

NORTHERN TERRITORY OF AUSTRALIA

PRIVATE HIRE CAR REGULATIONS

As in force at 28 August 2013

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 28 August 2013

PRIVATE HIRE CAR REGULATIONS

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

Part 1 Preliminary

1 Citation

These regulations may be cited as the *Private Hire Car Regulations*.

2 Commencement

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

3 Interpretation

In these regulations unless the contrary intention appears:

driver means the person driving or in charge of a private hire car.

operator means a person who operates a private hire car otherwise than only as a driver.

public place includes any place to which the public are admitted on payment of a fee or charge.

Part 2 Operators and drivers

4 Operator to maintain records

- (1) The operator of a private hire car shall make a written record of:
 - (a) the dates and times during which the private hire car is operated for the carriage of passengers;
 - (b) the full name and residential address of the driver of the private hire car during those periods and the number of the driver's licence issued to him or her under the *Motor Vehicles Act*;

- (c) every booking and hiring made by the private hire car; and
 - (d) any other matter that the Director requires as a condition of the operator's licence.
- (2) The record referred to in subregulation (1):
 - (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 private hire car must ensure the private hire car is properly and regularly maintained.
- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a private hire car, the operator must ensure that maintenance carried out on the private hire car is in accordance with that specified.

5 Hiring to be pre-booked unless from a rank or approved

A person must not use a private hire car (whether as a driver or a passenger) for a hiring unless:

- (a) the journey is pre-booked with the operator;
- (b) the journey is pre-booked with the driver over the driver's mobile telephone or by a passenger in the private hire car;
- (c) the private hire car is parked or standing in accordance with section 37B(1) of the Act; or
- (d) the hiring is approved by the Director.

6 Operator or driver not required to accept hiring except at a rank

- (1) An operator is not compelled to accept a hiring.
- (2) A driver is not compelled to accept a hiring over the driver's mobile telephone or from a passenger in the private hire car.

- (3) A driver must accept a hiring if the private hire car is parked or standing in accordance with section 37B(1) of the Act unless the prospective passenger:
- (a) appears to be suffering from an infectious disease;
 - (b) appears to be under the influence of drugs or intoxicating liquor;
 - (c) is likely to soil or damage the private hire car;
 - (d) is likely to cause a nuisance in the private hire car;
 - (e) is carrying something that is likely to cause inconvenience to the driver or passengers;
 - (f) is smoking;
 - (g) is consuming intoxicating liquor; or
 - (h) is using profane or objectionable language.

7 No touting

A person shall not tout or solicit for passengers for a private hire car.

8 Driver to return to base

A driver of a private hire car must, on completion of each pre-booked journey, return the private hire car to a place approved as a place from which the private hire car is to operate unless:

- (a) it is not reasonably practicable for the driver to do so before the next pre-booked journey; or
- (b) the driver parks or stands the private hire car in accordance with section 37B(1) of the Act.

9 Parking of private hire cars

- (1) A driver shall not park or stand a private hire car on a road or a public place or on a lot off a road or public place 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 private hire car is otherwise lawful.

(2) Subregulation (1) does not apply if the private hire car is:

(a) parked on a lot approved in relation to the private hire car by the Director; or

(b) parked or standing in accordance with section 37B(1) of the Act.

10 Driver to search

(1) A driver shall immediately after the completion of a hiring or any termination of a hiring, search the private hire car to ascertain whether a passenger has left any article in the private hire car.

(2) If as a result of the search carried under subregulation (1) a driver discovers an article that appears to have been left by a passenger the 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 practicable.

11 Purchase of intoxicating liquor

(1) An operator or a driver of a private hire car shall not accept a hiring under which the driver of the hire car is required to purchase intoxicating liquor for or on behalf of another person whether or not that other person is a passenger.

(2) The driver of a private hire car shall not in the course of a hiring purchase intoxicating liquor for or on behalf of a passenger.

11A Identity card

(1) For section 74 of the Act, a private hire car 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 private hire car.
- (3) A driver must display the driver's identity card issued under subregulation (2) in a conspicuous place in a private hire car while driving the private hire car.

Part 3 Miscellaneous

12 Operator to supply information

- (1) The operator of a private hire car 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 private hire car.
- (2) A person who refuses or fails to comply with a request made under subregulation (1) commits an offence.

13 Advertisements on hire cars

- (1) The operator of a hire car shall not operate a hire car that bears or is marked with an advertisement unless the Director has approved of the advertisement.
- (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.

14 Fees

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

15 Offences

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

Maximum penalty: 25 penalty units.

Schedule	Fees
	regulation 14
	\$
1. Annual fee for a private hire car licence	6 600
3. Application for a refund on surrender of a private hire car licence	20

ENDNOTES

1**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

2**LIST OF LEGISLATION*****Private Hire Car Regulations (SL No. 57, 1992)***

Notified 21 October 1992
 Commenced 27 October 1992 (r 2, s 2 *Commercial Passenger (Road) Transport Act 1991* (No. 34, 1991) and *Gaz* G42, 21 October 1992, p 2)

Amendments of Private Hire Car Regulations (SL No. 58, 1998)

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

Amendments of Private Hire Car Regulations (SL No. 40, 2003)

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

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

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

Penalties Amendment (Miscellaneous) Act 2013 (Act No. 23, 2013)

Assent date 12 July 2013
 Commenced 28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

3 LIST OF AMENDMENTS

r 4	amd No. 58, 1998, r 2
r 4A	ins No. 58, 1998, r 3
rr 5 – 6	sub No. 40, 2003, r 3
r 8	sub No. 40, 2003, r 4
r 9	amd No. 40, 2003, r 5
r 11A	ins No. 40, 2003, r 6
r 15	amd Act No. 23, 2013, s 4
sch	sub No. 58, 1998, r 4; No. 40, 2003, r 7; No. 45, 2012, r 12