

South Australia

Passenger Transport (General) Variation Regulations 2009

under the *Passenger Transport Act 1994*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Passenger Transport (General) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 28 February 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Passenger Transport (General) Regulations 1994*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *appropriate driver's licence* insert:

approved country taxi service plan means a country taxi service plan approved by the Minister under regulation 7(1)(le);
- (2) Regulation 3(1), definition of *Australian Design Rules*—delete "under the *Road Traffic Regulations 1996*" and substitute:

in the *Road Traffic (Miscellaneous) Regulations 1999*
- (3) Regulation 3(1), definitions of *compliance plate* and *council*—delete the definitions and substitute:

compliance plate means a plate authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under the *Motor Vehicle Standards Act 1989* of the Commonwealth;

council means a council within the meaning of the *Local Government Act 1999*;

country taxi means a vehicle used for the purposes of a country taxi service;

Country Taxi Accreditation means the class of accreditation under section 27 of the Act of that name established pursuant to section 32(3) of the Act;

country taxi service means a passenger transport service operated outside Metropolitan Adelaide under a Country Taxi Accreditation;

country taxi service area means the area defined in the approved country taxi service plan for a country taxi service as the area within which the service may be provided;

- (4) Regulation 3(1), definition of **legal fare**—delete the definition and substitute:

legal fare—

- (a) in relation to the hiring of a country taxi or a journey by a country taxi—means a fare for the particular hiring or journey not exceeding the rate determined by the Minister;
- (b) in relation to the hiring of a metropolitan taxi or a journey by a metropolitan taxi—means a fare for the particular hiring or journey determined in accordance with these regulations;

- (5) Regulation 3(1)—after the definition of **log out of** insert:

metropolitan taxi means a vehicle for which a taxi licence is held or required to be held;

- (6) Regulation 3(1), definition of **public directory**—delete the definition and substitute:

public directory includes a journal, brochure or other publication (whether in written or electronic form) that lists or advertises passenger transport services;

- (7) Regulation 3(1)—after the definition of **registration plate** insert:

relevant person for a taxi means—

- (a) in the case of a vehicle in respect of which a taxi licence is in force—the holder of the licence; or
- (b) in the case of a vehicle used for the purposes of a country taxi service—the operator of the service;

- (8) Regulation 3(1), definition of **taxi**—delete the definition and substitute:

taxi means a country taxi or a metropolitan taxi;

5—Variation of regulation 7—Conditions

- (1) Regulation 7(1)(k)—after "taxi service" first occurring insert:

other than a country taxi service

- (2) Regulation 7(1)(ka)—after "taxi-service" insert:

other than a country taxi service

- (3) Regulation 7(1)(l)(iv)—delete "generally available throughout Metropolitan Adelaide"

- (4) Regulation 7(1)—after paragraph (ld) insert:

(le) in the case of a Country Taxi Accreditation—

- (i) that a vehicle used for the purposes of the service must be—
 - (A) a vehicle that is capable of seating at least 4 average-sized adults comfortably plus the driver; or

- (B) a vehicle determined by the Minister (either specifically or according to a class of vehicle) as being appropriate for the purposes of a country taxi service; and
- (ii) that the accredited person—
 - (A) must have in place a country taxi service plan for the country taxi service that complies with requirements determined by the Minister and is approved by the Minister before the commencement of the service; and
 - (B) must operate the service in accordance with the approved country taxi service plan for the service,(and the country taxi service plan may be altered from time to time with the approval of the Minister);

6—Variation of regulation 9—Drivers—Eligibility

Regulation 9—after its present contents (now to be designated as subregulation (1)) insert:

- (2) A person who applies for an accreditation under Part 4 Division 2 of the Act to enable the person to drive a country taxi must, if required by the Minister, satisfy the Minister that he or she has sufficient knowledge of streets and places in the country taxi service area in which the taxi is to be used for the purposes of a country taxi service to work effectively as the driver of a country taxi under the accreditation.

7—Variation of regulation 11—Conditions

Regulation 11(1)(g)(iii)—delete subparagraph (iii) and substitute:

- (iii) except for—
 - (A) a vehicle used for the purposes of a service operated under a Small Passenger Vehicle (Special Purpose) Accreditation; or
 - (B) a vehicle drawn by an animal,that the accredited person will not park or stand a vehicle on a public street, road or place unless a sign approved by the Minister that clearly indicates that the vehicle is not for hire is displayed on or near the vehicle in a manner determined by the Minister for the purposes of this regulation;

8—Variation of regulation 12—Centralised booking services—eligibility

Regulation 12(2)(a)—delete "is in a part of Metropolitan Adelaide" and substitute:

is in an area

9—Substitution of regulation 26

Regulation 26—delete the regulation and substitute:

26—Exceptions to sections 45 and 52 of Act

- (1) Section 45(1)(a) of the Act does not apply in relation to the operation of a country taxi service by means of a vehicle that displays the word "TAXI" or that word in combination with the word "COUNTRY".
- (2) Section 45(1)(b) of the Act does not apply in relation to a vehicle plying for hire or standing at a designated taxi-stand within the country taxi service area in which the vehicle may be used for the purposes of a country taxi service.
- (3) Under section 45(1)(c) of the Act, a person who does not hold a taxi licence for a vehicle may cause or permit the vehicle to ply for hire in a public street, road or place if—
 - (a) the vehicle is being used for the purposes of a country taxi service; and
 - (b) the street, road or place is within the country taxi service area in which the vehicle may be used for the purposes of a country taxi service.
- (4) Under section 45(1)(c) of the Act, a person who does not hold a taxi licence for a vehicle may cause or permit the vehicle to ply for hire in a public street, road or place if—
 - (a) the person holds an accreditation under Part 4 of the Act; and
 - (b) the vehicle is being used for the purposes of a service operated under the accreditation; and
 - (c) the vehicle is plying for hire—
 - (i) between midnight on the Monday preceding the commencement of a declared period within the meaning of the *South Australian Motor Sport Act 1984* and midnight on the Thursday following the end of that declared period; or
 - (ii) between 10.00 pm on 31 December of any year and 10.00 am on 1 January of the following year.
- (5) Under section 45(1)(d) of the Act, a person who does not hold a taxi licence for a vehicle fitted with a taxi-meter may operate a country taxi service by means of the vehicle.
- (6) Under section 45(1)(d) of the Act, a person who does not hold a taxi licence for a vehicle fitted with a taxi-meter may operate a passenger transport service by means of the vehicle if—
 - (a) the vehicle was fitted with the meter before 1 August 1994; and

- (b) the person used the vehicle for the purpose of the passenger transport service immediately before 1 August 1994; and
- (c) the person holds an accreditation under Part 4 of the Act; and
- (d) the following notice is displayed on or near the meter in a manner allowing it to be easily seen by any person sitting in the vehicle:

NOTICE TO ALL PASSENGERS

The rates shown on this meter have not been set under the *Passenger Transport Act 1994*.

The operator of this vehicle must inform passengers as to the rates set on this meter before the journey begins.

- (7) Section 52(1) of the Act does not apply to—
 - (a) the operator of—
 - (i) a centralised booking service for taxis; or
 - (ii) a booking service for taxis operating outside Metropolitan Adelaide; or
 - (b) the operator of a country taxi service; or
 - (c) an employee or agent of a person referred to in paragraph (a) or (b).

10—Substitution of regulations 42 and 43

Regulations 42 and 43—delete the regulations and substitute:

42—Display of taxi signs by metropolitan taxis

- (1) For the purposes of section 45(4)(a) of the Act, a vehicle displays the word "TAXI" if—
 - (a) a taxi sign of a type approved by the Minister is fitted to the taxi in a manner approved by the Minister; and
 - (b) the taxi sign is in proper working order.
- (2) Section 45(4)(a) of the Act does not apply—
 - (a) in the case of a vehicle being used under a pre-arranged hiring for the conveyance of a bridal party or the conveyance of a person in a funeral procession; or
 - (b) in the case of a vehicle being used while fitted with a damaged or faulty taxi sign if—
 - (i) the driver of the vehicle is not aware that the sign is damaged or faulty, or is completing a journey that commenced before he or she had become aware that the sign was damaged or faulty; or

- (ii) the vehicle is being driven for a purpose connected with the repair or replacement of the taxi sign, or the driver has been authorised by the holder of the taxi licence for the taxi to drive the taxi for such a purpose.

43—Display of taxi signs by country taxis

- (1) A vehicle must not be driven for the purposes of a country taxi service in a public street, road or place unless—
 - (a) a taxi sign of a type approved by the Minister is fitted to the vehicle in a manner approved by the Minister; and
 - (b) the taxi sign is in proper working order.
- (2) Subregulation (1) does not apply while a vehicle is being used under a pre-arranged hiring for the conveyance of a bridal party or the conveyance of a person in a funeral procession.
- (3) If a vehicle is driven in contravention of subregulation (1), the operator of the country taxi service is guilty of an offence.
Maximum penalty: \$4 000.
- (4) It is a defence to a charge of an offence against subregulation (3) for the defendant to prove—
 - (a) that the taxi sign fitted to the taxi at the time of the alleged offence was damaged or faulty; and
 - (b) that the driver—
 - (i) was not aware that the sign was damaged or faulty, or was completing a journey that commenced before the driver became aware that the sign was damaged or faulty; or
 - (ii) was driving the taxi for a purpose connected with the repair or replacement of the sign, or had been authorised by the defendant to drive the taxi for such a purpose.

43A—Requirement for taxi sign to indicate when taxi not available for hire

- (1) A person other than an accredited taxi driver must not drive a taxi in a public street, road or place unless the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is not available for hire.
Maximum penalty: \$750.
Expiation fee: \$105.

- (2) An accredited taxi driver must not drive a taxi in a public street, road or place while the taxi is not available for hire unless the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is not for hire.

Maximum penalty: \$750.

Expiation fee: \$105.

- (3) Subregulation (2) does not apply to a taxi being used under a pre-arranged hiring for the conveyance of a bridal party or the conveyance of a person in a funeral procession.
- (4) It is a defence to a charge of an offence against subregulation (1) or (2) for the defendant to prove—
- (a) that the taxi sign fitted to the taxi at the time of the alleged offence was damaged or faulty; and
 - (b) that the defendant—
 - (i) was not aware that the sign was damaged or faulty, or was completing a journey that commenced before he or she became aware that the sign was damaged or faulty; or
 - (ii) was driving the taxi for a purpose connected with the repair or replacement of the sign.

43B—Return of taxi signs

A person to whom a taxi sign has been issued, or who has possession or custody of a taxi sign or a vehicle to which such a sign is fitted must, on request by an authorised officer for the return of the sign, immediately deliver the sign to the authorised officer or the Minister.

Maximum penalty: \$750.

Expiation fee: \$105.

43C—Unauthorised use of signs

- (1) A person must not, in a public street, road or place in Metropolitan Adelaide or a country taxi service area, drive a vehicle to which there is fitted a taxi sign, or a sign the same as or closely resembling a taxi sign, unless the sign is fitted to the vehicle with the authority of the Minister.

Maximum penalty: \$750.

Expiation fee: \$105.

- (2) Subregulation (1) does not apply to—
- (a) a vehicle for which a taxi licence is held; or
 - (b) a vehicle used for the purposes of a country taxi service.

11—Variation of regulation 44—Removal of signs

- (1) Regulation 44—after its present contents insert:

Maximum penalty: \$750.
Expiation fee: \$105.
- (2) Regulation 44—after its present contents as varied by subregulation (1) (now to be designated as subregulation (1)) insert:
 - (2) If a person ceases to hold a Country Taxi Accreditation, the person must ensure that any taxi sign on a vehicle that was used for the purposes of a country taxi service operated under that accreditation is immediately removed from the vehicle.

Maximum penalty: \$750.
Expiation fee: \$105.

12—Variation of regulation 45—Loss or theft of signs

- (1) Regulation 45(1), definition of *relevant person*—after paragraph (a) insert:
 - (ab) if the sign has been issued to, or leased by, the operator of a country taxi service—the operator of the service;
- (2) Regulation 45(2)—after its present contents insert:

Maximum penalty: \$750.
Expiation fee: \$105.
- (3) Regulation 45(3)—after its present contents insert:

Maximum penalty: \$750.
Expiation fee: \$105.

13—Variation of regulation 46—Company signs

- (1) Regulation 46(1)—delete "A taxi must not be driven" and substitute:

A person must not drive a metropolitan taxi
- (2) Regulation 46(1)—after its present contents as varied by subregulation (1) insert:

Maximum penalty: \$750.
Expiation fee: \$105.

14—Variation of regulation 46A

Regulation 46A(2)—delete subregulation (2) and substitute:

- (2) A person must not drive a taxi in a public street, road or place if an advertisement on the outside of the taxi—
 - (a) is displayed other than in accordance with subregulation (1)(a); or
 - (b) does not comply with subregulation (1)(b).

Maximum penalty: \$750.
Expiation fee: \$105.

- (3) Subregulation (2) does not apply in relation to an advertisement displayed on a taxi with the approval of the Minister.

15—Revocation of regulation 46B

Regulation 46B—delete the regulation

16—Insertion of regulation 47AA

Before regulation 47 insert:

47AA—Requirement for country taxi to have meter

A person must not use a vehicle for the purposes of a country taxi service unless the vehicle is fitted with a meter that complies with these regulations.

Maximum penalty: \$4 000.

17—Variation of regulation 47—Requirements relating to meters

- (1) Regulation 47(1)—after "Act" insert:
and regulation 47AA
- (2) Regulation 47(1)(d)—delete paragraph (d) and substitute:
- (d) a taxi-meter must be so adjusted that, when the taxi is hired and the meter is activated, the meter will register flagfall and fares not exceeding—
- (i) in the case of a metropolitan taxi—the rates prescribed by Schedule 2; or
- (ii) in the case of a country taxi—the rates determined by the Minister;

18—Variation of regulation 48—Action required when meter defective

Regulation 48—delete "holder of the licence" and substitute:

relevant person for the taxi

19—Variation of regulation 49—Compulsory inspection of meters

- (1) Regulation 49(1)—delete "holder of a taxi licence" and substitute:
relevant person for a taxi
- (2) Regulation 49(2)—after "taxi" first occurring insert:
for which a taxi licence is held
- (3) Regulation 49—after subregulation (2) insert:
- (3) If an authorised officer finds that a vehicle used for the purposes of a country taxi service is not fitted with a taxi-meter as required by these regulations, or is fitted with a meter that does not comply with these regulations, the authorised officer may give the operator of the service written notice that the vehicle must not be used for the purposes of the service until it is fitted with a taxi-meter that complies with these regulations.

20—Variation of regulation 50—Substitution of wheels or alteration of drive train

Regulation 50—delete "the holder of the relevant taxi licence" and substitute:
the relevant person for the taxi

21—Variation of regulation 54—Fares

Regulation 54(1)—delete subregulation (1) and substitute:

- (1) The relevant person for a taxi must ensure that no more than the legal fare is demanded or recovered for the hiring of the taxi.

22—Variation of regulation 55—Display of information

Regulation 55—delete "The holder of a taxi licence" and substitute:
The relevant person for a taxi

23—Variation of regulation 56—Stands

Regulation 56(1)—delete subregulation (1) and substitute:

- (1) The Minister must maintain at an office of the department open to the public during normal office hours a register of all areas designated by the Minister as taxi-stands and the times at which those taxi-stands may be used.

24—Variation of regulation 57—Duty to accept or continue hiring

- (1) Regulation 57(1)—delete "to any place within Metropolitan Adelaide" and substitute:
to—

- (a) in the case of a metropolitan taxi—any place within Metropolitan Adelaide; or
- (b) in the case of a country taxi—any place within the country taxi service area in which the taxi may be used for the purposes of a country taxi service.

- (2) Regulation 57(2)—delete "licensed to carry" and substitute:
authorised to carry

- (3) Regulation 57(7)—delete subregulation (7) and substitute:

- (7) For the purposes of this regulation—
 - (a) a taxi will be taken to be available for hire if it is in a public street, road or place, in charge of a driver and the taxi sign fitted to the taxi indicates in a manner approved by the Minister that the taxi is available for hire;
 - (b) the number of persons a taxi is authorised to carry is—
 - (i) in the case of a metropolitan taxi—the number of persons that the taxi is licensed to carry;
 - (ii) in any other case—

- (A) a number shown on the certificate of inspection under section 54 of the Act or Part 4A of the *Road Traffic Act 1961*; or
- (B) a number determined by the Minister in relation to the relevant vehicle.

25—Variation of regulation 59—Right to terminate or vary hiring

Regulation 59(2)—delete subregulation (2) and substitute:

- (2) The driver of a taxi must not, without reasonable excuse, fail to comply with a request by the hirer of the taxi to the driver to carry him or her to a place not originally specified by the hirer if the place is—
 - (a) in the case of a metropolitan taxi—within Metropolitan Adelaide; or
 - (b) in the case of a country taxi—within the country taxi service area in which the taxi may be used for the purposes of a country taxi service.

26—Variation of regulation 61C—Requirement to have approved security camera system fitted and operating

Regulation 61C(1)—delete subregulation (1) and substitute:

- (1) A taxi must not be used for the purposes of a taxi service other than a country taxi service unless the taxi is fitted with an approved security camera system.
- (1a) A taxi must not be used for the purposes of a country taxi service if it is fitted with a security camera system that is not an approved security camera system.
- (1b) If—
 - (a) a taxi is used in contravention of subregulation (1) or (1a); or
 - (b) an approved security camera system fitted to a taxi—
 - (i) was not installed by an accredited supplier; or
 - (ii) is not in good working order,the operator of the taxi service is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.

27—Variation of regulation 61K—Compulsory inspection of systems

- (1) Regulation 61K(1)—delete "holder of a taxi licence" and substitute:
relevant person for a taxi
- (2) Regulation 61K(2)—before "taxi" insert:
metropolitan

(3) Regulation 61K—after subregulation (2) insert:

- (3) If an authorised officer finds that a vehicle used for the purposes of a country taxi service is fitted with a security camera system that does not comply with requirements determined by the Minister for the purposes of this Division, the authorised officer may suspend the accreditation for the service until an authorised officer is satisfied that the security camera system has been removed from the vehicle.

28—Variation of regulation 72—Age of vehicles

Regulation 72(1)—delete subregulation (1) and substitute:

- (1) A person must not use a vehicle for the purposes of a passenger transport service if the vehicle is—
- (a) in the case of—
 - (i) a metropolitan taxi; or
 - (ii) a vehicle being used for the purposes of a service operated under—
 - (A) a Small Passenger Vehicle (Metropolitan Accreditation); or
 - (B) a Small Passenger Vehicle (Special Purpose) Accreditation,(other than a motor cycle or an off-road vehicle that is being used wholly or predominantly for travel outside Metropolitan Adelaide),
more than 6 years and 6 months old; or
 - (b) in the case of—
 - (i) a country taxi; or
 - (ii) a vehicle being used for the purposes of a service operated under—
 - (A) a Small Passenger Vehicle (Traditional Accreditation); or
 - (B) a Small Passenger Vehicle (Non-Metropolitan Accreditation); or
 - (iii) a motor cycle; or
 - (iv) an off-road vehicle that is being used wholly or predominantly for travel outside Metropolitan Adelaide,
more than 15 years old; or
 - (c) in any other case—more than 25 years old.

29—Variation of regulation 74—Inspections

- (1) Regulation 74(1)(a)—before "taxi" first occurring insert:
metropolitan
- (2) Regulation 74(1)—after paragraph (a) insert:
 - (ab) for a country taxi—a period of 12 months, calculated from the last day of the month in which the vehicle was last inspected under section 54 of the Act;

30—Variation of regulation 80—Surrender of registration plates

- Regulation 80(b)(ii)—before "taxi" first occurring insert:
metropolitan

31—Revocation of regulation 91A

- Regulation 91A—delete the regulation

32—Variation of Schedule 2—Maximum fares chargeable by metropolitan taxis

- (1) Schedule 2, clause 1(1)—after "journey" wherever occurring insert:
by metropolitan taxi
- (2) Schedule 2, clause 2(1)—after "journey" first occurring insert:
by metropolitan taxi
- (3) Schedule 2, clause 2A—after "journey" insert:
by metropolitan taxi
- (4) Schedule 2, clause 3—before "taxi" insert:
metropolitan
- (5) Schedule 2, clause 4(a)—before "taxi" insert:
metropolitan
- (6) Schedule 2, clause 4(b)—before "taxi" insert:
metropolitan
- (7) Schedule 2, clause 4(c)—before "taxi" insert:
metropolitan

33—Variation of Schedule 4—Fees

- (1) Schedule 4, clause 1(a)(ii)—delete "or a Small Passenger Vehicle (Non-Metropolitan) Accreditation" and substitute:
 , a Small Passenger Vehicle (Non-Metropolitan) Accreditation or a Country
 Taxi Accreditation

- (2) Schedule 4, clause 2(a)(ii)—delete "or a Small Passenger Vehicle (Non-Metropolitan) Accreditation" and substitute:

, a Small Passenger Vehicle (Non-Metropolitan) Accreditation or a Country Taxi Accreditation
- (3) Schedule 4, clause 4(a)(ii)—delete "or a Small Passenger Vehicle (Non-Metropolitan) Accreditation" and substitute:

, a Small Passenger Vehicle (Non-Metropolitan) Accreditation or a Country Taxi Accreditation
- (4) Schedule 4, clause 6(a)(ii)—delete "or a Small Passenger Vehicle (Non-Metropolitan) Accreditation" and substitute:

, a Small Passenger Vehicle (Non-Metropolitan) Accreditation or a Country Taxi Accreditation

34—Variation of Schedule 9—Code of practice: taxi-drivers

- (1) Schedule 1, item 5—delete "the" and substitute:

any relevant
- (2) Schedule 1, item 7—delete "within Metropolitan Adelaide"
- (3) Schedule 1, item 16—delete "the" first occurring and substitute:

any relevant

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 22 January 2009

No 3 of 2009

MTR08/041