

NORTHERN TERRITORY OF AUSTRALIA

TAXIS AMENDMENT (WHEELCHAIR PASSENGERS AND OTHER
MATTERS) REGULATIONS 2008

Subordinate Legislation No. 4 of 2008

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 4 of 2008*

Taxis Amendment (Wheelchair Passengers and Other Matters) Regulations 2008

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Commercial Passenger (Road) Transport Act*.

Dated 18 March 2008.

T. I. Pauling
Administrator

By His Honour's Command

L. F. Kiely
Minister for Natural Resources, Environment and Heritage
acting for the
Minister for Infrastructure and Transport

* Notified in the *Northern Territory Government Gazette* on 26 March 2008.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Taxis Amendment (Wheelchair Passengers and Other Matters) Regulations 2008*.

Part 2 Amendment of Taxis Regulations

2 Regulations amended

This Part amends the *Taxis Regulations*.

3 Amendment of regulation 3 (Interpretation)

(1) Regulation 3(1)

insert (in alphabetical order)

lift incentive, see regulation 3A.

(2) Regulation 3(2)

omit, substitute

- (2) For these Regulations (but subject to regulation 3A), the time a taxi is kept waiting by the hirer may be included in the time of the hiring.

4 New regulation 3A

After regulation 3

insert

3A Lift incentive

- (1) An eligible person who requires the wheelchair capability of a multiple purpose taxi may offer a lift incentive to the driver of the taxi.
- (2) The lift incentive may be provided in the form of:
- (a) a redeemable voucher approved by the Minister; or
 - (b) another means of payment approved by the Minister.
- (3) If the taxi driver accepts the offer of the lift incentive:
- (a) the hiring is taken to commence only after the wheelchair, and

any person in the wheelchair, have been loaded into the vehicle and made secure; and

- (b) the driver must not charge for any time spent waiting:
 - (i) for the hirer before loading the wheelchair; or
 - (ii) in loading and unloading the wheelchair.
- (4) A taxi driver is not obliged to accept a lift incentive and may instead charge for time spent waiting for the hirer and in loading and unloading the wheelchair.
- (5) The Minister may, by *Gazette* notice:
 - (a) determine the class or classes of persons who are eligible to participate in the lift incentive scheme; and
 - (b) determine the amount payable for a lift incentive from time to time.

5 Amendment of regulation 4 (Operator to maintain records)

- (1) After regulation 4(1)

insert

- (1A) The operator of a multiple purpose taxi must maintain a record of each journey made by the taxi entailing the carriage of a wheelchair passenger.

Maximum penalty: 30 penalty units.

- (2) Regulation 4(2)

omit

subregulation (1)

substitute

subregulation (1) or (1A)

6 New regulation 10A

After regulation 10

insert

10A Hiring by passenger with wheelchair

- (1) The driver of a multiple purpose taxi must not refuse a request for a hiring, allocated by a communications network or dispatch network, entailing the carriage of a wheelchair passenger.

Maximum penalty: 30 penalty units.

- (2) However, a driver does not commit an offence against subregulation (1) in circumstances permitted by any of the following:

- (a) these Regulations;
- (b) a code of conduct applicable under the Act to taxis;
- (c) the multiple purpose taxi licence applicable to the taxi;
- (d) the approval under the Act to operate the communications network or dispatch network.

- (3) The driver of a multiple purpose taxi must:

- (a) record all journeys entailing the carriage of a wheelchair passenger while he or she was the driver; and
- (b) provide the records to the operator of the taxi as soon as practicable.

Maximum penalty: 30 penalty units.

- (4) Subregulation (3) does not apply if the hiring was booked through a communications or dispatch network which itemises wheelchair journeys in reports by the network.

7 Repeal and substitution of regulation 24

Regulation 24

repeal, substitute

24 Operation of taximeter

The driver of a taxi which is fitted with a taximeter must:

- (a) as soon as a hiring commences – set the taximeter to operate; and
- (b) immediately on the completion or termination of the hiring – stop the taximeter.

8 Repeal and substitution of regulation 28

Regulation 28

*repeal, substitute***28 Smoking, eating or drinking in taxi**

(1) A person must not, in a taxi:

(a) smoke; or

(b) consume or use any intoxicating liquor or a prohibited substance.

Maximum penalty: 30 penalty units.

(2) A person, while travelling in a taxi as either a passenger or the driver, must not consume food.

Maximum penalty: 30 penalty units.

(3) A person must not carry any intoxicating liquor in a taxi unless:

(a) it is the property of a passenger; and

(b) it is in an unopened container.

Maximum penalty: 30 penalty units.

9 Amendment of regulation 35 (Offences)

(1) Regulation 35

omit

A person

substitute

(1) A person

(2) After regulation 35(1)

insert

(2) The penalty in subsection (1) does not apply if a provision indicates a penalty applicable for a contravention of that provision.

10 Repeal and substitution of Schedule 1

Schedule 1

*repeal, substitute***Schedule 1 Fees**

regulation 30

1. The annual fee for a taxi licence to operate a taxi in a taxi area specified in Column 1 is, from the date specified in Column 2, 3, 4 or 5, the amount specified opposite the taxi area in that Column.

Column 1 Taxi Area	Column 2 31 March 2007 \$	Column 3 31 March 2008 \$	Column 4 31 March 2009 \$	Column 5 31 March 2010 \$
Darwin	16 000	16 800	17 600	18 400
Alice Springs	13 000	13 650	14 300	14 950
Katherine	9 000	9 450	9 900	10 350
Tennant Creek	4 500	4 725	4 950	5 175
Gove	5 000	5 250	5 500	5 750

2. The annual fee for a multiple purpose taxi licence to operate a multiple purpose taxi in a taxi area specified in Column 1 is, from the date specified in Column 2, 3, 4 or 5, the amount specified opposite the taxi area in that Column.

Column 1 Taxi Area	Column 2 31 March 2007 \$	Column 3 31 March 2008 \$	Column 4 31 March 2009 \$	Column 5 31 March 2010 \$
Darwin	8 000	8 400	8 800	9 200
Alice Springs	6 500	6 825	7 150	7 475
Katherine	4 500	4 725	4 950	5 175
Tennant Creek	2 250	2 362	2 475	2 587
Gove	2 500	2 625	2 750	2 875

3.	Application for a substitute taxi licence	\$450
4.	Application for refund on surrender of taxi licence	\$20
5.	Inspection of taximeter under regulation 26 by an employee as defined in the <i>Public Sector Employment and Management Act</i>	\$31.50

Part 3 Amendment of Commercial Passenger (Miscellaneous) Regulations

11 Regulations amended

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

12 Amendment of Schedule 1

(1) Schedule 1, after item 17

insert

17A.	Reg 10A(1)	Refusing request for hire for wheelchair passenger (multiple purpose taxi)	100
17B.	Reg 10A(3)	Failing to record journey with wheelchair passenger	100

(2) Schedule 1, item 31

omit, substitute

31.	Reg 28(1)(a)	Smoking in taxi	100
31A.	Reg 28(1)(b) 28(2) and (3)	Consuming food or liquor in taxi or carrying liquor in taxi	50