

# NORTHERN TERRITORY OF AUSTRALIA

## COMMERCIAL PASSENGER VEHICLE LEGISLATION AMENDMENT REGULATIONS 2016

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### Subordinate Legislation No. 33 of 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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## Subordinate Legislation No. 33 of 2016\*

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### ***Commercial Passenger Vehicle Legislation Amendment Regulations 2016***

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the following Acts:

*Commercial Passenger (Road) Transport Act*  
*Motor Vehicles Act*

Dated 28 June 2016

J. L. HARDY  
Administrator

By His Honour's Command

P. D. STYLES  
Minister for Business  
acting for  
Minister for Transport

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\* Notified in the *Northern Territory Government Gazette* on 6 July 2016.

**Part 1 Preliminary matters****1 Citation**

These Regulations may be cited as the *Commercial Passenger Vehicle Legislation Amendment Regulations 2016*.

**2 Commencement**

These Regulations commence on 1 October 2016.

**Part 2 Amendment of Commercial Passenger (Miscellaneous) Regulations****3 Regulations amended**

This Part amends the *Commercial Passenger (Miscellaneous) Regulations*.

**4 Part 1 heading inserted**

Before regulation 1

*insert*

**Part 1 Preliminary matters****5 Regulation 2 replaced**

Regulation 2

*repeal, insert*

**Part 2 Infringement offences****2 Infringement offences**

(1) For section 81 of the Act:

- (a) an offence against a provision of the Act, these Regulations or any other regulations made under the Act specified in column 2 and briefly described in column 3 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 opposite the offence in column 4.

- (2) In this regulation:

***column*** means a column in Schedule 1.

#### **6 Regulation 5 amended**

Regulation 5(1)(a)

*omit*

authorized

*insert*

authorised

#### **7 Part 3 heading inserted**

After regulation 5

*insert*

### **Part 3 General matters**

#### **8 Regulation 8 inserted**

After regulation 7

*insert*

#### **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.

## 9 Schedule 1 amended

- (1) Schedule 1, heading

*omit, insert*

### Schedule 1 Infringement offences

regulation 2(2), definition **column**

- (2) Schedule 1

*omit*

### **TAXI REGULATIONS**

*insert*

### **TAXIS REGULATIONS**

- (3) Schedule 1

*insert (in numerical order)*

17C.	regulation 11A(3)	Failing to give the hirer a receipt for the deposit	2
17D.	regulation 11A(5)	Failing to refund to the hirer the excess paid for the hiring	2

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	17E.	regulation 11A(6)	Failing to pay to the taxi driver the balance outstanding for the hiring	2
	17F.	regulation 11A(7)	Requiring payment of a deposit from a hirer using a smartcard	2
(4)	Schedule 1, item 22 <i>omit</i>			
(5)	Schedule 1, after item 82 <i>insert</i>			
	<b>COMMERCIAL REGULATIONS</b>	<b>PASSENGER</b>	<b>(MISCELLANEOUS)</b>	
	83.	regulation 8(2)	Using a payment terminal that applies a fee in excess of 5% of the fare	For an individual – 2 For a body corporate – 10
	84.	regulation 8(3)	Permitting the use of a payment terminal that applies a fee in excess of 5% of the fare	For an individual – 2 For a body corporate – 10
	85.	regulation 8(4)	Imposing a fee for the use of a payment terminal in excess of 5% of a fare	For an individual – 2 For a body corporate – 10

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## Part 3                      Amendment of Motor Omnibus Regulations

### 10                      Regulations amended

This Part amends the *Motor Omnibus Regulations*.

### 11                      Regulation 3 amended

Regulation 3

*omit*

10,

### 12                      Regulation 10 repealed

Regulation 10

*repeal*

## Part 4                      Amendment of Motor Vehicle (Hire Car) Regulations

### 13                      Regulations amended

This Part amends the *Motor Vehicle (Hire Car) Regulations*.

### 14                      Regulation 4 amended

(1)                      Regulation 4(1)

*omit*

, unless the contrary intention appears

(2)                      Regulation 4(1), definition **fare card**

*omit*

(3)                      Regulation 4(1)

*insert (in alphabetical order)*

**taxi fare pre-payment scheme**, see regulation 3(1) of the *Taxis Regulations*.



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**15 Regulation 28 replaced**

Regulation 28

*repeal, insert*

**28 Taxi driver bound to accept hiring in certain cases**

- (1) Subject to regulation 16, the driver of a taxi must:
  - (a) if the taxi is standing at a place on a public street, unless engaged for hire, accept a hiring from a person on the request of the person; and
  - (b) if the driver solicits a hiring while at any other place, accept the hiring immediately when offered.
- (2) However, subregulation (1) does not apply if the driver is entitled to refuse the hiring under the taxi fare pre-payment scheme.

**16 Regulation 39 amended**

Regulation 39(1)

*omit, insert*

- (1) The hirer of a taxi must, after the termination of the hiring or otherwise in accordance with these Regulations and upon demand by the driver of the taxi, pay for the journey:
  - (a) the fare chargeable in accordance with these Regulations; or
  - (b) if a deposit was paid under the taxi fare pre-payment scheme but the fare chargeable exceeds the deposit – the balance outstanding for the journey; or
  - (c) such lesser amount as may be agreed upon between the driver and hirer.

**17 Regulation 41 amended**

After regulation 41(1)

*insert*

- (1A) However, subregulation (1) does not apply in relation to a request for payment of a deposit under the taxi fare pre-payment scheme.

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**18 Regulation 44 repealed**

Regulation 44

*repeal*

**Part 5 Amendment of Passenger Bus Regulations**

**19 Regulations amended**

This Part amends the *Passenger Bus Regulations*.

**20 Regulation 7 replaced**

Regulation 7

*repeal, insert*

**7 Fares, timetables and notices**

- (1) The operator of a bus who provides a route service must make available to the Director, or any other person, on request the following information:
  - (a) each route along which the bus is operated;
  - (b) the bus stops along each route;
  - (c) the approximate times at which a bus will be available along each route;
  - (d) the fares payable by passengers;
  - (e) the class of bus provided for the route service.
- (2) The operator of a bus must amend any timetable issued for subregulation (1) whenever requested to do so by the Director.
- (3) The operator of a bus must paint in legible letters or display, in the manner the Director sees fit, in a conspicuous place on the inside and outside of the bus the particulars that the Director requires as to any of the following:
  - (a) the timetable for the bus;
  - (b) the fares payable by passengers;
  - (c) the route of the bus;

- (d) the places or areas at or within which passengers may not be taken up or set down.

## Part 6                      Amendment of Taxis Regulations

### 21                      Regulations amended

This Part amends the *Taxis Regulations*.

### 22                      Regulation 3 amended

- (1) Regulation 3(1), definition ***lift incentive***

*omit*

- (2) Regulation 3(1)

*insert (in alphabetical order)*

***Northern Territory Taxi Subsidy Scheme*** means the Northern Territory Government scheme that provides for financial assistance (using an electronic smartcard) to be given to residents who have been assessed as having a disability or significant mobility restriction that prevents them from being able to travel on public transport.

***taxi fare pre-payment scheme*** means the scheme set out in regulation 11A.

### 23                      Regulation 3A amended

After regulation 3A(2)(a)

*insert*

- (ab) payment by a smartcard issued under the Northern Territory Taxi Subsidy Scheme or other means of electronic payment; or

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**24 Regulation 11A inserted**

After regulation 11

*insert*

**11A Taxi fare pre-payment scheme**

- (1) Despite regulation 11, this regulation applies to the hiring of a taxi, other than the hiring of a taxi from an airport, that starts:

- (a) between 10 pm on Friday and 5 am on Saturday; or
- (b) between 10 pm on Saturday and 5 am on Sunday.

- (2) The taxi driver may, before the journey starts, require the hirer to pay a deposit of not more than an amount equal to the estimate of the fare for the proposed hiring determined using a pre-payment scheme fare schedule approved by the Director.

- (3) If a deposit is paid, the taxi driver must, on the request of the hirer, give the hirer a receipt for the deposit.

Maximum penalty: 25 penalty units.

- (4) Subregulations (5) and (6) apply at the end of, or on termination of, the hiring if a deposit has been paid.

- (5) If the total of the fare and any charges payable for the hiring is less than the deposit paid, the taxi driver must refund the excess paid for the hiring to the hirer.

Maximum penalty: 25 penalty units.

- (6) If the total of the fare and any charges payable for the hiring is more than the deposit paid, the hirer must pay the balance outstanding for the hiring to the taxi driver on demand by the driver.

Maximum penalty: 25 penalty units.

- (7) A taxi driver must not require payment of a deposit from a hirer if payment of the fare for the hiring is to be made using a smartcard issued under the Northern Territory Taxi Subsidy Scheme.

Maximum penalty: 25 penalty units.

- (8) A taxi driver may refuse a hiring if a person refuses to pay a deposit in accordance with this regulation.

**25                      Regulation 13 amended**

- (1)                      Regulation 13, heading

*omit*

**, children**

- (2)                      Regulation 13(1)

*omit*

(1)

- (3)                      Regulation 13(2)

*omit*

**26                      Regulation 16 amended**

- (1)                      Regulation 16(4), after "fare payable"

*insert*

, or balance of the fare payable,

- (2)                      Regulation 16(5) and (6)

*omit*

**Part 7                      Expiry of Regulations**

**27                      Expiry of Regulations**

These Regulations expire on the day after they commence.