



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

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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Schedule 1 Amendments

- (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

[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).

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.