

NORTHERN TERRITORY OF AUSTRALIA

COMMERCIAL PASSENGER (MISCELLANEOUS) REGULATIONS

As in force at 1 February 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 February 2018

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*.

1A Definitions

In these Regulations:

monthly levy, for Part 5, see regulation 13.

passenger service transaction, for Part 5, see regulation 14(2).

relevant operator, for Part 5, see regulation 13.

rideshare platform, for Part 5, see regulation 3 of the *Ridesharing Regulations*.

rideshare platform manager, for Part 5, see regulation 3 of the *Ridesharing Regulations*.

rideshare vehicle, see regulation 4 of the *Ridesharing Regulations*.

Part 2 Infringement offences

2 Infringement offences

For section 81 of the Act:

- (a) an offence against a provision specified in Schedule 1 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 for the offence in Schedule 1.

3 Service

An infringement notice may be served on a person:

- (a) by serving it personally on the person; or
- (b) by posting it to the person at the person's 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 person at the person's 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 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the Agency's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first 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- (1) An infringement notice may be withdrawn at any time within 28 days after service of the infringement notice but before payment of the penalty specified in the infringement notice by serving on the person 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 person:
 - (a) by serving it personally; or

- (b) by posting it to the person at the person's last known address which may be ascertained from any identification produced by the person or from any register maintained by the Registrar of Motor Vehicles; or
- (c) by leaving it for the person at the person's 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.

Part 4 Further provisions for commercial passenger vehicles

9 Safety of vehicle

- (1) The operator of a commercial passenger vehicle must not allow the vehicle to be made available for hire or reward if the vehicle is unsafe.

Maximum penalty: 85 penalty units.

- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a commercial passenger vehicle, the operator of the vehicle or, if the vehicle is a rideshare vehicle, the driver must ensure that maintenance is carried out on the vehicle in accordance with that specified.

Maximum penalty: 85 penalty units.

- (3) The driver of a commercial passenger vehicle must not drive the vehicle for hire or reward if the driver knows the vehicle is unsafe.

Maximum penalty: 85 penalty units.

- (4) In this regulation, a vehicle is **unsafe** if it is likely to endanger any of the following:

- (a) the safety of any person;
- (b) public safety;
- (c) any property.

10 No smoking in vehicle

- (1) A person must not smoke in a commercial passenger vehicle.

Maximum penalty: 30 penalty units.

- (2) Subregulation (1) does not apply in relation to a courtesy vehicle or a rideshare vehicle.

- (3) A person must not smoke in a rideshare vehicle at any time when the vehicle is available for hire or reward or is being used for a rideshare journey.

Maximum penalty: 30 penalty units.

- (4) In this regulation:

rideshare journey, see regulation 3 of the *Ridesharing Regulations*.

11 Animals

- (1) The driver of a commercial passenger vehicle must not refuse a hiring of the vehicle by a person, or during a hiring refuse to allow a person to board the vehicle, only because the person is accompanied by an assistance animal.

Maximum penalty: 30 penalty units.

- (2) In this regulation:

assistance animal means an animal:

- (a) trained by an assistance animal training institution; and
- (b) used as an assistance animal by a person who:
- (i) is wholly or partially blind or deaf; or
 - (ii) has another form of disability requiring the use of an assistance animal.

12 Lift incentive

- (1) An eligible person who requires the wheelchair capability of a relevant commercial passenger vehicle may offer a lift incentive to the driver of the vehicle.

- (2) The lift incentive may be provided in the form of:
- (a) a redeemable voucher approved by the Minister; or
 - (b) payment by a smartcard issued under the Northern Territory Transport Subsidy Scheme or other means of electronic payment; or
 - (c) another means of payment approved by the Minister.
- (3) If the driver accepts the offer of the lift incentive:
- (a) the hiring is taken to commence only after the wheelchair, and any person in the wheelchair, is on board the vehicle and made secure; and
 - (b) the driver must not charge for any time spent:
 - (i) waiting for the hirer before the wheelchair is placed on board; or
 - (ii) placing the wheelchair on board and setting the wheelchair down again.
- (4) A driver is not obliged to accept a lift incentive and may instead charge for time spent waiting for the hirer and placing the wheelchair on board the vehicle and setting the wheelchair down again.
- (5) The Minister may, by *Gazette* notice:
- (a) determine the class or classes of persons who are eligible to participate in the lift incentive scheme; and
 - (b) determine the amount payable for a lift incentive from time to time.
- (6) A lift incentive is an incentive to the driver and, if received by an operator or a communications or dispatch network, must be passed on to the driver in full.
- (7) In this regulation:
- relevant commercial passenger vehicle*** means:
- (a) a multiple purpose minibus, as defined in regulation 3 of the *Minibus Regulations*; or
 - (b) a multiple purpose taxi, as defined in regulation 3(1) of the *Taxis Regulations*; or

- (c) a rideshare vehicle or a private hire car:
 - (i) fitted to carry a passenger seated in a wheelchair; and
 - (ii) in respect of which the licence contains a condition that priority is to be given to carrying passengers in wheelchairs.

Part 5 Passenger services levy

13 Definitions

In this Part:

monthly levy means the aggregation of the passenger services levy imposed by regulation 14, for a calendar month, for an operator or rideshare platform manager.

passenger service transaction, see regulation 14(2).

relevant operator means:

- (a) the operator of a taxi, minibus or private hire car; or
- (b) a rideshare platform manager.

14 Passenger services levy

- (1) A passenger services levy of \$1 is payable for each passenger service transaction.
- (2) A ***passenger service transaction*** is the carrying of a person or persons on a journey for reward by any of the following vehicles:
 - (a) a taxi;
 - (b) a minibus;
 - (c) a private hire car;
 - (d) a rideshare vehicle.
- (3) The monthly levy is payable by the following:
 - (a) for a passenger service transaction involving a taxi, minibus or private hire car – the holder of the licence under the Act to operate the vehicle;

- (b) for a passenger service transaction involving a rideshare vehicle – the rideshare platform manager of the rideshare platform through which the transactions were arranged.

15 Payment and recovery of monthly levy

- (1) A person responsible under regulation 14(3) for payment of the levy must pay to the Director the monthly levy for a month by the end of the following month.

Example for subregulation (1)

The monthly levy for the month of January is payable by the last day of February.

- (2) If a monthly levy is not paid by the due date, it is a debt due to the Territory recoverable by the Director in a court of competent jurisdiction.

16 Licence and approval conditions

- (1) It is a condition of a licence for a taxi, minibus or private hire car that the operator, in relation to passenger service transactions in a month, must, by the end of the following month:

- (a) lodge with the Director a return, in the approved form; and
- (b) pay the monthly levy in accordance with these Regulations.

- (2) It is a condition of the approval of a rideshare platform that the rideshare platform manager, in relation to passenger service transactions in a month, must, by the end of the following month:

- (a) lodge with the Director a return, in the approved form; and
- (b) pay the monthly levy in accordance with these Regulations.

17 Offences

- (1) A relevant operator or rideshare platform manager liable to pay a monthly levy must not knowingly evade the levy.

Maximum penalty: 85 penalty units.

- (2) A relevant operator or rideshare platform manager must provide the Director with monthly returns of the number of passenger service transactions involving vehicles operated by the operator or manager.

Maximum penalty: 85 penalty units.

- (3) A relevant operator or rideshare platform manager must keep the records that are necessary to enable the liability of the operator or manager for the monthly levy to be ascertained.

Maximum penalty: 85 penalty units.

- (4) A relevant operator or rideshare platform manager must produce a record mentioned in subregulation (3) to the Director on request.

Maximum penalty: 85 penalty units.

- (5) A relevant operator or rideshare platform manager must retain a record mentioned in subregulation (3) for 3 years after the record was made.

Maximum penalty: 85 penalty units.

- (6) A relevant operator or rideshare platform manager must not:

- (a) provide a return to the Director that the operator or manager knows to be misleading in a material particular; or
- (b) keep a record in relation to a monthly levy that the operator or manager knows to be misleading in a material particular; or
- (c) produce a record to the Director under subregulation (4) that the operator or manager knows to be misleading in a material particular.

Maximum penalty: 85 penalty units.

- (7) A relevant operator or rideshare platform manager must not intentionally damage or destroy a record mentioned in subregulation (3).

Maximum penalty: 85 penalty units.

Part 6 Transitional matters for Ridesharing Regulations

18 Refund of fees

- (1) If, before the commencement, a person has paid a fee for a licence that covers a period of 1 month or more after the commencement and the annual fee for the licence is reduced by the amending Regulations, the Director must refund an amount to the person calculated in accordance with the following formula:

$$\frac{(OF - RF)}{12} \times RM$$

where:

OF is the fee paid before commencement.

RF is the reduced fee.

RM is the remaining number of whole months in the period for which the fee was paid.

- (2) In this regulation:

amending Regulations means the *Ridesharing Regulations*.

commencement means the commencement of Parts 5 and 6 of the amending Regulations.

Schedule 1 Infringement offences and prescribed amounts

regulation 2

Provision	Prescribed amount in penalty units
The Act	
section 72(2)	2
sections 21(2), 26A(2), 37B(2), 38E(2), 38K(2), 47(3) and 71(8A) and (9)	4
sections 26(2), 69(a) and (b) and 74(1)	5
section 79A(1)	7
sections 45(2) and 71(1)	10
section 71(7A)	20
<i>Commercial Passenger (Miscellaneous) Regulations</i>	
regulation 8(2), (3) and (4)	For an individual – 2 For a body corporate – 10
regulation 10(1)	3
regulation 11(1)	5
regulation 9(1) and (2)	For an individual – 15 For a body corporate – 25
regulation 9(3)	15
<i>Courtesy Vehicle Regulations</i>	
regulation 20(3)	0.5
regulations 4(1) and (2), 5, 10, 11(2), 12(1) and 16(1), (2) and (3)	1

<i>Limousine Regulations</i>	
regulations 8, 10 and 12(1)	3
regulations 9(1) and 14(1) and (2)	5
regulation 15(3)	6
regulation 4(1) and (2) and (5)	10
<i>Minibus Regulations</i>	
regulations 11(a) and 17(1) and (3)	1
regulations 9(1) and (2), 11(b), 12(2) and 14(a) and (b)	3
regulations 7B(1) and (4), 11(e), 18F(1) and (2) and 18H	4
regulations 7A(1), 18C(1) and (2), 18D, 18E, 18L(1) and (3), 18M(1) and (2), 18N and 18P	5
regulation 4(3)	6
regulations 5(1), (2) and (3), 18G(1) and 22(1) and (2)	10
<i>Passenger Bus Regulations</i>	
regulation 8(a) and (b)	1
regulations 4(1) and (2) and 6	10
<i>Private Hire Car Regulations</i>	
regulations 6(3), 7 and 9(1)	3
regulations 5 and 11(1) and (2)	5
regulation 11A(3)	6
regulations 4(1) and (2) and 12(2)	10

<i>Ridesharing Regulations</i>	
regulations 13(1), 14, 16 and 18(1)	3
regulations 10, 15 and 17(1)	5
regulations 11(1) and 12	6
<i>Special Function Vehicle Regulations</i>	
regulations 9, 10(1) and 11	3
regulation 13(1) and (2)	5
regulation 4(1) and (2) and 5	10
<i>Taxis Regulations</i>	
regulations 15, 20(a) and 28(1) and (3)	1
regulations 11A(3), (5), (6) and (7), 24 and 32(1) and (3)	2
regulations 7(1), 7A, 9, 10A(3), 13, 16(1) and (2) and 21	3
regulations 20(e), 23(1), 25, 27F(1) and (2) and 27H	4
regulations 26(1), 27C(1) and (2), 27D, 27E, 27L(1) and (3), 27M(1) and (2), 27N, 27P and 29(a) and (b)	5
regulation 5(3)	6
regulations 4(1), (1A) and (2), 10A(1), 27G(1) and 34	10
<i>Tourist Vehicles Regulations</i>	
regulation 4(1) and (2)	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)

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 = Gazette	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 (Act No. 83, 1998)</i>)

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 G27, 12 July 2000, p 2</i>)

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 (Act No. 40, 2003)</i> , <i>Gaz G30, 30 July 2003, p 13</i> and <i>Gaz G38, 24 September 2003, p 2</i>)

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)

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

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

Ridesharing Regulations (SL No. 35, 2017)

Notified 29 November 2017
Commenced pts 5 and 6: 1 February 2018; rem: 1 December 2017 (r 2)

3 LIST OF AMENDMENTS

pt 1 hdg	ins No. 33, 2016, r 4
r 1A	ins No. 35, 2017, r 23
pt 2 hdg	ins No. 33, 2016, r 5
r 2	sub No. 33, 2016, r 5; No. 35, 2017, r 4
r 3	amd No. 21, 2010, r 15; No. 35, 2017, r 5
r 4	amd No. 21, 2010, r 15 sub No. 35, 2017, r 6
r 5	amd No. 21, 2010, r 15; No. 33, 2016, r 6; No. 35, 2017, r 7
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
pt 4 hdg	ins No. 35, 2017, r 8
r 9	ins No. 35, 2017, r 8 amd No. 35, 2017, r 24
r 10	ins No. 34, 2017, r 8 amd No. 35, 2017, r 25
r 11	ins No. 34, 2017, r 8
r 12	ins No. 34, 2017, r 8 amd No. 35, 2017, r 26
pt 5 hdg	ins No. 35, 2017, r 27
rr 13 – 17	ins No. 35, 2017, r 27
pt 6 hdg	ins No. 35, 2017, r 27
r 18	ins No. 35, 2017, r 27
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 sub No. 34, 2017, r 9 amd No. 35, 2017, r 28

ENDNOTES

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