

NORTHERN TERRITORY OF AUSTRALIA

**COMMERCIAL PASSENGER AMENDMENT (SECURITY CAMERAS)
REGULATIONS 2010**

Subordinate Legislation No. 21 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 21 of 2010*

Commercial Passenger Amendment (Security Cameras) Regulations 2010

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Commercial Passenger (Road) Transport Act*.

Dated 22 September 2010

T. I. PAULING
Administrator

By His Honour's Command

G. F. McCARTHY
Minister for Transport

* Notified in the *Northern Territory Government Gazette* on 29 September 2010.

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Commercial Passenger Amendment (Security Cameras) Regulations 2010*.

2 Commencement

These Regulations commence on 1 November 2010.

Part 2 Amendment of Commercial Passenger (Miscellaneous) Regulations

3 Regulations amended

This Part amends the *Commercial Passenger (Miscellaneous) Regulations*.

4 Schedule 1 amended

(1) Schedule 1, heading to Column 4

omit

\$

insert

Penalty units

(2) Schedule 1, column 4

omit (all references)

50

insert

0.5

-
- (3) Schedule 1, column 4
omit (all references)
 100
insert
 1
- (4) Schedule 1, column 4
omit (all references)
 400
insert
 4
- (5) Schedule 1, after item 30
insert
- | | | | |
|------|----------------------|--|---|
| 30A. | regulation
27C(1) | Operator failing to ensure taxi
has onboard system | 4 |
| 30B. | regulation
27C(2) | Operator failing to ensure
onboard system is functioning | 4 |
| 30C. | regulation 27D | Operator failing to ensure signs
fitted advising of security
camera surveillance | 4 |
| 30D. | regulation 27E | Operator failing to ensure
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onboard system | 4 |
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27F(1) | Driver operating taxi when
onboard system not functioning | 2 |
| 30F. | regulation
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onboard system not functioning | 2 |
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system | 4 |

30H.	regulation 27H	Person fitting taxi security camera system in Part 4A taxi that is not approved taxi security camera system	4
30J.	regulation 27L(1)	Person who is not authorised person or officer examining recording from onboard system	4
30K.	regulation 27L(3)	Person examining or copying recording from onboard system for an unauthorised purpose	4
30L.	regulation 27M(1)	Authorised person failing to maintain register about examining or copying recording	4
30M.	regulation 27M(2)	Authorised person failing to make register available on demand	4
30N.	regulation 27N	Authorised person failing to comply with request by officer	4
30P.	regulation 27P	Person failing to dispose of copy	4
(6)	Schedule 1, after item 60		
	<i>insert</i>		
60A.	regulation 18C(1)	Operator failing to ensure minibus has onboard system	4
60B.	regulation 18C(2)	Operator failing to ensure onboard system is functioning	4
60C.	regulation 18D	Operator failing to ensure signs fitted advising of security camera surveillance	4
60D.	regulation 18E	Operator failing to ensure driver competent to operate onboard system	4
60E.	regulation 18F(1)	Driver operating minibus when onboard system not functioning	2

60F.	regulation 18F(2)	Driver accepting hiring when onboard system not functioning	2
60G.	regulation 18G(1)	Person interfering with onboard system	4
60H.	regulation 18H	Person fitting minibus with security camera system in Part 3A minibus that is not approved minibus security camera system	4
60J.	regulation 18L(1)	Person is not authorised person or officer examining recording from onboard system	4
60K.	regulation 18L(3)	Person examining or copying recording from onboard system for an unauthorised purpose	4
60L.	regulation 18M(1)	Authorised person failing to maintain register about examining or copying recording	4
60M.	regulation 18M(2)	Authorised person failing to make register available on demand	4
60N.	regulation 18N	Authorised person failing to comply with request by officer	4
60P.	regulation 18P	Person failing to dispose of copy	4

(7) Schedule 1, column 2

omit (all references)

Section

insert

section

(8) Schedule 1, column 2

omit (all references)

Reg

insert

regulation

Part 3 Amendment of Minibus Regulations

5 Regulations amended

This Part amends the *Minibus Regulations*.

6 Regulation 3 amended

(1) Regulation 3

omit

Regulations, unless the contrary intention appears –

insert

Regulations:

(2) Regulation 3

insert (in alphabetical order)

approved minibus security camera system, for Part 3A, see regulation 18A.

authorised person, for Part 3A, see regulation 18A.

authorised purpose, for Part 3A, see regulation 18A.

functioning, for Part 3A, see regulation 18A.

minibus security camera system, for Part 3A, see regulation 18A.

officer, for Part 3A, see regulation 18A.

onboard system, for Part 3A, see regulation 18A.

Part 3A minibus, for Part 3A, see regulation 18A.

7 Part 3A inserted

After regulation 18

insert

Part 3A Security camera systems in certain minibuses**18A Definitions**

In this Part:

approved minibus security camera system means a minibus security camera system approved under regulation 18Q(2).

authorised person means a person authorised as mentioned in regulation 18J.

authorised purpose means a purpose as mentioned in regulation 18K.

functioning, in relation to a minibus security camera system, means one or more visual indicators on the camera (or equipment associated with the camera) indicate the system is working correctly and is capable of recording images.

minibus security camera system means a system designed to be fitted to a minibus to record images of persons in or near the minibus.

officer means an inspector, police officer or member of the Australian Federal Police.

onboard system means:

- (a) an approved minibus security camera system fitted to a minibus; or
- (b) a particular minibus security camera system that is not an approved minibus security camera system but, immediately before the commencement of this regulation, was fitted to a particular minibus as a minibus security camera system for it.

Part 3A minibus means a minibus that is licensed to stand and ply for hire at a minibus rank, or an approved place, within a minibus area to which this Part applies.

Note

See regulation 18B for declarations about minibus areas to which this Part applies.

18B Declaration for application of Part

The Minister may, by *Gazette* notice, declare this Part applies in relation to a minibus area.

18C Onboard system to be fitted and functioning

- (1) The operator of a Part 3A minibus must not cause or permit the minibus to operate unless it has an onboard system.

Maximum penalty: 40 penalty units.

- (2) The operator must ensure the onboard system is functioning when the minibus is:

- (a) carrying passengers for hire or reward; or
(b) available to carry passengers for hire or reward.

Maximum penalty: 40 penalty units.

Note for regulation 18C

There may be an exemption under section 38J of the Act or regulation 18R that applies to the operator.

18D Operator to ensure signage fitted

The operator of a Part 3A minibus that has an onboard system must ensure signs are conspicuously placed inside and outside the minibus, that advise persons they may be under surveillance when in or near the minibus.

Maximum penalty: 40 penalty units.

18E Operator to ensure driver is competent to operate onboard system

The operator of a Part 3A minibus that has an onboard system must not permit a driver to operate the minibus unless satisfied the driver is competent to operate the system.

Maximum penalty: 40 penalty units.

18F Driver to ensure onboard system is functioning

- (1) A driver of a Part 3A minibus that has an onboard system must ensure the system is functioning when the driver is operating the minibus.

Maximum penalty: 20 penalty units.

- (2) If the onboard system is not functioning, the driver must not accept a hiring.

Maximum penalty: 20 penalty units.

Note for regulation 18F

There may be an exemption under section 38J of the Act or regulation 18R that applies to a driver.

18G Interference with onboard system

- (1) A person must not interfere with, or cause or permit another person to interfere with, an onboard system.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply to an authorised person or officer:

- (a) inspecting, maintaining, repairing or testing the onboard system; or
- (b) examining or copying a recording made by the system for an authorised purpose.

18H Only approved minibus security camera system to be fitted

A person must not fit a minibus security camera system in a Part 3A minibus unless the system is an approved minibus security camera system.

Maximum penalty: 40 penalty units.

18J Authorised persons

- (1) The Director may, in writing, authorise a person to do either or both of the following:

- (a) inspect, maintain, repair and test onboard systems;
- (b) examine and copy recordings taken by onboard systems.

- (2) However, the Director may only authorise a person if satisfied the person has the necessary technical knowledge and equipment for performing the functions the person is authorised to do.
- (3) Without limiting the conditions the Director may impose on an authority under subregulation (1), it is a condition of each authority that the authorised person must maintain all the person's equipment for performing the functions the person is authorised to do.

18K Authorised purposes

The following are authorised purposes for which an authorised person or officer may examine or copy a recording taken by an onboard system:

- (a) ensuring compliance by any of the following persons with requirements that apply to the person under a law in force in the Territory;
 - (i) the operator of a Part 3A minibus;
 - (ii) a driver of a Part 3A minibus;
 - (iii) a passenger of a Part 3A minibus with an obligation to pay the fare for a hiring of the minibus;
- (b) investigating an offence committed in the Territory or elsewhere (including locating a person in connection with such an offence) or otherwise enforcing a law in force in the Territory;
- (c) locating a missing person or furthering an investigation into the safety or welfare of any person;
- (d) inspecting, maintaining, repairing or testing an onboard system.

18L Examining or copying recording

- (1) A person must not examine a recording taken by an onboard system, or copy a recording from the system, unless the person is an authorised person or officer or is under the direct supervision of an authorised person or officer.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply in relation to a copy of a recording taken by an onboard system that:
 - (a) forms, or is to form, part of evidence in court proceedings; and

- (b) is examined by persons involved with or as part of the proceedings.
- (3) An authorised person or officer must not examine or copy a recording taken by an onboard system, or supervise another person who examines or copies a recording, unless the examination or copying is for an authorised purpose.

Maximum penalty: 40 penalty units.

18M Register of examination and copies of recordings

- (1) An authorised person must maintain a register containing the following details in relation to each examination or copying of a recording taken by an onboard system:
 - (a) the registration number of the minibus in which the system was fitted when the recording was taken;
 - (b) the date and time of the examination or copying;
 - (c) the purpose of the examination or copying;
 - (d) the location of any copy made;
 - (e) the name of the person who carried out the examination or copying.

Maximum penalty: 40 penalty units.

- (2) The authorised person must make the register available for inspection at any reasonable time on demand by an officer or the Director.

Maximum penalty: 40 penalty units.

18N Authorised person to make copy when required

If an officer asks an authorised person to do either or both of the following, the authorised person must comply with the request:

- (a) make a copy of a recording from an onboard system and give the copy to the officer by a specified date;

- (b) take other action in relation to the copy as specified by the officer.

Maximum penalty: 40 penalty units.

Example for paragraph (b)

If the copy does not reveal evidence of any offence, the officer may direct the authorised person to erase or destroy the copy.

18P Disposal of copy of recording

If a copy was made of a recording taken by an onboard system and it is not required for use in court proceedings, the person in control of the copy must ensure it is disposed of, within 30 days after the copy was made, by:

- (a) deleting, or recording over, an electronic record; or
- (b) physical destruction of media containing an electronic record; or
- (c) physical destruction of a printed copy of a record; or
- (d) any other approved way of deleting or destroying the copy.

Maximum penalty: 40 penalty units.

18Q Powers of Director

- (1) The Director may publish, in a way the Director considers appropriate, specifications about minibus security camera systems.
- (2) The Director may, by *Gazette* notice, approve a make and model of a minibus security camera system as a system that is an approved minibus security camera system.
- (3) The Director may issue operational requirements in relation to onboard systems, including, for example, requirements about any of the following:
 - (a) management of complaints related to onboard systems;
 - (b) record keeping related to onboard systems;
 - (c) responsibilities of authorised persons.

18R Exemptions because of certain circumstances

- (1) On application by the operator of a Part 3A minibus, the Director may, if satisfied it is appropriate, exempt the operator and any driver of the minibus from specified provisions of this Part if:
 - (a) the minibus is a Part 3A minibus that has an onboard system; but
 - (b) the system is not functioning and the operator cannot have it repaired so it is functioning, or replaced, within a reasonable period.
- (2) An exemption under subregulation (1) must be in writing and must specify each of the following
 - (a) the minibus to which the exemption relates and the name of the operator;
 - (b) the provisions of this Part from which the operator and any driver or the minibus is exempted;
 - (c) the period for which the exemption applies;
 - (d) any conditions the Director considers appropriate.

8 Regulation 20 amended

Regulation 20(2)

omit, insert

- (2) In this regulation:

advertisement includes a statement or representation of any kind whether made by means of any or all of the following:

- (a) letters, maps, plans or drawings;
- (b) pictorial representations or designs.

9 Regulation 25 amended

Regulation 25, penalty provision

omit, insert

Maximum penalty: 25 penalty units.

Part 4 **Amendment of Taxis Regulations**

10 **Regulations amended**

This Part amends the *Taxis Regulations*.

11 **Regulation 3 amended**

Regulation 3(1)

insert (in alphabetical order)

approved taxi security camera system, for Part 4A, see regulation 27A.

authorised person, for Part 4A, see regulation 27A.

authorised purpose, for Part 4A, see regulation 27A.

functioning, for Part 4A, see regulation 27A.

officer, for Part 4A, see regulation 27A.

onboard system, for Part 4A, see regulation 27A.

Part 4A taxi, for Part 4A, see regulation 27A.

taxi security camera system, for Part 4A, see regulation 27A.

12 **Part 4A inserted**

After regulation 27

insert

Part 4A **Security camera systems in certain taxis**

27A **Definitions**

In this Part:

approved taxi security camera system means a taxi security camera system approved under regulation 27Q(2).

authorised person means a person authorised as mentioned in regulation 27J.

authorised purpose means a purpose as mentioned in regulation 27K.

functioning, in relation to a taxi security camera system, means one or more visual indicators on the camera (or equipment associated with the camera) indicate the system is working correctly and is capable of recording images.

officer means an inspector, police officer or member of the Australian Federal Police.

onboard system means an approved taxi security camera system fitted to a taxi.

Part 4A taxi means a taxi that is licensed to stand and ply for hire within a taxi area to which this Part applies.

Note

See regulation 27B for declarations about taxi areas to which this Part applies.

taxi security camera system means a system designed to be fitted to a taxi to record images of persons in or near the taxi.

27B Declaration for application of Part

The Minister may, by *Gazette* notice, declare this Part applies in relation to a taxi area.

27C Onboard system to be fitted and functioning

- (1) The operator of a Part 4A taxi must not cause or permit the taxi to operate unless it has an onboard system.

Maximum penalty: 40 penalty units.

- (2) The operator must ensure the onboard system is functioning when the taxi is:

- (a) carrying passengers for hire or reward; or
- (b) available to carry passengers for hire or reward.

Maximum penalty: 40 penalty units.

Note for regulation 27C

There may be an exemption under section 20 of the Act or regulation 27R that applies to the operator.

27D Operator to ensure signage fitted

The operator of a Part 4A taxi that has an onboard system must ensure signs are conspicuously placed inside and outside the taxi, that advise persons they may be under surveillance when in or near the taxi.

Maximum penalty: 40 penalty units.

27E Operator to ensure driver is competent to operate onboard system

The operator of a Part 4A taxi that has an onboard system must not permit a driver to operate the taxi unless satisfied the driver is competent to operate the system.

Maximum penalty: 40 penalty units.

27F Driver to ensure onboard system is functioning

- (1) A driver of a Part 4A taxi that has an onboard system must ensure the system is functioning when the driver is operating the taxi.

Maximum penalty: 20 penalty units.

- (2) If the onboard system is not functioning, the driver must not accept a hiring.

Maximum penalty: 20 penalty units.

Note for regulation 27F

There may be an exemption under section 20 of the Act or regulation 27R that applies to a driver.

27G Interference with onboard system

- (1) A person must not interfere with, or cause or permit another person to interfere with, an onboard system.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply to an authorised person or officer:
- (a) inspecting, maintaining, repairing or testing the onboard system; or
 - (b) examining or copying a recording made by the system for an authorised purpose.

27H Only approved taxi security camera system to be fitted

A person must not fit a taxi security camera system in a Part 4A taxi unless the system is an approved taxi security camera system.

Maximum penalty: 40 penalty units.

27J Authorised persons

- (1) The Director may, in writing, authorise a person to do either or both of the following:
 - (a) inspect, maintain, repair and test onboard systems;
 - (b) examine and copy recordings from onboard systems.
- (2) However, the Director may only authorise a person if satisfied the person has the necessary technical knowledge and equipment for performing the functions the person is authorised to do.
- (3) Without limiting the conditions the Director may impose on an authority under subregulation (1), it is a condition of each authority that the authorised person must maintain all the person's equipment for performing the functions the person is authorised to do.

27K Authorised purposes

The following are authorised purposes for which an authorised person or officer may examine or copy a recording from an onboard system:

- (a) ensuring compliance by any of the following persons with requirements that apply to the person under a law in force in the Territory;
 - (i) the operator of a Part 4A taxi;
 - (ii) a driver of a Part 4A taxi;
 - (iii) a passenger of a Part 4A taxi with an obligation to pay the fare for a hiring of the taxi;
- (b) investigating an offence committed in the Territory or elsewhere (including locating a person in connection with such an offence) or otherwise enforcing a law in force in the Territory;
- (c) locating a missing person or furthering an investigation into the safety or welfare of any person;

- (d) inspecting, maintaining, repairing or testing an onboard system.

27L Examining or copying recording

- (1) A person must not examine a recording taken by an onboard system, or copy a recording from the system, unless the person is an authorised person or officer or is under the direct supervision of an authorised person or officer.

Maximum penalty: 40 penalty units.

- (2) Subregulation (1) does not apply in relation to a copy of a recording taken by an onboard system that:
 - (a) forms, or is to form, part of evidence in court proceedings; and
 - (b) is examined by persons involved with or as part of the proceedings.
- (3) An authorised person or officer must not examine or copy a recording from an onboard system, or supervise another person who examines or copies a recording, unless the examination or copying is for an authorised purpose.

Maximum penalty: 40 penalty units.

27M Register of examination and copies of recordings

- (1) An authorised person must maintain a register containing the following details in relation to each examination or copying of a recording from an onboard system:
 - (a) the registration number of the taxi in which the system was fitted when the recording was taken;
 - (b) the date and time of the examination or copying;
 - (c) the purpose of the examination or copying;
 - (d) the location of any copy made;
 - (e) the name of the person who carried out the examination or copying.

Maximum penalty: 40 penalty units.

- (2) The authorised person must make the register available for inspection at any reasonable time on demand by an officer or the Director.

Maximum penalty: 40 penalty units.

27N Authorised person to make copy when required

If an officer asks an authorised person to do either or both of the following, the authorised person must comply with the request:

- (a) make a copy of a recording from an onboard system and give the copy to the officer by a specified date;
- (b) take other action in relation to the copy as specified by the officer.

Maximum penalty: 40 penalty units.

Example for paragraph (b)

If the copy does not reveal evidence of any offence, the officer may direct the authorised person to erase or destroy the copy.

27P Disposal of copy of recording

If a copy was made of a recording taken by an onboard system and it is not required for use in court proceedings, the person in control of the copy must ensure it is disposed of, within 30 days after the copy was made, by:

- (a) deleting, or recording over, an electronic record; or
- (b) physical destruction of media containing an electronic record; or
- (c) physical destruction of a printed copy of a record; or
- (d) any other approved way of deleting or destroying the copy.

Maximum penalty: 40 penalty units.

27Q Powers of Director

- (1) The Director may publish, in a way the Director considers appropriate, specifications about taxi security camera systems.
- (2) The Director may, by *Gazette* notice, approve a make and model of a taxi security camera system as a system that is an approved taxi security camera system.

- (3) The Director may issue operational requirements in relation to onboard systems, including, for example, requirements about any of the following:
- (a) management of complaints related to onboard systems;
 - (b) record keeping related to onboard systems;
 - (c) responsibilities of authorised persons.

27R Exemptions because of certain circumstances

- (1) On application by the operator of a Part 4A taxi, the Director may, if satisfied it is appropriate, exempt the operator and drivers of the taxi from specified provisions of this Part if:
- (a) the taxi is a Part 4A taxi that has an onboard system; but
 - (b) the system is not functioning and the operator cannot have it repaired so it is functioning, or replaced, within a reasonable period.
- (2) An exemption under subregulation (1) must be in writing and must specify each of the following:
- (a) the taxi to which the exemption relates and the name of the operator;
 - (b) the provisions of this Part from which the operator and any driver or the taxi is exempted;
 - (c) the period for which the exemption applies;
 - (d) any conditions the Director considers appropriate.

13 Regulation 33 amended

- (1) Regulation 33(1)

omit

shall

insert

must

(2) Regulation 33(2)

omit, insert

(2) In this regulation:

advertisement includes a statement or representation of any kind whether made by means of any or all of the following:

- (a) letters, maps, plans or drawings;
- (b) pictorial representations or designs.

14 Regulation 35 amended

Regulation 35(1), penalty provision

omit, insert

Maximum penalty: 25 penalty units.

Part 5 Further amendments of commercial passenger legislation

15 Regulations amended

The Schedule has effect.

Schedule Further amendments of commercial passenger legislation

regulation 15

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Commercial Passenger (Miscellaneous) Regulations		
regulations 3(a) and 5(2)(a), at the end		or
regulation 4	shall be deemed	is taken
Minibus Regulations		
regulations 4(2)(a) and (b) and 5(1)(a), at the end		and
regulation 7(b)	demand,	demand;
regulation 8, heading	Member of the Police Force	Police officer may require to be carried as passenger
regulation 8(1)	whole subregulation	(1) A police officer acting in the course of duty may require a driver to carry the police officer as a passenger.
regulation 8(3)	A member of the Police Force	A police officer
regulation 12(3)(a), at the end		or
regulation 13(1)	determine whether	see if
regulation 17(2)(b)	minibus,	minibus;

regulation 17(2)(c) to (h), at the end		or
<i>Taxis Regulations</i>		
regulation 4(1)	shall	must
regulation 4(1)(a) and (b), at the end		and
regulation 4(2)(a) and (b)	shall	must
regulation 5(2)(a) and (b), at the end		and
regulation 6, heading	Member of the police force	Police officer may require to be carried as passenger
regulation 6(1)	member of the Police Force <i>(all references)</i>	police officer
regulation 6(2)	all words from "shall" to "police force"	must not refuse a request made under subregulation (1) and the police officer
regulations 8(1) and (2), 9, 10(1) and 11(1), (2), (4) and (5),	shall	must
regulation 12, heading	, &c.	etc.
regulation 13(1)	shall	must
regulation 14(b)	shall not charge for the interval between the hirings,	must not charge for the interval between the hirings;
regulation 14	he	the driver
regulations 15(a) and (b), 16(1) to (6), 17 and 18	shall <i>(all references)</i>	must

regulation 19	if a person while travelling in a taxi	, and require a person in the taxi to alight from it, if the person while travelling in the taxi does any of the following
regulation 19(b)	; or	;
regulation 19(c)	nuisance,	nuisance.
regulation 19	all words from "and" to "taxi."	
regulations 20(a), (b), (c) and (e) and 21	shall (<i>all references</i>)	must
regulation 21(a), at the end		or
regulation 21(c)	inspector,	inspector;
regulations 22(1) and (2) and 23(1)	shall	must
regulations 23(1)(a) and (b) and 25(a), at the end		and
regulations 25, 26(1), (2)(a) and (b), and (3), 27, 29, 31, 32(1), (2) and (3), 34 and Schedule 2, item 1	shall	must
Schedule 2, item 1(a), at the end	;	; and
Schedule 2, item 1(b)	displaying	displaying the following in easily discernible letters and figures
Schedule 2, item 1(b)(ii)	and	
Schedule 2, item 1(b)(iii)	rate,	rate; and
Schedule 2, item 1(b)	all the words from "in," to "and figures;"	

Schedule 2, items 2, 3 and 4 shall must
