



New South Wales

# **Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000**

under the

**Passenger Transport Act 1990**

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

CARL SCULLY, M.P.,

Minister for Transport

## **Explanatory note**

The object of this Regulation is to require taxi-cabs operating in Sydney, Newcastle, Wollongong, Gosford or Wyong and that are not fitted with driver protection screens to be fitted with security cameras.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

## **2000 No 46**

Clause 1      Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000

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# **Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000**

### **1 Name of Regulation**

This Regulation is the *Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000*.

### **2 Amendment of Passenger Transport (Taxi-cab Services) Regulation 1995**

The *Passenger Transport (Taxi-cab Services) Regulation 1995* is amended as set out in Schedule 1.

### **3 Notes**

The explanatory note does not form part of this Regulation.

## **Schedule 1 Amendments**

(Clause 2)

### **[1] Clause 7B Security screens**

Omit the clause. Insert instead:

#### **7B Security devices**

- (1) The operator of a taxi-cab:
  - (a) that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and
  - (b) that is connected to a taxi-cab network,must ensure that the taxi-cab is fitted with either an approved driver protection screen or an approved security camera system.

Maximum penalty: 10 penalty units.
- (2) The operator of a taxi-cab:
  - (a) that operates within the Metropolitan, Newcastle or Wollongong transport district or within the City of Gosford or the Wyong local government area, and
  - (b) that is not connected to a taxi-cab network,must ensure that the taxi-cab is fitted with an approved driver protection screen.

Maximum penalty: 10 penalty units.
- (3) A person must not deliberately:
  - (a) interfere with an approved driver protection screen fitted to a taxi-cab, or
  - (b) cause or permit any such interference,in such a manner as to remove or reduce the protection it affords to the driver of the taxi-cab.

Maximum penalty: 10 penalty units.

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### Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000

#### Schedule 1      Amendments

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- (4) A person must not deliberately:
  - (a) interfere with any part of an approved security camera system fitted to a taxi-cab, or
  - (b) cause or permit any such interference,  
in such a manner as to prevent or impede the proper working of the system.

Maximum penalty: 10 penalty units.
- (5) In this clause:  
*approved* means complying with requirements established for the time being by the Director-General by order published in the Gazette.  
*driver protection screen* means a screen that is designed to protect the driver of a taxi-cab from attack from behind by other persons in the taxi-cab.  
*security camera system* means a system that records images of persons in or about a taxi-cab.
- (6) Schedule 2 has effect in relation to any security camera system with which a taxi-cab is fitted (whether or not pursuant to this clause).
- (7) Nothing in this clause prevents any authorised officer or other person authorised by the Director-General from carrying out an inspection of, or performing any proper function in relation to, a driver protection screen or a security camera system.
- (8) An order in force under this clause, as in force immediately before the commencement of the *Passenger Transport (Taxi-cab Services) Amendment (Security Devices) Regulation 2000*, is taken to be an order made under this clause, as substituted by that Regulation.

**[2] Clause 13 Taxi-cabs to comply with on-road standards when inspected**

Insert at the end of clause 13 (f):

, and

- (g) the taxi-cab is fitted with an approved tracking device as required by clause 7A, and
- (h) the taxi-cab is duly fitted with any approved driver protection screen or approved security camera system required by clause 7B.

**[3] Schedule 1 Penalty notice offences**

Omit the matter relating to clause 7B (2) from Part 2. Insert instead:

Clause 7B (1)	taxi operator fail to fit security screen or camera system	\$200
Clause 7B (2)	taxi operator fail to fit security screen	\$200
Clause 7B (3)	interfere/cause/permit interference with driver protection screen	\$200
Clause 7B (4)	interfere/cause/permit interference with security camera system	\$200
Schedule 2, clause 2	not take specified/reasonable safeguards against misplacement/unauthorised use of recording	\$200
Schedule 2, clause 3 (1)	not dispose of video recording	\$200
Schedule 2, clause 4	no proper surveillance signs	\$200
Schedule 2, clause 5	unauthorised use of video recording	\$500

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Schedule 1      Amendments

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### [4] Schedule 2

Insert after Schedule 1:

## Schedule 2 Approved security camera systems

(Clause 7B (6))

### 1 Definitions

In this Schedule:

***authorised purpose***, in relation to the use of a video recording made by a security camera system, means the purpose of, or any purpose in connection with, prosecution of, or the issue of a penalty notice in respect of, an offence committed in or about a taxi-cab.

***video recording*** includes any electronically stored information from which a recorded image can be generated.

### 2 Storage of recordings made by security camera

- (1) The operator of a taxi-cab network must cause:
  - (a) such security safeguards as the Director-General may specify, and
  - (b) such other security safeguards as are reasonable in the circumstances,

to be taken, to ensure that any video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes, until disposed of in accordance with clause 3.

Maximum penalty: 5 penalty units.

- (2) The Director-General may, by notice in writing to the operator of a taxi-cab network, specify reasonable security safeguards for the purposes of subclause (1) (a).

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Amendments

Schedule 1

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### **3 Disposal of recordings made by security camera**

- (1) The operator of a taxi-cab network must cause any video recording made by a security camera system to be disposed of in accordance with subclause (2) within 30 days after the recording was made.  
Maximum penalty: 5 penalty units.
- (2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to:
  - (a) a police officer, or
  - (b) an officer of the Department of Transport authorised by the Director-General to receive it.
- (3) It is the duty of the Commissioner of Police or the Director-General (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer of the Department of Transport but which is not to be used for an authorised purpose.

### **4 Presence of camera in taxi-cab to be indicated**

The operator of a taxi-cab must ensure that signs are conspicuously placed within and on the outside of a taxi-cab that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the taxi-cab.

Maximum penalty: 5 penalty units.

### **5 Use of recording for unauthorised purpose**

A person must not use a recording made by a security camera system for a purpose other than an authorised purpose.

Maximum penalty: 20 penalty units.

BY AUTHORITY