

NORTHERN TERRITORY OF AUSTRALIA  
COMMERCIAL PASSENGER (ROAD) TRANSPORT AMENDMENT ACT  
(NO. 2) 2003

---

Act No. 40 of 2003

---

TABLE OF PROVISIONS

Section

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Principal Act

PART 2 – AMENDMENTS OF PRINCIPAL ACT

4. Interpretation
5. Director
6. New section
  - 5A. Directions of Minister
7. New section
  - 6D. Protection from liability
8. Taxi licence
9. New section
  - 18A. Exemption from passenger limit
10. Conditions of taxi licence
11. Surrender of taxi licence
12. Determination of fares and charges
13. New section
  - 26A. Taxis may use bus stops outside route service hours
14. Repeal
15. Repeal and substitution
  30. Private hire car licence
16. Consideration of application
17. Conditions of private hire car licence
18. Term of private hire car licence
19. Repeal and substitution
  36. Surrender of private hire car licence
20. Director may grant exemption

- 21. New sections
  - 37A. Determination of fares and charges
  - 37B. Ranking for approved functions or events
- 22. New Parts
  - PART 5AA – LIMOUSINES
  - 37C. Limousine licence
  - 37D. Consideration of application
  - 37E. Registration number to be endorsed on licence
  - 37F. Conditions of limousine licence
  - 37G. Effect of limousine licence
  - 37H. Term of limousine licence
  - 37J. Renewal of limousine licence
  - 37K. Surrender of limousine licence
  - 37L. Director may grant exemption
  - 37M. Determination of fares and charges
  - PART 5AB – SPECIAL FUNCTION VEHICLES
  - 37N. Special function vehicle licence
  - 37P. Consideration of application
  - 37Q. Registration number to be endorsed on licence
  - 37R. Conditions of special function vehicle licence
  - 37S. Effect of special function vehicle licence
  - 37T. Term of special function vehicle licence
  - 37U. Renewal of special function vehicle licence
  - 37V. Surrender of special function vehicle licence
  - 37W. Director may grant exemption
- 23. Conditions of minibus licence
- 24. Surrender of minibus licence
- 25. New section
  - 38K. Minibuses may use bus stops outside route service hours
- 26. New Part
  - PART 5B – COURTESY VEHICLES
  - 38L. Courtesy vehicle licence
  - 38M. Consideration of application
  - 38N. Registration number to be endorsed on licence
  - 38P. Conditions of courtesy vehicle licence
  - 38Q. Effect of courtesy vehicle licence
  - 38R. Term of courtesy vehicle licence
  - 38S. Renewal of courtesy vehicle licence
  - 38T. Director may grant exemption
- 27. Communications and dispatch networks
- 28. Codes of conduct
- 29. Driver must hold identity card
- 30. Offence – unauthorised operation of commercial passenger vehicle
- PART 3 – TRANSITIONAL PROVISIONS
- 31. Definitions
- 32. Refund of entitlement fees for private hire car licences

33. Registration of private hire car in licence holder's name





# **NORTHERN TERRITORY OF AUSTRALIA**

Act No. 40 of 2003

## **AN ACT**

to amend the *Commercial Passenger (Road) Transport Act*

*[Assented to 7 July 2003]*

*[Second reading 25 February 2003]*

**The Legislative Assembly of the Northern Territory enacts as follows:**

### **PART 1 – PRELIMINARY**

**1. Short title**

This Act may be cited as the *Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*.

**2. Commencement**

The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Commercial Passenger (Road) Transport Act* is in this Act referred to as the Principal Act.

### **PART 2 – AMENDMENTS OF PRINCIPAL ACT**

**4. Interpretation**

Section 3 of the Principal Act is amended –

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

- (a) by omitting from subsection (1) the definition of "commercial passenger vehicle" and substituting the following:

" 'bus stop' has the same meaning as in the Motor Omnibus Regulations;

'commercial passenger vehicle' means a taxi, private hire car, limousine, special function vehicle, minibus, courtesy vehicle, motor omnibus, tourist vehicle or special passenger vehicle;

'courtesy vehicle' means an approved motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, special function vehicle, minibus, motor omnibus, tourist vehicle or special passenger vehicle) used, with the services of a driver, to carry passengers for hire or reward where the carriage –

- (a) is offered as an inducement in respect of an agreement for the provision of accommodation or activities for recreation or pleasure; and
- (b) is provided to passengers without payment of a fare;"

- (b) by omitting from subsection (1) the definition of "executive taxi";

- (c) by inserting after the definition of "licence" in subsection (1) the following:

" 'limousine' means an approved motor vehicle that –

- (a) is fitted, equipped or constructed to carry not more than 8 passengers and is used, with the services of a driver, to carry passengers for hire or reward on pre-booked journeys at pre-arranged fares;
- (b) is not fitted with a meter that either calculates or indicates the fare payable; and
- (c) does not stand or ply for hire;"

- (d) by omitting paragraph (c) of the definition of "private hire car" in subsection (1) and substituting the following:

"(c) does not stand or ply for hire except in accordance with section 37B;"

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

- (e) by inserting after the definition of "route service" in subsection (1) the following:

" 'route service hours', in relation to an urban service area, means the hours of a day declared by the Director to be the hours of operation of route services in the urban service area;

'special function vehicle' means an approved motor vehicle (not being a motor vehicle operated as a taxi, private hire car, limousine, minibus, courtesy vehicle, motor omnibus, tourist vehicle or special passenger vehicle) that –

- (a) is a distinctive or unusual make or model or has a distinctive or unusual external appearance; and
  - (b) is used, with the services of a driver, to carry passengers for hire or reward on pre-booked journeys for a pre-determined fee where the purpose of the journey is to transport the passengers in connection with an approved function or event or an approved class of functions or events;"
- (f) by omitting from the definition of "special passenger vehicle" in subsection (1) "minibus," and substituting "limousine, special function vehicle, minibus, courtesy vehicle,";
- (g) by omitting from subsection (1) the definition of "standard taxi";
- (h) by omitting from subsection (1) the definition of "supplementary taxi";
- (i) by omitting paragraphs (aa) and (ab) from the definition of "taxi" in subsection (1) and substituting the following:
- "(aa) 11 passengers; or
  - (ab) if the vehicle is exempt under section 18A – 15 passengers,"; and
- (j) by omitting from the definition of "tourist vehicle" in subsection (1) "minibus," and substituting "limousine, special function vehicle, minibus, courtesy vehicle,".

**5. Director**

Section 5 of the Principal Act is amended by omitting subsection (3).

**6. New section**

The Principal Act is amended by inserting after section 5 the following:

**"5A. Directions of Minister**

"(1) In exercising a power or performing a function under this Act, the Director is subject to the directions of the Minister.

"(2) Without limiting subsection (1), the Minister may give the Director a direction about controlling in the public interest the number of licences in force for a class of commercial passenger vehicle.

"(3) Despite anything to the contrary in this Act or the Regulations, the Director must not grant a licence if to do so would be inconsistent with a direction under subsection (2)."

**7. New section**

The Principal Act is amended by inserting after section 6C in Part 2 the following:

**"6D. Protection from liability**

"(1) This section applies to a person who is or has been a member of the Board.

"(2) The person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

"(3) In addition, the person is not civilly or criminally liable for an act done or omitted to be done by the Board in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

"(4) Subsections (2) and (3) do not affect any liability the Territory would, apart from those subsections, have for the act or omission."

**8. Taxi licence**

Section 17 of the Principal Act is amended –

- (a) by omitting from subsection (1) "standard" (all references); and
- (b) by omitting subsection (1A).



**9. New section**

The Principal Act is amended by inserting after section 18 the following:

**"18A. Exemption from passenger limit**

"The Director may exempt an approved motor vehicle from the passenger limit for a taxi if –

- (a) the vehicle complies with the other requirements for that kind of taxi; and
- (b) the Director is satisfied that the exemption is appropriate in all the circumstances."

**10. Conditions of taxi licence**

Section 20 of the Principal Act is amended –

- (a) by omitting from subsection (3) "for a standard taxi" and "for standard taxis";
- (b) by omitting subsection (3A);
- (c) by inserting in subsection (5) "or dispatch" after "communications";
- (d) by omitting from subsection (6) "for a standard taxi" and "standard" (second reference);
- (e) by omitting subsection (7); and
- (f) by adding at the end the following:

"(9) It is a condition of a taxi licence that the holder of the licence is to ensure that any injury to a person arising out of or in the course of the person's engagement to drive the taxi endorsed on the licence is covered by a policy of insurance."

**11. Surrender of taxi licence**

Section 24 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) A person who surrenders a taxi licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term."

**12. Determination of fares and charges**

Section 26 of the Principal Act is amended by omitting from subsection (1) "standard taxi or an executive".

**13. New section**

The Principal Act is amended by inserting after section 26 in Part 4, Division 1 the following:

**"26A. Taxis may use bus stops outside route service hours**

"(1) Despite anything to the contrary in this Act or the Regulations, the driver of a taxi that is available for hire may park or stand the taxi in a bus stop in an urban service area outside route service hours.

"(2) The driver of a taxi who parks or stands the taxi in a bus stop other than in accordance with subsection (1) commits an offence.

Penalty: \$2 000."

**14. Repeal**

Part 4, Division 3 is repealed.

**15. Repeal and substitution**

Section 30 of the Principal Act is repealed and the following substituted:

**"30. Private hire car licence**

"(1) Subject to this Act, a person who proposes to operate a private hire car must hold a private hire car licence before commencing the operation.

Penalty: \$10 000.

"(2) An application for a private hire car licence is to be made on an approved form accompanied by the prescribed fee."

**16. Consideration of application**

Section 31 of the Principal Act is amended --

- (a) by omitting from subsection (3) "an entitlement to hold a private hire car licence or"; and

(b) by adding at the end the following:

"(4) The Director must not grant a private hire car licence to a person unless, at the time the licence is granted, the private hire car endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person."

**17. Conditions of private hire car licence**

Section 33 of the Principal Act is amended by adding at the end the following:

"(5) It is a condition of a private hire car licence that the private hire car endorsed on the licence be used as a private hire car and is maintained to an approved standard.

"(6) It is a condition of a private hire car licence that the private hire car endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence."

**18. Term of private hire car licence**

Section 35 of the Principal Act is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) A private hire car licence remains in force, unless sooner surrendered, cancelled or suspended under this Act –

(a) for 12 months from the day it is granted; or

(b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves."; and

(b) by omitting from subsection (2) "subsection (1)" and "grant or renewal" (all references) and substituting "subsection (1)(b)" and "renewal" respectively.

**19. Repeal and substitution**

Section 36 of the Principal Act is repealed and the following substituted:

**"36. Surrender of private hire car licence**

"(1) The holder of a private hire car licence may surrender the licence to the Director before it expires.

"(2) A person who surrenders a private hire car licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the

unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term."

**20. Director may grant exemption**

Section 37 of the Principal Act is amended by omitting from subsection (1) "an entitlement to hold a private hire car licence and".

**21. New sections**

The Principal Act is amended by inserting after section 37 in Part 5 the following:

**"37A. Determination of fares and charges**

"(1) The Minister may, by notice in the *Gazette*, determine –

- (a) a fare or charge to be charged for the hire or use of a private hire car; or
- (b) the method to be used to calculate such a fare or charge.

"(2) A person must not charge a fare or charge for the hire or use of a private hire car except in accordance with subsection (1).

Penalty: \$1 000.

**"37B. Ranking for approved functions or events**

"(1) Despite anything to the contrary in this Act or the Regulations, the driver of a private hire car may park or stand the private hire car for hire to transport passengers at an approved function or event, or an approved class of functions or events, in accordance with the approved conditions.

"(2) The driver of a private hire car who parks, stands or plys a private hire car for hire other than in accordance with subsection (1) commits an offence.

Penalty: \$3 000."

**22. New Parts**

The Principal Act is amended by inserting after Part 5 the following:

**"PART 5AA – LIMOUSINES**

**"37C. Limousine licence**

"(1) Subject to this Act, a person who proposes to operate a limousine

must hold a limousine licence before commencing the operation.

Penalty: \$10 000.

"(2) An application for a limousine licence is to be made on an approved form accompanied by the prescribed fee.

**"37D. Consideration of application**

"(1) The Director must consider an application made under section 37C(2) and may, subject to this Act –

- (a) refuse it;
- (b) grant it; or
- (c) allow the applicant to amend it, and grant it as amended.

"(2) For the purposes of subsection (1), the Director may require an applicant to provide further information.

"(3) The Director must not grant a limousine licence if the applicant was not accredited at the time of the application.

"(4) The Director must not grant a limousine licence to a person unless, at the time the licence is granted, the limousine endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**"37E. Registration number to be endorsed on licence**

"A limousine licence is to have endorsed on it the registration number of the limousine as contained on the number plates issued under the *Motor Vehicles Act*.

**"37F. Conditions of limousine licence**

"(1) A limousine licence is subject to the conditions that the Director thinks fit and specifies in the licence.

"(2) The Director may, from time to time, by written notice to the holder of a limousine licence, amend or revoke the conditions of the licence or add new conditions.

"(3) The conditions of a limousine licence are to be substantially the same for all limousine licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.

"(4) The Director may require the holder of a limousine licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.

"(5) It is a condition of a limousine licence that the limousine endorsed on the licence be used as a limousine and is maintained to an approved standard.

"(6) It is a condition of a limousine licence that the limousine endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**"37G. Effect of limousine licence**

"A limousine licence authorises the holder to operate the limousine endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**"37H. Term of limousine licence**

"(1) A limousine licence remains in force, unless sooner surrendered, cancelled or suspended under this Act –

- (a) for 12 months from the day it is granted; or
- (b) for 12 months from the day it is renewed or for a shorter period (of not less than 3 months) that the Director approves.

"(2) If the Director approves a period under subsection (1)(b), the fee that is to be paid for the renewal of the licence is to be a pro rata fee based on the fee that is otherwise prescribed for the renewal of the licence.

**"37J. Renewal of limousine licence**

"(1) A limousine licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee.

"(2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new private hire car licence.

**"37K. Surrender of limousine licence**

"(1) The holder of a limousine licence may surrender the licence to the Director before it expires.

"(2) A person who surrenders a limousine licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term.

**"37L. Director may grant exemption**

"(1) The Director may exempt a person proposing to operate a limousine from the requirement to hold a limousine licence.

"(2) The Director may exempt a class of operators of limousines, or an operation using limousines, from the requirement to hold a limousine licence.

"(3) An exemption is to be in writing and may specify –

- (a) the motor vehicle to which the exemption relates;
- (b) the period for which the exemption is granted; and
- (c) any other condition the Director thinks fit.

"(4) The Director may require payment of the prescribed fee (if any) before granting an exemption.

"(5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption.

**"37M. Determination of fares and charges**

"(1) The Minister may, by notice in the *Gazette*, determine –

- (a) a fare or charge to be charged for the hire or use of a limousine; or
- (b) the method to be used to calculate such a fare or charge.

"(2) A person must not charge a fare or charge for the hire or use of a limousine except in accordance with subsection (1).

Penalty: \$1 000.

**"PART 5AB – SPECIAL FUNCTION VEHICLES**

**"37N. Special function vehicle licence**

"(1) Subject to this Act, a person who proposes to operate a special function vehicle must hold a special function vehicle licence before commencing the operation.

Penalty: \$10 000.

"(2) An application for a special function vehicle licence is to be made on an approved form.

**"37P. Consideration of application**

"(1) The Director must consider an application made under section 37N(2) and may, subject to this Act –

- (a) refuse it;
- (b) grant it; or
- (c) allow the applicant to amend it, and grant it as amended.

"(2) For subsection (1), the Director may require an applicant to provide further information.

"(3) The Director must not grant a special function vehicle licence to a person who is not accredited at the time the licence is granted.

"(4) The Director must not grant a special function vehicle licence to a person unless, at the time the licence is granted, the special function vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**"37Q. Registration number to be endorsed on licence**

"A special function vehicle licence is to have endorsed on it the registration number of the special function vehicle as contained on the number plates issued under the *Motor Vehicles Act*.

**"37R. Conditions of special function vehicle licence**

"(1) A special function vehicle licence is subject to the conditions that the Director thinks fit and specifies in the licence.

"(2) The Director may, from time to time, by written notice to the holder of a special function vehicle licence, amend or revoke the conditions of the licence or add new conditions.

"(3) The conditions of a special function vehicle licence are to be substantially the same for all special function vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.

"(4) The Director may require the holder of a special function vehicle licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.

"(5) It is a condition of a special function vehicle licence that the special function vehicle endorsed on the licence be used as a special function vehicle and is maintained to an approved standard.



"(6) It is a condition of a special function vehicle licence that the special function vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**"37S. Effect of special function vehicle licence**

"A special function vehicle licence authorises the holder to operate the special function vehicle endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**"37T. Term of special function vehicle licence**

"A special function vehicle licence remains in force, unless sooner surrendered, cancelled or suspended under this Act, for 12 months from the day it is granted or renewed.

**"37U. Renewal of special function vehicle licence**

"(1) A special function vehicle licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee (if any).

"(2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new special function vehicle licence.

**"37V. Surrender of special function vehicle licence**

"(1) The holder of a special function vehicle licence may surrender the licence to the Director before it expires.

"(2) A person who surrenders a special function vehicle licence is entitled to a refund of a proportionate amount of the fee the person paid when applying for the grant or renewal of the licence (as applicable) in respect of each complete month in the unexpired term of the licence.

**"37W. Director may grant exemption**

"(1) The Director may exempt a person proposing to operate a special function vehicle from the requirement to hold a special function vehicle licence.

"(2) The Director may exempt a class of operators of special function vehicles, or an operation using special function vehicles, from the requirement to hold a special function vehicle licence.

"(3) An exemption is to be in writing and may specify –

(a) the motor vehicle to which the exemption relates;

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

- (b) the period for which the exemption is granted; and
- (c) any other condition the Director thinks fit.

"(4) The Director may require payment of the prescribed fee (if any) before granting an exemption.

"(5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption."

**23. Conditions of minibus licence**

Section 38D of the Principal Act is amended –

- (a) by inserting in subsection (5) "or dispatch" after "communications"; and
- (b) by adding at the end the following:

"(8) It is a condition of a minibus licence that the holder of the licence is to ensure that any injury to a person arising out of or in the course of the person's engagement to drive the minibus endorsed on the licence is covered by a policy of insurance."

**24. Surrender of minibus licence**

Section 38H of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) A person who surrenders a minibus licence is entitled to a refund of a proportionate amount of the fee paid at the time of the application for the grant or last renewal of the licence (as applicable) in respect of each day of the unexpired term of the licence but only if there are at least 7 days (not including the day of surrender) remaining in the unexpired term."

**25. New section**

The Principal Act is amended by inserting after section 38J in Part 5A the following:

**"38K. Minibuses may use bus stops outside route service hours**

"(1) Despite anything to the contrary in this Act or the Regulations, the driver of a minibus that is available for hire may park or stand the minibus in a bus stop in an urban service area outside route service hours.

"(2) The driver of a minibus who parks or stands the minibus in a bus stop other than in accordance with subsection (1) commits an offence.

Penalty: \$2 000."

**26. New Part**

The Principal Act is amended by inserting after Part 5A the following:

**"PART 5B – COURTESY VEHICLES**

**"38L. Courtesy vehicle licence**

"(1) Subject to this Act, a person who proposes to operate a courtesy vehicle must hold a courtesy vehicle licence before commencing the operation.

Penalty: \$10 000.

"(2) An application for a courtesy vehicle licence is to be made on an approved form.

**"38M. Consideration of application**

"(1) The Director must consider an application made under section 38L(2) and may, subject to this Act –

- (a) refuse it;
- (b) grant it; or
- (c) allow the applicant to amend it, and grant it as amended.

"(2) For subsection (1), the Director may require an applicant to provide further information.

"(3) The Director must not grant a courtesy vehicle licence to a person who is not accredited at the time the licence is granted.

"(4) The Director must not grant a courtesy vehicle licence to a person unless, at the time the licence is granted, the courtesy vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the person.

**"38N. Registration number to be endorsed on licence**

"A courtesy vehicle licence is to have endorsed on it the registration number of the courtesy vehicle as contained on the number plates issued under the *Motor Vehicles Act*.

**"38P. Conditions of courtesy vehicle licence**

"(1) A courtesy vehicle licence is subject to the conditions that the Director thinks fit and specifies in the licence.

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

"(2) The Director may, from time to time, by written notice to the holder of a courtesy vehicle licence, amend or revoke the conditions of the licence or add new conditions.

"(3) The conditions of a courtesy vehicle licence are to be substantially the same for all courtesy vehicle licences unless the Director is satisfied, on stated grounds in a particular case, that different conditions are reasonable.

"(4) The Director may require the holder of a courtesy vehicle licence to return it to the Director for a replacement licence to be issued specifying new or amended conditions.

"(5) It is a condition of a courtesy vehicle licence that the courtesy vehicle endorsed on the licence be used as a courtesy vehicle and is maintained to an approved standard.

"(6) It is a condition of a courtesy vehicle licence that the courtesy vehicle endorsed on the licence is registered under the *Motor Vehicles Act* in the name of the holder of the licence.

**"38Q. Effect of courtesy vehicle licence**

"A courtesy vehicle licence authorises the holder to operate the courtesy vehicle endorsed on the licence in accordance with the conditions specified in the licence and the holder's accreditation.

**"38R. Term of courtesy vehicle licence**

"A courtesy vehicle licence remains in force, unless sooner cancelled or suspended under this Act, for 12 months from the day it is granted or renewed.

**"38S. Renewal of courtesy vehicle licence**

"(1) A courtesy vehicle licence may be renewed by the Director on application made on an approved form accompanied by the prescribed fee (if any).

"(2) In considering an application for renewal, the Director must take into account the matters that would be taken into account if the application were for a new courtesy vehicle licence.

**"38T. Director may grant exemption**

"(1) The Director may exempt a person proposing to operate a courtesy vehicle from the requirement to hold a courtesy vehicle licence.

"(2) The Director may exempt a class of operators of courtesy vehicles, or an operation using courtesy vehicles, from the requirement to hold a courtesy vehicle licence.

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

"(3) An exemption is to be in writing and may specify –

- (a) the motor vehicle to which the exemption relates;
- (b) the period for which the exemption is granted; and
- (c) any other condition the Director thinks fit.

"(4) The Director may require payment of the prescribed fee (if any) before granting an exemption.

"(5) A person is not guilty of an offence under section 79A(1) in respect of anything done in accordance with an exemption."

**27. Communications and dispatch networks**

Section 71 of the Principal Act is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) A person must not use or permit the use of –

- (a) a communications network for communicating with, controlling or co-ordinating commercial passenger vehicles used to carry passengers for hire or reward; or
- (b) a dispatch network for accepting bookings for the use of commercial passenger vehicles for hire or reward or allocating commercial passenger vehicles for hire or reward on pre-booked journeys,

except in accordance with the written approval of the Director.

Penalty: \$5 000.";

(b) by inserting in subsection (7) "or dispatch" after "communications";

(c) by inserting after subsection (7) the following:

"(7A) A person –

- (a) must comply with a requirement under subsection (7); and
- (b) must not, in purported compliance with a requirement under subsection (7), provide the Director with information that the person knows is false or materially misleading.

Penalty: \$5 000.";

*Commercial Passenger (Road) Transport Amendment Act (No. 2) 2003*

(d) by omitting from subsection (8) "communication" and substituting "communications or dispatch";

(e) by inserting after subsection (8) the following:

"(8A) A person must comply with a request by the Director referred to in subsection (8).

Penalty: \$5 000."; and

(f) by omitting subsection (9) and substituting the following:

"(9) A person must not interfere with a communications or dispatch network.

Penalty: \$5 000."

**28. Codes of conduct**

Section 72 of the Principal Act is amended by omitting from subsections (1) and (2) "network" and substituting "or dispatch network approved under section 71".

**29. Driver must hold identity card**

Section 74 of the Principal Act is amended by adding at the end the following:

"(9) If a person's identity card is lost or destroyed, the Director must issue the person with a replacement on payment of the prescribed fee (if any)."

**30. Offence – unauthorised operation of commercial passenger vehicle**

Section 79A of the Principal Act is amended –

(a) by omitting from subsection (1)(b) "or employ" and substituting ", employ or permit";

(b) by omitting from subsection (1)(e) "or employs" and substituting ", employs or permits"; and

(c) by adding at the end the following:

"(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that the conduct constituting the offence was engaged in without the defendant's express or implied authority."

**PART 3 – TRANSITIONAL PROVISIONS**

**31. Definitions**

In this Part –

"amended Principal Act" means the Principal Act as amended by this Act;

"commencement day" means the day on which the section in which the expression occurs comes into operation;

"entitlement fee" means the fee paid under section 30(2) of the Principal Act for an entitlement to a private hire car licence;

"former entitlement holder" means a person who held an entitlement to a private hire car licence immediately before the commencement day.

**32. Refund of entitlement fees for private hire car licences**

(1) A former entitlement holder is entitled to a refund of the entitlement fee that was paid (whether by the entitlement holder or another person) for his or her entitlement to hold a private hire car licence.

(2) A former entitlement holder who wishes to obtain a refund of the entitlement fee must apply to the Director on or before 1 January 2004 and on the approved form.

(3) An application for a refund is to be accompanied by –

(a) an approved form of identification; and

(b) a statutory declaration made by the former entitlement holder to the effect that, to the best of his or her knowledge, no other person has a legal or equitable interest in the entitlement fee.

(4) On receipt of an application for a refund in accordance with subsections (2) and (3), the Director must refund the entitlement fee to the former entitlement holder.

**33. Registration of private hire car in licence holder's name**

The condition specified in section 33(6) of the amended Principal Act is not a condition of a private hire car licence in force immediately before the commencement day until on and after 1 January 2004.