

TASMANIA

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**TAXI INDUSTRY AMENDMENT (SECURITY  
CAMERAS) REGULATIONS 2004**

**STATUTORY RULES 2004, No.**

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## **TAXI INDUSTRY AMENDMENT (SECURITY CAMERAS) REGULATIONS 2004**

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Taxi and Luxury Hire Car Industries Act 1995*.

Dated                      200 .

Governor

By His Excellency's Command,

Minister for Infrastructure

### **Short title**

**1.** These regulations may be cited as the *Taxi Industry Amendment (Security Cameras) Regulations 2004*.

### **Commencement**

**2. (1)** These regulations, except for regulation 6, take effect on the day on which their making is notified in the *Gazette*.

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(2) Regulation 6 takes effect on the ninetieth day after the day on which the making of these regulations is notified in the *Gazette*.

### **Principal Regulations**

3. In these regulations, the *Taxi Industry Regulations 1996\** are referred to as the Principal Regulations.

### **Regulation 23 amended (Taximeters)**

4. Regulation 23 of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (b) “Schedule 2” and substituting “item 1 of Schedule 2”;
- (b) by omitting from paragraph (c) “Schedule 2” and substituting “item 2 of Schedule 2”.

### **Part 5A inserted**

5. After regulation 28 of the Principal Regulations, the following Part is inserted:

#### **PART 5A – SECURITY CAMERA SYSTEMS**

#### **Interpretation**

**28A.** In this Part –

“**download**” means to copy a video recording from a security camera system to another storage device, including a disk

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\*S.R. 1996, No. 198

or tape, or to print an image from a security camera system;

**“operating taxi”** means a licensed taxi and includes a vehicle operating in substitution of that taxi;

**“police officer”** has the same meaning as in the *Police Regulation Act 1898*;

**“security camera system”** means a camera system specified in regulation 28C;

**“Ulverstone taxi area”** is the Ulverstone taxi area specified in Schedule 1 to the *Taxi Industry (Taxi Areas) Regulations 1996*;

**“unauthorised purpose”** means a purpose that is not connected with –

- (a) the investigation of an alleged offence by a police officer or an authorised officer; or
- (b) the prosecution of, or the issue of a notice in respect of, an alleged offence; or
- (c) the testing of a security camera system in accordance with these regulations;

**“video recording”** includes –

- (a) electronically stored material from which a recorded image or recorded sound can be generated or reproduced; and

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- (b) a printed image from such material.

### **Security camera systems**

**28C.** The following camera systems are security camera systems for the purpose of these regulations:

- (a) the Arkive as manufactured by AMSD Pty Ltd - Bitron Video Australia;
- (b) the Cabcam Dv as manufactured by Martin Meters;
- (c) the RDC 3020 as manufactured by Raywood Communications Pty Ltd;
- (d) the Sigtec Verifeye Camera - Mk2 as manufactured by Sigtec Pty Ltd;
- (e) the Cabcam DVR 300 as manufactured by Cabcam Pty Ltd.

### **Installation**

**28D. (1)** A person installing a security camera system in a taxi must install that system in accordance with Schedule 5.

Penalty: Fine not exceeding 20 penalty units.

**(2)** If a security camera system is installed in an operating taxi, the responsible operator of the taxi must also display signs that comply with item 3 of Schedule 2.

Penalty: Fine not exceeding 5 penalty units.

**(3)** A sign displayed under item 3 of Schedule 2 –

- (a) must be able to be read from outside the vehicle; and
- (b) must not be obscured or covered.

Penalty: Fine not exceeding 5 penalty units.

### **Testing of a security camera system**

**28E. (1)** After a security camera system is installed, the system is to be tested by the manufacturer to ensure that the system is fully operational.

**(2)** If an authorised officer or a police officer requires the testing of the security camera system, the driver or responsible operator of a taxi must present the taxi at a time and place specified by the officer.

Penalty: Fine not exceeding 10 penalty units.

**(3)** When having the security camera system tested, the driver or responsible operator is to –

- (a) have the system tested by the manufacturer in accordance with the test regime specified by the manufacturer of the camera system installed; and
- (b) cause the system to be readjusted if an adjustment is required for the system to be fully operational.

**(4)** A driver, or responsible operator, of a taxi must display in the taxi written evidence of the most

recent testing of the security camera system that complies with item 4 of Schedule 2.

Penalty: Fine not exceeding 5 penalty units.

**(5)** The written evidence of the most recent testing of a security camera system displayed under item 4 of Schedule 2 –

- (a) must be able to be read from inside the vehicle; and
- (b) must not be obscured or covered.

Penalty: Fine not exceeding 5 penalty units.

**(6)** The responsible operator of a taxi must ensure the security camera system installed in the taxi has been tested by the manufacturer in accordance with these regulations within the preceding 12-month period.

Penalty: Fine not exceeding 20 penalty units.

**(7)** Nothing in this regulation prevents the responsible operator of a taxi from voluntarily submitting a security camera system for testing.

### **Operation of security camera system**

**28F. (1)** A driver of a vehicle with a security camera system installed must not use that vehicle as a taxi unless the security camera system indicates it is fully operational.

Penalty: Fine not exceeding 20 penalty units.

**(2)** A driver of a vehicle with a security camera system installed must not use the vehicle as

a taxi if the camera lens of the security camera system is obstructed in any way.

Penalty: Fine not exceeding 20 penalty units.

**(3)** A person must not prevent or impede the operation of a security camera system by –

- (a) interfering with any part of the system;  
or
- (b) causing or permitting such interference.

Penalty: Fine not exceeding 20 penalty units.

### **Downloading recordings**

**28G. (1)** A person must not download a video recording from the security camera system unless –

- (a) the person has received a copy of an incident report, or an incident number, of a matter reported to a police officer and in respect of which the video recording may be relevant; or
- (b) the person is acting at the direction of a police officer, an authorised officer or the Commissioner of Transport; or
- (c) the person is acting pursuant to an order or direction of a court or tribunal constituted by law; or
- (d) it is necessary to reset the security camera system; or
- (e) it is required as part of the installation or testing of the security camera system.

Penalty: Fine not exceeding 20 penalty units.

**(2)** If a video recording is downloaded under subregulation (1)(d) or (e) and is not required for police investigations, or legal proceedings, under regulation 28H, the person downloading the video recording must –

- (a) keep the video recording for 60 days after the video recording was downloaded; and
- (b) at the end of those 60 days, dispose of the video recording in accordance with regulation 28K.

Penalty: Fine not exceeding 20 penalty units.

**(3)** A video recording is required for police investigations, or legal proceedings, if a police officer requests a copy of that recording under regulation 28H within the 60 days.

### **Video recordings used for legal proceedings**

**28H. (1)** A person downloading a video recording under regulation 28G(1)(a), (b) or (c) must –

- (a) forward a copy of that recording to police as soon as possible; and
- (b) keep the original recording and any copy of the recording until notified to dispose the recording under subregulation (5).

Penalty: Fine not exceeding 20 penalty units.

**(2)** A police officer may request a copy of a video recording downloaded under

regulation 28G(1)(d) or (e) if a copy of that recording is required for police investigations or legal proceedings.

**(3)** If a police officer requests a copy of a video recording under subregulation (2), the person with the original video recording must –

- (a) comply with that request; and
- (b) keep the original recording and any other copy of the recording until notified to dispose of the recording under subregulation (5).

Penalty: Fine not exceeding 20 penalty units.

**(4)** The Commissioner of Police is to –

- (a) store a video recording received under subregulation (1) or (2); or
- (b) dispose of that video recording, and any copy of that video recording, in accordance with regulation 28K.

**(5)** The Commissioner of Police is to issue a notice in writing to a person keeping a video recording under subregulation (1) or (3) informing the person that the original recording, and any copy of the recording, held by the person is to be disposed of.

**(6)** A person who has received a written notice issued under subregulation (5) must comply with the notice.

Penalty: Fine not exceeding 20 penalty units.

**Use and storage of video recordings**

**28J. (1)** A person must not use a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, for an unauthorised purpose.

Penalty: Fine not exceeding 20 penalty units.

**(2)** A person in possession of a video recording made by, or downloaded from, a security camera system, or a copy of such a video recording, must ensure that the recording or copy is not misplaced or used for an unauthorised purpose.

Penalty: Fine not exceeding 20 penalty units.

**Disposal of video recordings**

**28K.** A video recording or a copy of a video recording may be disposed of by –

- (a) deleting the original recording or copy;  
or
- (b) permanently removing any trace of the recording or copy from its storage device;  
or
- (c) destroying the recording or copy so that it is no longer possible to access the recording.

**Regulation 28B inserted**

**6.** After regulation 28A of the Principal Regulations, the following regulation is inserted in Part 5A:

**Duty and power to install security camera system**

**28B. (1)** The responsible operator of an operating taxi that is licensed to operate in a metropolitan taxi area or the Ulverstone taxi area must ensure that a security camera system is installed in the taxi.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

**(2)** The responsible operator of an operating taxi that is licensed to operate in a taxi area not mentioned in subregulation (1) may fit a security camera system in the taxi.

**(3)** A person must not install a security camera system under subregulation (2) unless the system is a camera system specified in regulation 28C.

Penalty: Fine not exceeding 10 penalty units.

**Regulation 29 substituted**

7. Regulation 29 of the Principal Regulations is rescinded and the following regulation is substituted:

**Inspection requirements**

**29. (1)** Unless an agreement has been made between the Commission and an accredited taxi group in relation to the inspection of taxis, a taxi must be presented by the responsible operator for inspection by an authorised officer, or another person specified by the Commission, at least every 6

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months, and at any other time specified by the Commission.

Penalty: Fine not exceeding 5 penalty units.

(2) A security camera system may be tested as part of an inspection under subregulation (1).


### **Schedule 2 amended (Requirements for taxis)**

8. Schedule 2 to the Principal Regulations is amended by inserting after item 2 the following items:

#### **3. Security camera signs**

A security camera sign –

- (a) is to be located –
  - (i) immediately above each external door handle if the taxi is a sedan or station wagon; or
  - (ii) adjacent to each external door handle, including the external rear door handle if the vehicle has rear access for wheelchairs, if the taxi is a van; and
- (b) is to be at least 50 millimetres high and at least 150 millimetres long and be in the following form:

<b>SECURITY CAMERA OPERATING</b>	
	<ul style="list-style-type: none"> <li>▪ You will be photographed in the interests of driver and passenger safety.</li> <li>▪ Photographs may be used for investigating and acting on complaints and unlawful activity in taxis.</li> <li>▪ Photographs will only be permitted to be accessed by authorised persons.</li> <li>▪ By hiring this taxi you give your consent to being photographed in this vehicle.</li> <li>▪ It is an offence to obstruct the operation of the security camera.</li> </ul>
Authorised by the Commissioner for Transport	

#### 4. Security camera test label

A security camera test label –

- (a) is to be located on the upper left-hand side of the inside of the front windscreen; and
- (b) is to be attached to the front windscreen; and
- (c) is to be in the following form:

<b>SECURITY CAMERA LABEL</b>	
Camera Make	Serial Number
Vehicle Registration	
Tested By	Date Tested
Authorised by the Commissioner for Transport	

#### Schedule 5 inserted

9. After Schedule 4 to the Principal Regulations, the following Schedule is inserted:

**SCHEDULE 5 - INSTALLATION OF SECURITY  
CAMERA SYSTEM****PART 1 - GENERAL****Interpretation**

**1. (1)** In this Schedule, “**rear-vision camera**” means an internal camera that is positioned above the rear-vision mirror in a taxi.

**(2)** A word not defined in this Schedule has the same meaning as it has for the purposes of Part 5A.

**PART 2 - INSTALLATION**

1. A security camera system must be installed in accordance with the manufacturers instructions.
2. A security camera system includes all cameras installed in the taxi and must include at least one rear-vision camera.
3. The rear-vision camera must provide a clear view of the taxi driver and all seated passengers.
4. The rear-vision camera must be able to capture all occupants of the vehicle in any image taken by the camera.
5. An internal camera must be readily visible to all vehicle occupants.
6. All cameras must be mounted in such a manner so as to readily prevent misalignment of the field of view, except in the case of a vehicle accident or other severe impact.
7. The first external camera, if at least one is installed, should be positioned to provide a view of any person standing at the window of the driver’s door.
8. An external camera, if fitted, may be concealed or not identifiable to persons outside the taxi.

9. Internal and external cameras additional to the rear-vision camera may be fitted to the taxi but the additional cameras –
  - (a) must be at least the same standard in all aspects as the rear-vision camera; and
  - (b) must be fitted in accordance with this Part.
10. The installation of the security camera system must not affect the compliance of the taxi with the *Vehicle and Traffic Act 1999*.
11. The cameras and all system components must be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
12. The security camera system must not inappropriately interfere with another system on board the taxi, and must itself not be affected by any sources of interference likely to be encountered in the taxi.
13. Apart from the internal camera referred to in item 5, all other internal components of the security camera system must be concealed.
14. The security camera system must be installed in a manner that enables the system to be easily tested to ensure that all features are operating and that images are being recorded as required under these regulations.
15. The security camera system must be installed in a manner that enables the easy download of a video recording from the camera system.

