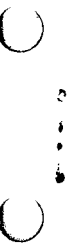


Serial 112
Commercial Passenger (Road) Transport Amendment Bill 2002
Mr Vatskalis

**A BILL
for
AN ACT**

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



NORTHERN TERRITORY OF AUSTRALIA
COMMERCIAL PASSENGER (ROAD) TRANSPORT AMENDMENT ACT
2002

No. of 2002

TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Interpretation
5. New Division heading
Division 1 – Director of Commercial Passenger (Road) Transport
6. New Division
Division 2 – Commercial Passenger Vehicle Board
 - 6A. Establishment and membership
 - 6B. Functions and powers
 - 6C. Report on operations
7. Taxi licence
8. Consideration of application
9. Conditions of taxi licence
10. Term of taxi licence
11. Determination of fares and charges
12. Consideration of application
13. Conditions of minibus licence
14. Term of minibus licence
15. Repeal and substitution
 74. Driver must hold identity card
16. Transitional: registration of taxi or minibus in name of licence holder
17. Amendments of *Motor Vehicles Act*

○ ○ ○ ○ ○

○ ○ ○ ○ ○



NORTHERN TERRITORY OF AUSTRALIA

No. of 2002

AN ACT

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

[Assented to 2002]
[Second reading 2002]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Commercial Passenger (Road) Transport Amendment Act 2002*.

2. Commencement

The provisions of this Act come into operation on a 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.

4. Interpretation

Section 3 of the Principal Act is amended –

- (a) by inserting after the definition of "approved" in subsection (1) the following:

Commercial Passenger (Road) Transport Amendment Act 2002

"Board' means the Commercial Passenger Vehicle Board established under section 6A;";

- (b) by inserting after the definition of "Director" in subsection (1) the following:

"'executive taxi' means a taxi approved as an executive taxi;";

- (c) by omitting from paragraph (b) of the definition of "minibus" in subsection (1) "for a fare" and substituting ", including by responding to ad hoc hailings or by pre-booked journeys, for a fare (including a pre-arranged fare)";

- (d) by inserting after the definition of "minibus" in subsection (1) the following:

"'minibus area' means an area declared under section 38 to be a minibus area for the purposes of this Act;";

- (e) by inserting after the definition of "special passenger vehicle" in subsection (1) the following:

"'standard taxi' means a taxi approved as a standard taxi;"; and

- (f) by omitting from the definition of "taxi" in subsection (1) "to carry not more than 11 passengers and is used" and substituting the following:

"to carry not more than –

(aa) if it is a standard taxi – 11 passengers; or

(ab) if it is an executive taxi – 8 passengers,

and is used".

5. New Division heading

The Principal Act is amended by inserting before section 5 in Part 2 the following:

"Division 1 – Director of Commercial Passenger (Road) Transport".

6. New Division

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

"Division 2 – Commercial Passenger Vehicle Board

"6A. Establishment and membership

"(1) The Minister must establish a board to be known as the Commercial Passenger Vehicle Board.

"(2) The Minister must determine the Board's membership and how it is to operate.

"6B. Functions and powers

"(1) The functions of the Board are –

- (a) to provide advice to the Minister on all matters relating to commercial passenger vehicles (other than motor omnibuses, tourist vehicles and special passenger vehicles); and
- (b) any other functions conferred on the Board in writing by the Minister.

"(2) The Board has the powers that are necessary and convenient for the performance of its functions.

"6C. Report on operations

"(1) The Board must provide the Minister with a report on the Board's operations during a financial year within 3 months after the end of the financial year.

"(2) The Minister must lay a copy of a report provided under subsection (1) before the Legislative Assembly within 6 sitting days after receiving it."

7. Taxi licence

Section 17 of the Principal Act is amended by omitting subsection (1) and substituting the following:

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

Penalty: \$10 000.

"(1A) Subject to this Act, a person who proposes to operate an executive taxi must hold a taxi licence for an executive taxi before commencing the operation.

Penalty: \$10 000."

8. Consideration of application

Section 18 of the Principal Act is amended by adding at the end the following:

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

9. Conditions of taxi licence

Section 20 of the Principal Act is amended –

(a) by omitting subsection (3) and substituting the following:

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

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

(b) by omitting subsection (6) and substituting the following:

"(6) It is a condition of a taxi licence for a standard taxi that the taxi endorsed on the licence is used as a standard taxi and is maintained to the approved standard.

"(7) It is a condition of a taxi licence for an executive taxi that the taxi endorsed on the licence is used as an executive taxi and is maintained to the approved standard.

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

10. Term of taxi licence

Section 23 of the Principal Act is amended –

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

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

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

Commercial Passenger (Road) Transport Amendment Act 2002

- (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.

11. Determination of fares and charges

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

12. Consideration of application

Section 38B of the Principal Act is amended by adding at the end the following:

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

13. Conditions of minibus licence

Section 38D of the Principal Act is amended by adding at the end the following:

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

14. Term of minibus licence

Section 38G of the Principal Act is amended –

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

"(1) A minibus 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.

15. Repeal and substitution

Section 74 of the Principal Act is repealed and the following substituted:

"74. Driver must hold identity card

"(1) A person must not drive a commercial passenger vehicle of a prescribed class unless the person holds an identity card issued by the Director for that class of vehicle.

Penalty: \$2 000.

"(2) The Director may, on application, issue a person with an identity card for a class of commercial passenger vehicle if the Director is satisfied that the person –

- (a) holds a licence under the *Motor Vehicles Act* to drive a commercial passenger vehicle of that class;
- (b) is a fit and proper person to drive a commercial passenger vehicle of that class; and
- (c) has paid the prescribed fee (if any).

"(3) For the purposes of subsection (2)(b), the Director may approve training standards and other matters required to be met by an applicant for an identity card.

"(4) An identity card remains in force, unless sooner surrendered, cancelled or suspended under this section, for the period the Director approves.

"(5) The Director may, on application, renew a person's identity card for the period the Director approves if satisfied –

- (a) that, if the person were applying for the issue of the identity card, the Director would grant the application; and
- (b) that the person has paid the prescribed fee (if any).

"(6) A person who holds an identity card issued under subsection (2) may surrender the identity card to the Director.

"(7) If the Director is satisfied that a person who holds an identity card issued under subsection (2) is not a fit and proper person to drive a commercial passenger vehicle of the class for which the identity card is issued, the Director may –

- (a) cancel the identity card; or
- (b) suspend the identity card for the period the Director thinks fit.

Commercial Passenger (Road) Transport Amendment Act 2002

"(8) For the purposes of subsection (7), a person who holds an identity card issued under subsection (2) is not a fit and proper person if, were the person applying for the issue of the identity card, the Director would refuse the application."

16. Transitional: registration of taxi or minibus in name of licence holder

(1) The condition specified in section 20(8) of the amended Act is not a condition of a taxi licence in force immediately before the commencement day until on and after 1 January 2004.

(2) The condition specified in section 38D(7) of the amended Act is not a condition of a minibus licence in force immediately before the commencement day until on and after 1 January 2004.

(3) In this section –

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

"commencement day" means the day on which the subsection in which the expression occurs comes into operation.

17. Amendments of *Motor Vehicles Act*

(1) Section 5 of the *Motor Vehicles Act* is amended by inserting after the definition of "certification plate" in subsection (1) the following:

" 'commercial passenger vehicle' has the same meaning as in section 3(1) of the *Commercial Passenger (Road) Transport Act*;"

(2) Section 10 of the *Motor Vehicles Act* is amended –

(a) by omitting from subsection (2) "a motor omnibus" (all references) and substituting "a commercial passenger vehicle";

(b) by omitting subsection (3); and

(c) by omitting from subsection (4) "subsection (2) or (3)" and substituting "subsection (2)".

(3) Section 102 of the *Motor Vehicles Act* is amended –

(a) by omitting from subsection (2)(da) "a licence granted under section 10(2) to a person to drive a motor omnibus, or granted under section 10(3) to a person to drive a taxi, tourist vehicle, special passenger vehicle, minibus or private hire car," and substituting "a licence granted under section 10 to a person to drive a commercial passenger vehicle of the class specified in the licence"; and

Commercial Passenger (Road) Transport Amendment Act 2002

- (b) by omitting from subsection (2)(db) "a licence granted under section 10(2) to a person to drive a motor omnibus, or granted under section 10(3) to a person to drive a taxi, tourist vehicle, special passenger vehicle, minibus or private hire car," and "an omnibus or a taxi, tourist vehicle, special passenger vehicle or private hire car, as the case may be" and substituting "a licence granted under section 10 to a person to drive a commercial passenger vehicle of the class specified in the licence" and "a commercial passenger vehicle of that class" respectively.

ALTERATION TO SECTION HEADING

On the day on which the *Commercial Passenger (Road) Transport Act* is amended by this Act, in addition to any alterations to section headings indicated in the text of this Act, the heading to section 5 of the *Commercial Passenger (Road) Transport Act* is amended by omitting the whole heading and substituting "Director".