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**TRANSPORT**

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TN301\*

Taxi Act 1994

**Taxi Amendment Regulations 2011**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Taxi Amendment Regulations 2011*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2011.

**3. Regulations amended**

These regulations amend the *Taxi Regulations 1995*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

*approved person* means a person who is approved for the purposes of the provision in which the term is used;

*camera surveillance unit* means an approved device that takes visual or audio-visual recordings;

**5. Regulation 13B replaced**

Delete regulation 13B and insert:

**13B. Requirements relating to camera surveillance units in taxis**

- (1) A person must not operate a vehicle as a taxi at any time (the *relevant time*) unless —
- (a) a camera surveillance unit has been installed in the vehicle in an approved manner by an approved person; and
  - (b) a certificate has been given under regulation 13G(2) by an approved person in respect of the camera surveillance unit within 12 months before the relevant time; and
  - (c) the camera surveillance unit —
    - (i) subject to subregulation (2), was first installed in the vehicle or in any other vehicle within 5 years before the relevant time; and
    - (ii) is in the same position as it was when installed in the vehicle in the approved manner; and
    - (iii) is in proper working order; and
    - (iv) is in operation in the vehicle whenever the vehicle is in use as a taxi.
- (2) Subregulation (1)(c)(i) applies to a camera surveillance unit that is first installed on or after 1 July 2011 in a vehicle operated as a taxi.

- (3) If an authorised officer is of the opinion that a vehicle operated as a taxi does not comply with the requirements of subregulation (1), the officer may —
- (a) by notice in writing, direct the plate holder or the operator —
    - (i) to remedy any defect that relates to the camera surveillance unit in the vehicle, as specified in the notice; and
    - (ii) to have the vehicle inspected at a specified place by an approved person or an authorised officer, within the period specified in the notice; and
  - (b) by attaching a copy of the notice to the vehicle, prohibit the continued operation of the vehicle as a taxi until —
    - (i) it has been inspected by an approved person or an authorised officer and the camera surveillance unit found to be in a satisfactory condition; and
    - (ii) the approved person or authorised officer has removed the notice from the vehicle.
- (4) A person must not operate a vehicle as a taxi unless an approved sign stating that a camera surveillance unit is in operation in the vehicle is displayed at an approved place on each door of the vehicle.

**13C. Requirements relating to regulation 13B(3)**

- (1) A person given a direction under regulation 13B(3)(a) —
- (a) must comply with the direction; and
  - (b) must rectify any defect relating to the camera surveillance unit in the vehicle that is found during an inspection by an approved person or an authorised officer.
- (2) A person other than an approved person or an authorised officer must not remove, interfere with or destroy a notice attached to a vehicle under regulation 13B(3)(b).
- (3) A person must not operate a vehicle as a taxi while the vehicle is subject to a prohibition under regulation 13B(3)(b).

**13D. Approved persons to install, remove and service camera surveillance units in taxis**

- (1) In this regulation —  
*service* includes repair, maintain, adjust, modify, inspect and test.

- (2) A person other than an approved person must not —
  - (a) install a camera surveillance unit in a vehicle operated as a taxi; or
  - (b) remove a camera surveillance unit from a vehicle operated as a taxi; or
  - (c) service a camera surveillance unit installed in a vehicle operated as a taxi.

**13E. Downloading etc. information stored in camera surveillance units**

- (1) A person must not view, download, copy, play, edit or erase any visual or audio-visual recording stored in a camera surveillance unit installed in a vehicle operated as a taxi.
- (2) Subregulation (1) does not apply to —
  - (a) an authorised officer; or
  - (b) an approved person who is authorised to view, download, copy, play, edit or erase the visual or audio-visual recording by an authorised officer.

**13F. Obstructing and interfering with camera surveillance units**

- (1) A person must not obstruct, interfere with or destroy a camera surveillance unit installed in a vehicle operated as a taxi.
- (2) Subregulation (1) does not apply to or in relation to —
  - (a) anything done by an approved person in accordance with regulation 13D(2); or
  - (b) anything done by an authorised officer or an approved person in accordance with regulation 13E(2).

**13G. Certificate of proper working order for camera surveillance units**

- (1) In subregulation (2) —

*current certificate* means a certificate given within 12 months before the certificate is provided to the Director General under that subregulation.
- (2) A person who operates a vehicle as a taxi must provide to the Director General each year, at the approved time and in the approved form, a current certificate given by an approved person certifying that the camera surveillance unit installed in the vehicle was inspected on the specified date by the approved person and found to be in proper working order.

- (3) An approved person must not state any false or misleading information in a certificate that is given by the person for the purposes of this regulation.

### 13H. Transitional

- (1) In this regulation —  
*commencement day* means the day on which the *Taxi Amendment Regulations 2011* regulation 5 comes into operation.
- (2) A vehicle operated as a taxi that, immediately before the commencement day, is required to comply with conditions imposed by the Director General under section 20 in relation to a camera surveillance unit installed in the vehicle is taken to be operated in compliance with the requirements of regulation 13B(1)(a), (b) and (c)(ii) if the vehicle complies with those conditions.
- (3) The Director General may publish a notice in the *Gazette* stating that subregulation (2) ceases to have effect in relation to a camera surveillance unit of a specified type on and from —
- (a) the day after the day on which the notice is published in the *Gazette*; or
  - (b) any later day specified in the notice.
- (4) Subregulation (2) ceases to have effect as stated in a notice under subregulation (3) in relation to a camera surveillance unit of a type specified in the notice.

### 6. Regulation 18 amended

In regulation 18(2) delete “or drive”.

### 7. Schedule 1 amended

- (1) In Schedule 1 delete item 25 and insert:

25	Regulation 13B(1)	Offences relating to camera surveillance unit requirements	200
26A	Regulation 13B(4)	Failing to display approved sign	100
26B	Regulation 13C(1)	Failing to comply with direction or rectify defect	250
26C	Regulation 13C(2)	Unauthorised removal of notice	250

26D	Regulation 13C(3)	Operating a taxi subject to prohibition	250
26E	Regulation 13D(2)	Unauthorised installing, removing or servicing of camera surveillance unit	200
26F	Regulation 13E(1)	Unauthorised downloading of information from camera surveillance unit	500
26G	Regulation 13F(1)	Obstructing or interfering with camera surveillance unit	500
26H	Regulation 13G(2)	Failing to provide current certificate	200
26I	Regulation 13G(3)	Stating false or misleading information in certificate	200

(2) In Schedule 1 item 31 delete “or driving”.

By Command of the Lieutenant-Governor and Administrator,

R. KENNEDY, Clerk of the Executive Council.

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