

THE NORTHERN TERRITORY OF AUSTRALIA

No. 21 of 1979

AN ACT

To amend the Motor Vehicles Act

[Assented to 22 February 1979]

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:

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| 1. This Act may be cited as the <u>Motor Vehicles Act (No. 6) 1978</u> . | Short title |
| 2. This Act shall come into operation on a date to be fixed by the Administrator by notice published in the <u>Gazette</u> . | Commencement |
| 3. The <u>Motor Vehicles Act</u> is in this Act referred to as the Principal Act. | Principal Act |
| 4.(1) Subject to this section, the provisions of this Act and any instruments of a legislative or administrative character made under it do not apply to licences to ply for hire in respect of a public motor vehicle or a private hire car granted before the commencement of this Act. | Savings |
| (2) A licence to ply for hire in respect of a public motor vehicle or a private hire car shall be renewed, leased or transferred as if that licence were a licence of a similar type granted under the provisions of this Act and becomes subject to the terms and conditions of this Act relating to renewal, leasing or transfer of a licence upon such operation. | |
| 5. Sections 26 and 27 of the Principal Act are repealed and the following Division heading and sections substituted: | |
| <u>"Division 1 - Public and Private Hire Cars</u> | |
| "26.(1) Subject to this Act, the Registrar may grant a licence to a person to ply for hire a public hire car (in this Act called a 'public hire car licence') and may renew that licence from time to time. | Public hire car licence |

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"(2) A licence granted or renewed under this section shall -

(a) be in accordance with the prescribed form, but with the word 'Renewal' upon it in the case of a renewal of a licence; and

(b) specify the number of passengers the licensee may carry in a public hire car.

"(3) Prior to the grant or renewal of a licence under this section the prescribed fee shall be paid to the Registrar.

"(4) A person who drives a public hire car carrying more passengers than specified in sub-section (2)(b) is guilty of an offence.

"(5) The owner of a public hire car shall cause to be legibly and conspicuously affixed on the vehicle the following sign together with the number specified by sub-section (2)(b):

'Licensed to carry passengers'.

Private
hire car
licence

"27.(1) Subject to this Act, the Registrar may grant a licence to a person for the use of a registered motor car as a private hire car (in this Act called a 'private hire car licence') and may renew that licence from time to time.

"(2) A licence granted or renewed under this section shall -

(a) be in accordance with the prescribed form, but with the word 'Renewal' upon it in the case of a renewal of a licence; and

(b) specify the number of passengers the licensee may carry in a private hire car.

"(3) Prior to the grant or renewal of a licence pursuant to this section, the prescribed fee shall be paid to the Registrar.

"(4) A person who drives a private hire car carrying more passengers than specified in sub-section (2)(b) is guilty of an offence.

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"(5) A licensee or lessee of a private hire car licence who plies for hire a private hire car is guilty of an offence."

6. Section 27A of the Principal Act is amended -

Grant of
public and
private hire
car licences

(a) by omitting from sub-section (1) -

(i) the definition of "hire car"; and

(ii) from the definition of "hire car licence" the words "or transferred under section 27B";

(b) by inserting in sub-section (1) after the definition of "hire car licence" the following definition:

"'taxi industry' includes the management and administration of the taxi industry.";

(c) by inserting before "car" in sub-section (2)(b) the word "hire";

(d) by inserting after "licence" in sub-section (2)(e) "and who is, or who satisfies the Registrar that he shall be, within 3 months of the grant of the licence, engaged in the taxi industry"; and

(e) by omitting sub-section (9).

7. Section 27B of the Principal Act is amended -

Transfer of
public and
private hire
car licences

(a) by inserting after "licence" in sub-section (5)(d) "and the proposed transferee is, or satisfies the Registrar that he shall be, within 3 months of the transfer of the licence, engaged in the taxi industry"; and

(b) by omitting sub-section (9)(a).

8. The Principal Act is amended by inserting after section 27B the following sections:

"27C.(1) In this section -

Leasing of
licences

'licence' means a licence granted or transferred under section 26, 27, 27A, 27B or 28.

"(2) Subject to this section, a licensee -

(a) may lease a licence to, or renew a lease of a licence with, any person; and

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(b) shall not, other than by lease or transfer, dispose of, alienate or encumber a licence granted or transferred to him.

"(3) Before entering into or renewing any lease under sub-section (2), the licensee shall ensure that the proposed lease has been approved and signed by the Registrar.

"(4) The Registrar shall not approve a proposed lease unless -

(a) the proposed lease is in accordance with the prescribed form;

(b) the term of the proposed lease is for a maximum period of 12 months subject to any right of renewal; and

(c) the licensee pays to the Registrar the prescribed fee.

"(5) Subject to this section, a lease of a licence to which this section applies, that commenced and was in force immediately prior to the commencement of this Act, shall terminate on the date provided for in the lease or 12 months after the commencement of this Act, whichever is the earlier, and any further leases of that licence shall comply with this section.

"(6) The Registrar may, if he thinks fit, approve the terms of a lease of a licence entered into prior to the commencement of this Act and, if approved, the lease will continue for the period and on the terms specified in the lease.

"(7) A lease shall not be approved by the Registrar if the proposed lessee holds a licence, an interest in a licence, shares in a company that holds a licence or is a lessee of a licence, unless the Minister otherwise directs.

"(8) The lessee of a licence shall not sublease the licence.

"(9) The provisions of this Act are applicable to a lessee of a licence as if he were the lessor of the licence.

"(10) Where the lessee and lessor purport to vary the terms of the lease, the variation shall be void and of no effect until the lessor pays to the Registrar the prescribed fee and the Registrar approves the proposed variation in writing.

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"27D.(1) The Registrar shall not grant or renew a public or private hire car licence to any person or persons or to any company registered pursuant to the Companies Act unless every such person or, in the case of a registered company, all of the directors of that company, either hold a current licence to drive a hire car or are actively engaged in the taxi industry.

Corporate
licences

"(2) The Registrar may exempt a person from the requirements under sub-section (1) because of -

- (a) medical unfitness substantiated in writing by a medical practitioner to the satisfaction of the Registrar;
- (b) temporary loss of a driving licence for an offence not related to drugs, alcohol or a hire car; or
- (c) some other reason approved by the Registrar."

9.(1) Section 28(1) of the Principal Act is amended by omitting "for the use of a licensed public or private hire car" and inserting "to a licensed person".

Licences for
the carriage
of tourists

(2) Section 28 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

"(3) A licence granted or renewed under this section shall not be used by any person as authority for the carriage at separate fares of any person other than tourists."

(3) Section 28 of the Principal Act is amended by omitting sub-section (6) and substituting the following sub-section:

"(6) The Regulations may specify all areas in, the routes along and the periods during which, a person licensed under this section may convey tourists."

10. The Principal Act is amended by inserting after section 28 the following Division headings and section:

"Division 2 - Motor Omnibuses

"28AA.(1) Subject to this Act, the Registrar may grant a licence to a person to ply for hire a motor omnibus (in this Act referred to as a 'motor omnibus licence') and may renew the licence from time to time.

Motor omnibus
licences

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"(2) A licence to ply for hire granted or renewed in respect of a motor omnibus shall -

- (a) be in accordance with the prescribed form but with the word 'Renewal' upon it in the case of the renewal of a licence; and
- (b) specify the number of passengers the vehicle may carry.

"(3) Prior to the granting or renewal of a licence pursuant to this section the prescribed fee shall be paid to the Registrar.

"(4) A person who drives a motor omnibus carrying more passengers than specified in sub-section (2)(b) is guilty of an offence.

"(5) The owner of a motor omnibus shall cause to be legibly and conspicuously affixed on the vehicle the following sign together with the number specified in sub-section (2)(b):

'Licensed to carry passengers'.

"Division 3 - Miscellaneous"

Refusal,
cancellation
or suspension
of licence,
&c.

11. Section 102 of the Principal Act is amended -

(a) by omitting sub-section (2)(e) and inserting the following paragraphs:

"(e) cancel or suspend, for a period and on such conditions as he thinks fit, a public or private hire car licence when -

- (i) the motor vehicle is not being used or is not in a fit condition to be used as a public or private hire car;
- (ii) the licensee or the lessee of a licence fails to comply with any of the provisions of this Act or the Regulations; or
- (iii) a person is not, within 3 months of the grant or transfer of a licence granted or transferred under section 26, 27, 27A or 27B, actively engaged in the taxi industry to the satisfaction of the Registrar;

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"(ea) cancel or suspend, for a period and on such conditions as he thinks fit, a motor omnibus licence where the motor omnibus is not being used or is not in a fit condition to be used as a motor omnibus; or"; and

(b) by adding at the end thereof the following sub-section:

"(7) Where a court hears an appeal pursuant to sub-section (6), the court shall not order or award any compensation or damages to be paid to the person aggrieved by any other person or by the Northern Territory of Australia or the Commonwealth of Australia.".
