

Commercial Passenger Vehicles Information Bulletin – CPV36

Substituting a wheelchair accessible taxi or minibus

Introduction

The purpose of this document is to provide Department of Logistics and Infrastructure staff and industry with an understanding of the requirements and procedures relating to:

- substituting a wheelchair accessible taxi or minibus with an approved standard substitute vehicle; and
- allowing a wheelchair accessible taxi or minibus to operate as a standard taxi or minibus for an approved period due to wheelchair system failure.

Background

A wheelchair accessible taxi or minibus is a vehicle that has been assessed and approved as suitable for the carriage of a passenger travelling in a wheelchair. Operators of these wheelchair accessible vehicles (WAVs) receive a reduced annual fee for their commercial vehicle licence (CVL) on the condition that they provide a priority service to passengers travelling in a wheelchair.

Where a WAV cannot be used to convey wheelchair passengers due to a vehicle component fault, or where it is unavailable for use, operators have the option of using a wheelchair accessible substitute vehicle, where available.

Relevant Northern Territory In-service Vehicle Maintenance Standards (the standards) specifies that a substitute taxi or minibus must meet all requirements of the vehicle being substituted. This ensures continued compliance with the conditions of CVL and that fleet accessibility to the public is maintained.

The standards are available on line at: nt.gov.au/driving/industry/types-of-commercial-passenger-vehicles.

It is recognised that at times, wheelchair accessible substitute vehicle numbers are not sufficient to service industry needs, and where a WAV is unserviceable and there is no available equivalent substitute vehicle, the Director of Commercial Passenger (Road) Transport (the Director) may consider allowing the WAV to either:

- be substituted by a non-wheelchair accessible (standard) substitute vehicle; or
- to operate as a standard taxi or minibus for an approved period – this is usually considered where a mechanical fault has been determined with the wheelchair lift mechanism or a wheelchair passenger safety system.

Applying for approval

An operator of a WAV can apply to operate a standard substitute vehicle for a WAV, or a WAV as a standard taxi or minibus, by completing application form [CPVF36 – Application to substitute a standard taxi or minibus for a wheelchair accessible vehicle](#) and submitting to the Commercial Passenger Vehicles office along with all supporting documentation.

Periods of approval

Approval periods will be determined by the Director using all available information including but not limited to, estimated vehicle repair times, availability of an alternate complying vehicle and receipts for the purchase of repair parts or a replacement vehicle.

The Director may refuse the application where the operator has supplied insufficient information or if not satisfied that the granting of the exemption would be in the interest of the commercial passenger vehicle (CPV) industry or the travelling public.

Applications may be submitted retrospectively

An operator may submit an application retrospectively if a WAV becomes unserviceable outside of Government business hours e.g. during weekends or public holidays. This will enable operators to continue to service the needs of clients while the application is considered.

Before substituting a WAV with a standard substitute vehicle, or where operating a WAV as a standard taxi or minibus, the operator must first complete all sections of the application form CPVF36, prior to operating. This includes completion of Parts 3 and 4 by an authorised person and relevant network. The application must be sent to the CPV office via email at cpv.compliance@nt.gov.au prior to operating.

The operator is also required to maintain the completed and signed application form (or copy) in the operating vehicle at all times for production to an Inspector when requested.

Notes:

- An application received retrospectively will not be approved where there were reasonable facilities available to first submit the application or where the operator did not complete relevant sections of the form prior to operating.
- Where the Director determines that an operator has not met the prerequisites for submitting a retrospective application, the operator may be in breach of licence conditions and/or the standards. The Department may take action against any person found in breach of their obligations under the *Commercial Passenger (Road) Transport Act 1991*.

Completing the application form

Part 1 – Applicant details

The operator of the WAV being substituted is responsible for completing Part 1 of the application form CPVF36.

Part 2 a) – Application for a period of approval

The operator of the WAV being substituted must complete Part 2 a) of the application form and identify whether they are applying to:

- substitute their WAV with a standard substitute vehicle; or
- operate their WAV as a standard taxi or minibus.

When applying to operate a standard substitute vehicle in place of a WAV, the application must include the registration number of the standard substitute vehicle. Approvals will only be provided for a specified period and for a particular reason.

The operator must ensure that the CVLs relating to the WAV and substitute vehicle are current for the duration of the period being applied for.

The Director may not grant approval where the substitute vehicle does not otherwise meet all other requirements of the standards.

The applicant must identify the expected dates in which the WAV, or its mechanical wheelchair components, are expected to be unserviceable.

Notes:

- Where an operator has been granted approval to use a standard substitute vehicle in place of a WAV, the operator may only use the substitute vehicle as specified on the approval. Where the operator wishes to operate an alternate vehicle from that approved, the operator must first submit a new application to the Director for consideration.
- It is a condition of approval that where a WAV has been approved to operate as a standard taxi or minibus, the approved vehicle cannot be substituted during the period, unless it is substituted with a wheelchair accessible substitute vehicle.

Part 2 b) – Application for extension

Applicants must complete Part 2 b) when seeking an extension to an existing exemption. The Director may require the operator to supply further information to assist with the assessment of the application.

Part 3 – Vehicle assessment by an authorised person (retrospective applications)

Operators submitting an application retrospectively must have Part 3 of the application completed by an authorised person.

The Director has determined that an authorised person for Part 3 of the approved form *CPVF36* is:

- an authorised inspector for the class of vehicle being inspected;
- an insurance assessor performing functions relating to an insurance company;
- an inspector appointed under the *Commercial Passenger (Road) Transport Act 1991*;
- a qualified motor vehicle repairer (panel beater) or qualified motor mechanic employed and performing the duties as such by a registered business (the registered business should have a main enterprise relating to the repair of motor vehicles); and
- a qualified motor mechanic performing the duties, and in the employed by the Automobile Association of the Northern Territory (AANT).

An authorised person should have no real or perceived financial interest in the operation of any taxi or minibus identified on the application form.

Part 3 of the application is only required to be completed if the application is submitted retrospectively.

Note: The Director may not accept an application which contains a declaration in Part 3 made by a person who acts in apparent contravention of this document.

Part 4 – Network support of application

The operator must provide written support from the taxi or minibus network under which the WAV normally operates. Where the network supports an application, Part 4 of the form CPV36 should be completed by the network director or operational manager.

Part 5 – Supporting documents

On submission of an application, the operator must provide documents detailing the reasons why the WAV is unserviceable. This should include a report or letter from a person or business that is suitably qualified to assess a vehicle's condition e.g. insurance assessor, authorised inspector, registered mechanical workshop, licensed panel beater or Transport Inspector.

The operator must provide details of steps taken to rectify the non-compliance, i.e. evidence that the vehicle has been booked into a qualified repairer, and/or that parts necessary to the repairs have been ordered.

Where applicable, the operator may be required to provide a formal letter from a repairer stating reasons for any delay in vehicle repairs.

Part 6 – Operator declaration

The operator must provide written advice that all reasonable avenues have been explored regarding the repair of the WAV and its replacement with a suitable wheelchair accessible substitute vehicle.

Where applicable, the operator must provide advice that all wheelchair clients having regular bookings with the WAV have been notified of its unavailability, and that alternate arrangements have been made for the transportation of these clients during the proposed period of exemption.

Upon submitting an application, the operator consents to pay any difference in CVL fees applicable which is calculated on a per day basis and provides assurances that the substitute vehicle will be operated in compliance with any conditions specified in the approval.

Note: The Director may waive any applicable fees and charges for exemptions of less than seven days.

General information

Commercial Passenger Vehicle Information

Information Bulletins and Forms: www.nt.gov.au/driving/industry/

Legislation: www.legislation.nt.gov.au

Motor Vehicle Registry Information www.mvr.nt.gov.au

This Information Bulletin is a guide only and contains general information and requirements in relation to the CPV industry. This document should not be regarded as a strict interpretation of Northern Territory law but may form part of departmental policy.

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