hirer and return the article to the hirer; or
 - (b) if article is not returned to the hirer under paragraph (a) – take it to the nearest police station as soon as is practicable.

14 Limitation on passengers

The driver of a minibus must ensure that:

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

15 Driver not to purchase intoxicating liquor

The driver of a minibus must 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.

16 Animals

- (1) The driver of a minibus must not refuse to allow a person to board the minibus by reason only that the person is accompanied by a guide-dog or hearing-dog.
- (2) A person must not bring onto a minibus any animal other than a guide-dog or hearing-dog.

17 Certain conduct prohibited

- (1) A person must not smoke or consume intoxicating liquor in a minibus.
- (2) The driver of a minibus may direct:
 - (a) a passenger to alight from the minibus; or
 - (b) a prospective passenger not to board the minibus;if the passenger or prospective passenger:
 - (c) appears to be suffering from an infectious disease; or
 - (d) appears to be under the influence of drugs or intoxicating liquor; or
 - (e) soils or damages, or is likely to soil or damage, the minibus; or
 - (f) causes a nuisance, or is likely to cause a nuisance, in the minibus; or
 - (g) is carrying something that is causing, or is likely to cause, inconvenience to the driver or passengers; or
 - (h) is smoking; or
 - (j) is consuming intoxicating liquor; or
 - (k) is using profane or objectionable language.
- (3) A person who fails to comply with a direction given under subregulation (2) commits an offence.

18 Illegal purpose

The operator or driver of a minibus must not:

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

Part 3A Security camera systems in certain minibuses

18A Definitions

In this Part:

approved minibus security camera system means a minibus security camera system approved under regulation 18Q(2).

authorised person means a person authorised as mentioned in regulation 18J.

authorised purpose means a purpose as mentioned in regulation 18K.

functioning, in relation to a minibus security camera system, means one or more visual indicators on the camera (or equipment associated with the camera) indicate the system is working correctly and is capable of recording images.

minibus security camera system means a system designed to be fitted to a minibus to record images of persons in or near the minibus.

officer means an inspector, police officer or member of the Australian Federal Police.

onboard system means:

- (a) an approved minibus security camera system fitted to a minibus; or
- (b) a particular minibus security camera system that is not an approved minibus security camera system but, immediately before the commencement of this regulation, was fitted to a particular minibus as a minibus security camera system for it.

Part 3A minibus means a minibus that is licensed to stand and ply for hire at a minibus rank, or an approved place, within a minibus area to which this Part applies.

Note

See regulation 18B for declarations about minibus areas to which this Part applies.

18B Declaration for application of Part

The Minister may, by *Gazette* notice, declare this Part applies in relation to a minibus area.

18C Onboard system to be fitted and functioning

- (1) The operator of a Part 3A minibus must not cause or permit the minibus to operate unless it has an onboard system.

Maximum penalty: 40 penalty units.

- (2) The operator must ensure the onboard system is functioning when the minibus is:

- (a) carrying passengers for hire or reward; or
(b) available to carry passengers for hire or reward.

Maximum penalty: 40 penalty units.

Note for regulation 18C

There may be an exemption under section 38J of the Act or regulation 18R that applies to the operator.

18D Operator to ensure signage fitted

The operator of a Part 3A minibus that has an onboard system must ensure signs are conspicuously placed inside and outside the minibus, that advise persons they may be under surveillance when in or near the minibus.

Maximum penalty: 40 penalty units.

18E Operator to ensure driver is competent to operate onboard system

The operator of a Part 3A minibus that has an onboard system must not permit a driver to operate the minibus unless satisfied the driver is competent to operate the system.

Maximum penalty: 40 penalty units.

18F Driver to ensure onboard system is functioning

- (1) A driver of a Part 3A minibus that has an onboard system must ensure the system is functioning when the driver is operating the minibus.

Maximum penalty: 20 penalty units.

- (2) If the onboard system is not functioning, the driver must not accept a hiring.

Maximum penalty: 20 penalty units.

Note for regulation 18F

There may be an exemption under section 38J of the Act or regulation 18R that applies to a driver.

18G Interference with onboard system

- (1) A person must not interfere with, or cause or permit another person to interfere with, an onboard system.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply to an authorised person or officer:
- (a) inspecting, maintaining, repairing or testing the onboard system; or
 - (b) examining or copying a recording made by the system for an authorised purpose.

18H Only approved minibus security camera system to be fitted

A person must not fit a minibus security camera system in a Part 3A minibus unless the system is an approved minibus security camera system.

Maximum penalty: 40 penalty units.

18J Authorised persons

- (1) The Director may, in writing, authorise a person to do either or both of the following:
- (a) inspect, maintain, repair and test onboard systems;
 - (b) examine and copy recordings taken by onboard systems.
- (2) However, the Director may only authorise a person if satisfied the person has the necessary technical knowledge and equipment for performing the functions the person is authorised to do.
- (3) Without limiting the conditions the Director may impose on an authority under subregulation (1), it is a condition of each authority that the authorised person must maintain all the person's equipment for performing the functions the person is authorised to do.

18K Authorised purposes

The following are authorised purposes for which an authorised person or officer may examine or copy a recording taken by an onboard system:

- (a) ensuring compliance by any of the following persons with requirements that apply to the person under a law in force in the Territory;
 - (i) the operator of a Part 3A minibus;
 - (ii) a driver of a Part 3A minibus;
 - (iii) a passenger of a Part 3A minibus with an obligation to pay the fare for a hiring of the minibus;
- (b) investigating an offence committed in the Territory or elsewhere (including locating a person in connection with such an offence) or otherwise enforcing a law in force in the Territory;
- (c) locating a missing person or furthering an investigation into the safety or welfare of any person;
- (d) inspecting, maintaining, repairing or testing an onboard system.

18L Examining or copying recording

- (1) A person must not examine a recording taken by an onboard system, or copy a recording from the system, unless the person is an authorised person or officer or is under the direct supervision of an authorised person or officer.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply in relation to a copy of a recording taken by an onboard system that:
 - (a) forms, or is to form, part of evidence in court proceedings; and
 - (b) is examined by persons involved with or as part of the proceedings.

- (3) An authorised person or officer must not examine or copy a recording taken by an onboard system, or supervise another person who examines or copies a recording, unless the examination or copying is for an authorised purpose.

Maximum penalty: 40 penalty units.

18M Register of examination and copies of recordings

- (1) An authorised person must maintain a register containing the following details in relation to each examination or copying of a recording taken by an onboard system:

- (a) the registration number of the minibus in which the system was fitted when the recording was taken;
- (b) the date and time of the examination or copying;
- (c) the purpose of the examination or copying;
- (d) the location of any copy made;
- (e) the name of the person who carried out the examination or copying.

Maximum penalty: 40 penalty units.

- (2) The authorised person must make the register available for inspection at any reasonable time on demand by an officer or the Director.

Maximum penalty: 40 penalty units.

18N Authorised person to make copy when required

If an officer asks an authorised person to do either or both of the following, the authorised person must comply with the request:

- (a) make a copy of a recording from an onboard system and give the copy to the officer by a specified date;
- (b) take other action in relation to the copy as specified by the officer.

Maximum penalty: 40 penalty units.

Example for paragraph (b)

If the copy does not reveal evidence of any offence, the officer may direct the authorised person to erase or destroy the copy.

18P Disposal of copy of recording

If a copy was made of a recording taken by an onboard system and it is not required for use in court proceedings, the person in control of the copy must ensure it is disposed of, within 30 days after the copy was made, by:

- (a) deleting, or recording over, an electronic record; or
- (b) physical destruction of media containing an electronic record;
or
- (c) physical destruction of a printed copy of a record; or
- (d) any other approved way of deleting or destroying the copy.

Maximum penalty: 40 penalty units.

18Q Powers of Director

- (1) The Director may publish, in a way the Director considers appropriate, specifications about minibus security camera systems.
- (2) The Director may, by *Gazette* notice, approve a make and model of a minibus security camera system as a system that is an approved minibus security camera system.
- (3) The Director may issue operational requirements in relation to onboard systems, including, for example, requirements about any of the following:
 - (a) management of complaints related to onboard systems;
 - (b) record keeping related to onboard systems;
 - (c) responsibilities of authorised persons.

18R Exemptions because of certain circumstances

- (1) On application by the operator of a Part 3A minibus, the Director may, if satisfied it is appropriate, exempt the operator and any driver of the minibus from specified provisions of this Part if:
 - (a) the minibus is a Part 3A minibus that has an onboard system;
but
 - (b) the system is not functioning and the operator cannot have it repaired so it is functioning, or replaced, within a reasonable period.

- (2) An exemption under subregulation (1) must be in writing and must specify each of the following
 - (a) the minibus to which the exemption relates and the name of the operator;
 - (b) the provisions of this Part from which the operator and any driver or the minibus is exempted;
 - (c) the period for which the exemption applies;
 - (d) any conditions the Director considers appropriate.

Part 4 Miscellaneous

19 Plate to be displayed in minibus

The driver of a minibus must not operate the minibus unless an approved plate showing the number of the minibus is affixed inside the minibus in a conspicuous position.

20 Advertisements

- (1) The operator of a minibus must not operate the minibus if it bears or is marked with an advertisement that has not been approved by the Director.

- (2) In this regulation:

advertisement includes a statement or representation of any kind whether made by means of any or all of the following:

- (a) letters, maps, plans or drawings;
- (b) pictorial representations or designs.

21 Damage or interference

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

22 Operator to supply information

- (1) The operator of a minibus must provide to the Director full and correct information of journeys undertaken by the minibus whenever requested by the Director.
- (2) The operator must provide the information within the time specified by the Director.

23 Inspector may require name and address

An inspector may require a person to give his or her full name and address if the inspector reasonably suspects that the person has committed an offence.

24 Fees

The fee specified in the Schedule is payable in relation to the matter specified opposite the fee.

25 Offences

A person who contravenes or fails to comply with these Regulations commits an offence.

Maximum penalty: 25 penalty units.

Schedule Fees

regulation 24

| | | |
|----|---|----------|
| 1 | Annual fee for minibus licence to operate minibus in minibus area | |
| | Minibus Area | |
| | Darwin | \$17 600 |
| | Alice Springs | \$14 300 |
| | Katherine | \$9 900 |
| | Tennant Creek | \$4 950 |
| | Gove | \$5 500 |
| 2. | Application for refund of fee on surrender of licence | \$20 |
| 3. | Application for exemption under section 38J of Act | \$50 |

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 |
| <i>Gaz</i> = <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***Minibus Regulations (SL No. 63, 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)) |

Amendments of Minibus Regulations (SL No. 11, 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 <i>Gaz</i> S3, 28 February 2003, p 3) |

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

| | |
|-------------|-------------|
| Assent date | 7 July 2003 |
| Commenced | 7 July 2003 |

Amendments of Minibus Regulations (SL No. 41, 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 <i>Gaz</i> G30, 30 July 2003, p 13) |

Statute Law Revision Act 2005 (Act No. 44, 2005)

| | |
|-------------|------------------|
| Assent date | 14 December 2005 |
| Commenced | 14 December 2005 |

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

| | |
|-----------|-------------------|
| Notified | 29 September 2010 |
| Commenced | 1 November 2010 |

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

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

3 LIST OF AMENDMENTS

| | |
|------------|---|
| r 3 | amd No. 41, 2003, r 3; No. 21, 2010, r 6 |
| r 4 | sub No. 11, 2003, r 2 |
| | amd Act No. 44, 2003, s 6; amd No. 21, 2010, r 15 |
| r 5 | amd No. 21, 2010, r 15 |
| r 7 | amd No. 21, 2010, r 15 |
| r 8 hdg | amd No. 21, 2010, r 15 |
| r 8 | amd Act No. 44, 2005, s 35; No. 21, 2010, r 15 |
| r 9 | amd No. 41, 2003, r 4 |
| r 11 | amd No. 41, 2003, r 5 |
| rr 12 - 13 | amd No. 21, 2010, r 15 |
| r 17 | amd No. 21, 2010, r 15 |
| pt 3A hdg | ins No. 21, 2010, r 7 |
| rr 18A – | |
| 18R | ins No. 21, 2010, r 7 |
| r 20 | amd No. 21, 2010, r 8 |
| r 25 | amd No. 21, 2010, r 9 |
| sch | amd No. 11, 2003, r 3; No. 45, 2012, r 8 |