



NORTHERN TERRITORY OF AUSTRALIA

No. 59 of 1992

AN ACT

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

[Assented to 22 October 1992]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Commercial Passenger (Road) Transport Amendment Act (No. 2) 1992*.

2. INTERPRETATION

Section 3(1) of the *Commercial Passenger (Road) Transport Act* is amended -

(a) by omitting from the definition of "operate" in subsection (1) the words "hire or reward;" and substituting "hire or reward, otherwise than only in the capacity of an employee or a volunteer;"; and

(b) by adding at the end the following:

"(4) A reference in this Act to the holder of a licence includes a reference to a person permitted by the holder of the licence to operate a commercial passenger vehicle under the licence."

3. CANCELLATION OR SUSPENSION OF ACCREDITATION OR LICENCE

Section 75 of the *Commercial Passenger (Road) Transport Act* is amended by omitting subsection (1) and substituting the following:

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

- "(1) Where the Director is satisfied that -
- (a) an accredited operator has contravened or failed to comply with a condition of his or her accreditation; or
 - (b) a commercial passenger vehicle is being or has been operated in contravention of or otherwise than in accordance with a licence,

the Director may -

- (c) cancel the accreditation and/or licence; or
- (d) suspend the accreditation and/or licence for such period, being not longer than 4 weeks, as the Director thinks fit."

4. NEW SECTION

The *Commercial Passenger (Road) Transport Act* is amended by inserting in Part 12, before section 80, the following:

"79A. GENERAL OFFENCE

- "(1) A person shall not -
- (a) operate; or
 - (b) cause or employ another person to drive or operate,

a motor vehicle for the purpose of the carriage of passengers for hire or reward, unless the first-mentioned person -

- (c) is accredited under Part 3;
- (d) holds a licence under this Act; and
- (e) operates, or causes or employs the other person to drive or operate, the motor vehicle for that purpose under and in accordance with the licence.

Penalty: \$10,000.

"(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that he or she had no interest in the operation of the motor vehicle other than as its driver."
