

# NORTHERN TERRITORY OF AUSTRALIA

## PRIVATE HIRE CAR REGULATIONS

As in force at 1 December 2017

### Table of provisions

#### **Part 1 Preliminary**

1	Citation .....	1
2	Commencement .....	1
3	Interpretation .....	1

#### **Part 2 Operators and drivers**

4	Operator to maintain records.....	1
5	Hiring to be pre-booked unless from a rank or approved .....	2
6	Operator or driver not required to accept hiring except at a rank .....	2
6A	Agreement in relation to private hire car fares.....	3
7	No touting .....	3
9	Parking of private hire cars.....	3
11	Purchase of intoxicating liquor.....	4
11A	Identity card.....	4

#### **Part 3 Miscellaneous**

12	Operator to supply information .....	4
14	Fees .....	4
15	Offences .....	5

#### **Schedule Fees**

ENDNOTES



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 December 2017

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## 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 must 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.

Maximum penalty: 60 penalty units.

- (2) The operator of a private hire car must ensure that the record mentioned 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.

Maximum penalty: 60 penalty units.

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

A driver must not use a private hire car for a hiring unless:

- (a) the journey is pre-booked with the operator;
- (b) the journey is pre-booked with the driver 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.

**6A Agreement in relation to private hire car fares**

Before a journey by a private hire car is commenced, the owner or driver of the private hire car must advise the hirer of the amount of the fare for the hiring, including any charge for the conveyance of luggage or goods, and the fare for that hiring is to be that amount or a lesser amount agreed between the hirer and the owner or driver.

**7 No touting**

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

**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.

**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.

Maximum penalty: 30 penalty units.

**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.

Maximum penalty: 60 penalty units.

**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.

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**Schedule Fees**

regulation 14

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1. Annual fee for a private hire car licence

6 600



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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*****Private Hire Car Regulations (SL No. 57, 1992)***

Notified	21 October 1992
Commenced	27 October 1992 (r 2, s 2 <i>Commercial Passenger (Road) Transport Act 1991</i> (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 <i>Commercial Passenger (Road) Transport Amendment Act 1998</i> (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 <i>Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003</i> (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)

***Commercial Passenger Vehicle Legislation Amendment Regulations 2017 (SL No. 34, 2017)***

Notified	29 November 2017
Commenced	1 December 2017 (r 2)

### **3 LIST OF AMENDMENTS**

r 4	amd No. 58, 1998, r 2; No. 34, 2017, r 51
r 4A	ins No. 58, 1998, r 3 rep No. 34, 2017, r 52
r 5	sub No. 40, 2003, r 3 amd No. 34, 2017, r 53
r 6	sub No. 40, 2003, r 3
r 6A	ins No. 34, 2017, r 54
r 8	sub No. 40, 2003, r 4 rep No. 34, 2017, r 55
r 9	amd No. 40, 2003, r 5
r 10	rep No. 34, 2017, r 55
r 11A	ins No. 40, 2003, r 6 amd No. 34, 2017, r 56
r 12	amd No. 34, 2017, r 57
r 13	amd No. 34, 2017, r 58
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 amd No. 34, 2017, r 59