

# NORTHERN TERRITORY OF AUSTRALIA

## RIDESHARING REGULATIONS

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### Subordinate Legislation No. 35 of 2017

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# NORTHERN TERRITORY OF AUSTRALIA

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**Subordinate Legislation No. 35 of 2017\***

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## ***Ridesharing Regulations***

I, Vicki Susan O'Halloran, 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 23 November 2017

V. S. O'HALLORAN  
Administrator

By Her Honour's Command

N. S. MANISON  
Minister for Infrastructure, Planning and Logistics

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\* Notified in the *Northern Territory Government Gazette* on 29 November 2017.

## Part 1 Preliminary matters

### 1 Citation

These Regulations may be cited as the *Ridesharing Regulations*.

### 2 Commencement

- (1) These Regulations (except Parts 5 and 6) commence on 1 December 2017.
- (2) Parts 5 and 6 commence on 1 February 2018.

### 3 Definitions

In these Regulations:

***rideshare driver*** means a person who makes a rideshare vehicle driven by the person available for a rideshare journey.

***rideshare journey*** means a journey by a passenger in a rideshare vehicle in exchange for payment made by electronic means to a rideshare platform manager.

***rideshare label***, for a rideshare vehicle, means the label issued for the vehicle under regulation 19(3).

***rideshare licence*** means a special passenger vehicle licence issued under the Act to a person to operate a rideshare vehicle.

***rideshare platform*** means a communications or dispatch network approved by the Director under section 71 of the Act in connection with rideshare vehicles.

***rideshare platform manager*** means a person who operates a rideshare platform.

***rideshare vehicle***, see regulation 4.

### 4 Rideshare vehicle

- (1) A ***rideshare vehicle*** means a motor vehicle:
  - (a) capable of undertaking hirings arranged through a communications or dispatch network approved by the Director under section 71 of the Act in exchange for a fare derived through an algorithm or pricing structure not limited by period of time taken or distance travelled; and

- (b) where the driver of the vehicle does not receive payment from the passenger for a hiring; and
  - (c) that is declared by the Director to be a special passenger vehicle or is a vehicle of a class that is declared to be special passenger vehicles.
- (2) A vehicle mentioned in subregulation (1) is not a rideshare vehicle when it is being used as a private vehicle and is unavailable for hire.

## **Part 2                      Duties of rideshare platform manager**

### **5                      Rideshare platform only to allocate to licensed drivers**

A rideshare platform manager must ensure that the manager's rideshare platform does not allocate a rideshare journey to anyone other than a person who holds a rideshare licence.

Maximum penalty:        60 penalty units.

### **6                      Operation of rideshare platform**

A rideshare platform manager must ensure that the manager's rideshare platform:

- (a) operates so as to communicate a prospective passenger's request for a rideshare journey to an available rideshare driver; and
- (b) makes available to the passenger, before the rideshare journey begins:
  - (i) an estimate of the fare for the journey; and
  - (ii) sufficient information for the passenger to identify the rideshare vehicle and rideshare driver for the journey.

Maximum penalty:        60 penalty units.

*Note for regulation 6*

*Section 71(7A) of the Act requires a rideshare platform manager to provide the Director with information requested from time to time about the rideshare platform.*

## **7            Manager to notify drivers of suspension, revocation or cancellation**

If approval for a rideshare platform is suspended, revoked or cancelled, the rideshare platform manager must take reasonable steps to notify as soon as practicable each rideshare driver who intends to use the rideshare platform.

Maximum penalty:        60 penalty units.

*Example for regulation 7*

*The rideshare driver receives a message from the rideshare platform when the driver attempts to log onto the platform.*

## **8            Surge pricing**

- (1) A rideshare platform manager must not apply surge pricing in an area during:

- (a) an emergency situation existing in the area; or
- (b) the activation of an approved emergency plan in the area.

Maximum penalty:        60 penalty units.

- (2) It is a defence to a prosecution for an offence against subregulation (1) if the rideshare platform manager took all reasonable steps to prevent the rideshare platform from applying surge pricing.

- (3) In this regulation:

***approved emergency plan***, see section 8 of the *Emergency Management Act*.

***emergency situation***, see section 18(1) of the *Emergency Management Act*.

***surge pricing*** means the practice of increasing rideshare vehicle fares during times of high demand for rideshare journeys.

## **Part 3                    Duties of rideshare drivers**

### **9            Identity card**

- (1) For section 74 of the Act, a rideshare vehicle is a prescribed class of commercial passenger vehicle.

- (2) An identity card issued to a rideshare driver under section 74 of the Act must:
- (a) display the name of the driver; and
  - (b) display a recent photograph of the driver; and
  - (c) specify the expiry date of the card; and
  - (d) indicate that the holder of the card is authorised to drive a rideshare vehicle.

**10 Driver to supply information**

When requested by the Director to do so, a rideshare driver must give the Director, within the time specified by the Director, full and correct information of any details specified in the request relating to rideshare journeys undertaken in the driver's rideshare vehicle.

Maximum penalty: 30 penalty units.

**11 Driver may only accept journey from rideshare platform**

- (1) A rideshare driver must not accept a journey in the driver's rideshare vehicle for hire or reward other than through a rideshare platform.

Maximum penalty: 60 penalty units.

- (2) It is a condition of a rideshare driver's rideshare licence that the driver accepts journeys in the driver's rideshare vehicle for hire or reward only through a rideshare platform.

**12 Driver may only drive approved vehicle**

A person must not drive a rideshare vehicle for hire or reward unless a current approval under regulation 19 is in effect for the vehicle.

Maximum penalty: 60 penalty units.

**13 Display of rideshare label on vehicle**

- (1) A rideshare driver must ensure that, at all times when the driver's rideshare vehicle is being used for a rideshare journey, or the driver is connected to the rideshare platform, the vehicle's current rideshare label is displayed in accordance with subregulation (2).

Maximum penalty: 30 penalty units.

(2) The rideshare label must be displayed:

- (a) so the information on the label is readable from the outside of the vehicle; and
- (b) on the passenger's side of the front windscreen at the bottom corner, or another location specified by the Director.

**14 Driver to take shortest practicable route**

When conveying a passenger for hire or reward, a rideshare driver must take the shortest practicable route to the destination requested unless the passenger specifies another route.

Maximum penalty: 25 penalty units.

**15 Driver not to purchase intoxicating liquor**

A rideshare driver must not:

- (a) accept a request for a rideshare journey under which the driver is required to purchase intoxicating liquor for or on behalf of another person, whether or not that other person is a passenger; or
- (b) in the course of a rideshare journey purchase intoxicating liquor for or on behalf of a passenger.

Maximum penalty: 25 penalty units.

**16 No touting**

A person must not tout or solicit for passengers for a rideshare vehicle.

Maximum penalty: 25 penalty units.

**17 No advertising**

- (1) A rideshare driver for a rideshare vehicle must ensure that, at any time (whether or not the vehicle is being operated as a rideshare vehicle), the vehicle does not display any advertising indicating that the vehicle is available for hire or reward.

Maximum penalty: 40 penalty units.

- (2) To avoid doubt, subregulation (1) does not apply to the display of a label on a vehicle in accordance with regulation 13.



**18 Parking restrictions**

- (1) A rideshare driver must not stop a rideshare vehicle:
  - (a) in a taxi rank or a minibus rank; or
  - (b) in a place that is marked or indicated by sign as a reserved place for private hire cars.

Maximum penalty: 25 penalty units.

- (2) In this regulation:

***minibus rank*** includes a bus stop whenever a minibus is parked or standing in the bus stop in accordance with section 38K(1) of the Act.

***taxi rank***, see regulation 3(1) of the *Taxi Regulations*.

**Part 4 Miscellaneous matters****19 Approval of vehicle and rideshare label**

- (1) The Director may approve a vehicle as being suitable for use as a rideshare vehicle if the Director is satisfied that the vehicle is safe.
- (2) An approval is subject to any conditions imposed by the Director.
- (3) If the Director approves a vehicle, the Director must issue a rideshare label for the vehicle.

**20 Register of rideshare platforms**

- (1) The Director must keep a register of rideshare platforms, including the conditions to which the approval of each rideshare platform is subject.
- (2) The Director must publish the register on an appropriate website.

**21 Fees**

The fees set out in the Schedule are payable in relation to the matters specified in the Schedule.

## **Part 5                      Consequential amendments**

### **Division 1                Commercial Passenger (Miscellaneous) Regulations**

#### **22                      Regulations amended**

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

#### **23                      Regulation 1A inserted**

After regulation 1, in Part 1

*insert*

#### **1A                      Definitions**

In these Regulations:

***monthly levy***, for Part 5, see regulation 13.

***passenger service transaction***, for Part 5, see regulation 14(2).

***relevant operator***, for Part 5, see regulation 13.

***rideshare platform***, for Part 5, see regulation 3 of the *Ridesharing Regulations*.

***rideshare platform manager***, for Part 5, see regulation 3 of the *Ridesharing Regulations*.

***rideshare vehicle***, see regulation 4 of the *Ridesharing Regulations*.

#### **24                      Regulation 9 amended**

Regulation 9(2), after "operator of the vehicle"

*insert*

or, if the vehicle is a rideshare vehicle, the driver

#### **25                      Regulation 10 amended**

(1) Regulation 10(2), after "courtesy"

*insert*

vehicle or a rideshare

(2)            After regulation 10(2)

*insert*

(3) A person must not smoke in a rideshare vehicle at any time when the vehicle is available for hire or reward or is being used for a rideshare journey.

Maximum penalty:        30 penalty units.

(4) In this regulation:

***rideshare journey***, see regulation 3 of the *Ridesharing Regulations*.

## **26            Regulation 12 amended**

Regulation 12(7), definition ***relevant commercial passenger vehicle***, paragraph (c), after "a" (*first reference*)

*insert*

rideshare vehicle or a

## **27            Parts 5 and 6 inserted**

After regulation 12

*insert*

# **Part 5                      Passenger services levy**

## **13            Definitions**

In this Part:

***monthly levy*** means the aggregation of the passenger services levy imposed by regulation 14, for a calendar month, for an operator or rideshare platform manager.

***passenger service transaction***, see regulation 14(2).

***relevant operator*** means:

- (a) the operator of a taxi, minibus or private hire car; or
- (b) a rideshare platform manager.

## **14            Passenger services levy**

- (1) A passenger services levy of \$1 is payable for each passenger service transaction.
- (2) A **passenger service transaction** is the carrying of a person or persons on a journey for reward by any of the following vehicles:
  - (a) a taxi;
  - (b) a minibus;
  - (c) a private hire car;
  - (d) a rideshare vehicle.
- (3) The monthly levy is payable by the following:
  - (a) for a passenger service transaction involving a taxi, minibus or private hire car – the holder of the licence under the Act to operate the vehicle;
  - (b) for a passenger service transaction involving a rideshare vehicle – the rideshare platform manager of the rideshare platform through which the transactions were arranged.

## **15            Payment and recovery of monthly levy**

- (1) A person responsible under regulation 14(3) for payment of the levy must pay to the Director the monthly levy for a month by the end of the following month.

*Example for subregulation (1)*

*The monthly levy for the month of January is payable by the last day of February.*

- (2) If a monthly levy is not paid by the due date, it is a debt due to the Territory recoverable by the Director in a court of competent jurisdiction.

## **16            Licence and approval conditions**

- (1) It is a condition of a licence for a taxi, minibus or private hire car that the operator, in relation to passenger service transactions in a month, must, by the end of the following month:
  - (a) lodge with the Director a return, in the approved form; and
  - (b) pay the monthly levy in accordance with these Regulations.

- (2) It is a condition of the approval of a rideshare platform that the rideshare platform manager, in relation to passenger service transactions in a month, must, by the end of the following month:

- (a) lodge with the Director a return, in the approved form; and
- (b) pay the monthly levy in accordance with these Regulations.

## **17            Offences**

- (1) A relevant operator or rideshare platform manager liable to pay a monthly levy must not knowingly evade the levy.

Maximum penalty:        85 penalty units.

- (2) A relevant operator or rideshare platform manager must provide the Director with monthly returns of the number of passenger service transactions involving vehicles operated by the operator or manager.

Maximum penalty:        85 penalty units.

- (3) A relevant operator or rideshare platform manager must keep the records that are necessary to enable the liability of the operator or manager for the monthly levy to be ascertained.

Maximum penalty:        85 penalty units.

- (4) A relevant operator or rideshare platform manager must produce a record mentioned in subregulation (3) to the Director on request.

Maximum penalty:        85 penalty units.

- (5) A relevant operator or rideshare platform manager must retain a record mentioned in subregulation (3) for 3 years after the record was made.

Maximum penalty:        85 penalty units.

- (6) A relevant operator or rideshare platform manager must not:

- (a) provide a return to the Director that the operator or manager knows to be misleading in a material particular; or
- (b) keep a record in relation to a monthly levy that the operator or manager knows to be misleading in a material particular; or

- (c) produce a record to the Director under subregulation (4) that the operator or manager knows to be misleading in a material particular.

Maximum penalty:        85 penalty units.

- (7) A relevant operator or rideshare platform manager must not intentionally damage or destroy a record mentioned in subregulation (3).

Maximum penalty:        85 penalty units.

## **Part 6                      Transitional matters for Ridesharing Regulations**

### **18                      Refund of fees**

- (1) If, before the commencement, a person has paid a fee for a licence that covers a period of 1 month or more after the commencement and the annual fee for the licence is reduced by the amending Regulations, the Director must refund an amount to the person calculated in accordance with the following formula:

$$\frac{(OF - RF)}{12} \times RM$$

where:

**OF** is the fee paid before commencement.

**RF** is the reduced fee.

**RM** is the remaining number of whole months in the period for which the fee was paid.

- (2) In this regulation:

**amending Regulations** means the *Ridesharing Regulations*.

**commencement** means the commencement of Parts 5 and 6 of the amending Regulations.

## 28 Schedule 1 amended

Schedule 1, before ***Special Function Vehicle Regulations***

*insert*

### ***Ridesharing Regulations***

regulations 13(1), 14, 16 and 18(1)	3
regulations 10, 15 and 17(1)	5
regulations 11(1) and 12	6

## Division 2 Minibus Regulations

### 29 Regulations amended

This Division amends the *Minibus Regulations*.

### 30 Schedule amended

Schedule, item 1

*omit, insert*

- 1 Annual fee for minibus licence to operate minibus (other than a multiple purpose minibus) in minibus area

Minibus area	Fee
Darwin	\$3 000
Alice Springs	\$2 600
Katherine	\$1 625
Any other area	\$975

- 1A Annual fee for minibus licence to operate multiple purpose minibus \$300

## Division 3 Private Hire Car Regulations

### 31 Regulations amended

This Division amends the *Private Hire Car Regulations*.

## 32 Schedule amended

Schedule, item 1

*omit, insert*

Annual fee for a private hire car licence 300

## Division 4 Taxis Regulations

## 33 Regulations amended

This Division amends the *Taxis Regulations*.

## 34 Schedule 1 replaced

Schedule 1

*repeal, insert*

## Schedule Fees

regulation 30

- 1 The annual fee for a taxi licence to operate a taxi (other than a multiple purpose taxi) in a taxi area specified in the table is the amount specified opposite the taxi area.

Taxi area	Fee
Darwin	\$5 000
Alice Springs	\$4 000
Katherine	\$2 500
Any other area	\$1 500

- 2 The annual fee for a taxi licence to operate a multiple purpose taxi is \$300.

- 3 The annual fee for a substitute taxi licence is \$300.

- 4 The fee for an application for a refund on the surrender of a taxi licence is \$20.



## **Part 6                      Repeal of Parts**

### **35                      Parts 5 and 6 repealed**

Parts 5 and 6 are repealed on the day after they commence.

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**Schedule Fees**

	regulation 21
	\$
Annual fee for rideshare licence	300