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Rules Publication

RULES PUBLICATION ACT 1953

NOTICE OF THE MAKING OF STATUTORY RULES

In accordance with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:-

Title of Act (if any) under which statutory rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Transport Act 1981</i>	S. R. 2023, No. 35	<i>Transport Regulations 2023</i>
(2) <i>Taxi and Hire Vehicle Industries Act 2008</i>	S. R. 2023, No. 36	<i>Taxi and Hire Vehicle Industries Regulations 2023</i>
(3) <i>Taxi and Hire Vehicle Industries Act 2008</i>	S. R. 2023, No. 37	<i>Taxi and Hire Vehicle Industries (Review of Decisions) Amendment Regulations 2023</i>
(4) <i>Traffic Act 1925</i>	S. R. 2023, No. 38	<i>Traffic (Compliance and Enforcement) Amendment (Passenger Transport Reform) Regulations 2023</i>
(5) <i>Passenger Transport Services Act 2011</i>	S. R. 2023, No. 39	<i>Passenger Transport Services Regulations 2023</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Transport Regulations 2023*

These regulations prescribe, for the purposes of the *Transport Act 1981*, payments relating to transport in respect of which the Transport Commission has the power to grant full or partial exemptions or rebates.

(2) *Taxi and Hire Vehicle Industries Regulations 2023*

These regulations –

(a) prescribe, for the purposes of the *Taxi and Hire Vehicle Industries Act 2008* –

- (i) the licensing, operating, specifications and equipment requirements of taxis, luxury hire cars and restricted hire vehicles; and
- (ii) the appointment and duties of authorised meter adjusters; and
- (iii) the fees payable in respect of the licensing of vehicles to which the Act applies; and
- (iv) other miscellaneous matters; and

(b) rescind the *Taxi Industry Regulations 2018*, *Luxury Hire Car Industry Regulations 2018*, *Restricted Hire Vehicle Industry Regulations 2013* and associated amendment legislation.

(3) *Taxi and Hire Vehicle Industries (Review of Decisions) Amendment Regulations 2023*

These regulations amend the *Taxi and Hire Vehicle Industries (Review of Decisions) Regulations 2019* by updating the references to administrative decisions under the *Taxi and Hire Vehicle Industries Regulations 2023*.

(4) *Traffic (Compliance and Enforcement) Amendment (Passenger Transport Reform) Regulations 2023*

These regulations amend the *Traffic (Compliance and Enforcement) Regulations 2017* by removing references to the *Passenger Transport Services Act 2011*, the *Taxi and Hire Vehicle Industries Act 2008* and associated statutory rules, consequent on the commencement of the *Taxi and Hire Vehicle Industries Regulations 2023*.

(5) *Passenger Transport Services Regulations 2023*

These regulations –

(a) prescribe, for the purposes of the *Passenger Transport Services Act 2011* –

- (i) certain requirements, duties, obligations and powers of service providers, operators, drivers, authorised officers and passengers of passenger transport services; and
- (ii) the non-application of that Act in certain circumstances; and
- (iii) fees and other administrative matters; and

(b) are made consequent on the repeal of the *Passenger Transport Services Regulations 2013* under section 11 of the *Subordinate Legislation Act 1992*.

Copies of the abovementioned statutory rules may be purchased at The Print Division Tasmania, 46 Brisbane Street, Hobart, Phone: 03 6210 9633, Email: parliament@acrodta.com.au

K WOODWARD, Acting Chief Parliamentary Counsel

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

'Anyone who has problems with, or feels they are adversely affected by, any of the above Regulations can write to the Secretary of the Subordinate Legislation Committee, Legislative Council, Parliament House, Hobart, 7000.'

TANIA RATTRAY, MLC, Chairperson.

Taxi and Hire Vehicle Industries

Taxi and Hire Vehicle Industries Act 2008

[section 94]

The Transport Commission, in pursuance of section 94 of the *Taxi and Hire Vehicle Industries Act 2008* (the Act), approves the requirements to be satisfied by a security camera for use in taxis.

This notice takes effect on 26 June 2023.

A. Interpretation

For the purposes of this notice, terms have the following meaning:

Australian Eastern Daylight Savings Time (AEDST) means the time reference used by GPS receivers during the Gazetted daylight savings time in Tasmania.

Australian Eastern Standard Time (AEST) means the time reference used by GPS receivers in Tasmania.

Authorised officer means a person authorised by the Transport commission, under section 9(2) of the *Traffic Act 1925*.

CCTV means Closed Circuit Television.

Hiring period has the same definition as contained in the *Passenger Transport Services Regulations 2023*.

IP67 rating means that the device has an ingress protection rating that is resistant against water ingress to a maximum of one metre of water for up to 30 minutes, as well as protection against dust ingress, as specified in Australian Standard – AS 60529-2004.

Recording means any images or continuous video captured from the security camera system.

Security Camera System means a camera system as defined in the *Taxi and Hire Vehicle Industries Regulations 2023* and includes, but is not limited to, a control unit, recording unit, camera heads, cables and any other components, including advisory decals, required to make the system operate correctly.

Supplier means any entity which manufactures and/or supplies any Security Camera System.

B. Taxi security camera requirements

For the purpose of this notice the requirements that must be satisfied by a security camera are:

A security camera has the following construction and fitting:

- (a) The Security Camera System is not to have any sharp edges or protrusions, which may cause injury to the driver or any passenger when fitted to a vehicle.
- (b) The Security Camera System must be capable of functioning as originally intended anywhere within Tasmania, having regard to possible weather and geographic extremes experienced across the State, including gravel and dirt roads; narrow and steep roads; abundant wildlife; and sudden weather extremes, such as icy and windy conditions.
- (c) The Security Camera System must be able to operate in a temperature range of -5°C to +60°C and a humidity range of 0 to 85 per cent relative humidity, non-condensing.
- (d) Security Camera System connection points and exterior camera components, if any, must meet or exceed an IP67 rating¹.
- (e) All components of the Security Camera System must be resistant to impact, shock, vandalism, accidental damage, and able to withstand vibrations experienced through the operation of the vehicle.
- (f) The Security Camera System must be fixed securely in place, hardwired to the vehicle's electrical system and resistant to any tampering.
- (g) The Security Camera System must not be affected by, or cause any, electromagnetic or power interference and conform to the following relevant electromagnetic conformance standards:
 - IEC CISPR 25:2021
 - ISO 10605:2008
 - ISO 7637-2:2011.
- (h) The Security Camera System must have a self-checking function with at least one discernible visual indicator which shows when the system is functioning and at least one discernible indicator which shows when there is a fault with the system.

A security camera has the following operational characteristics:

- (a) The Security Camera System must start recording within 30 seconds of vehicle ignition.
- (b) The Security Camera System must continue recording for at least 30 minutes after the ignition is turned off.
- (c) During the Hiring Period, the Security Camera System must not have the capacity to be switched off, disabled, or otherwise prevented from capturing recordings in accordance with the specifications.
- (d) Security Camera System recordings must be capable of being recovered in the event of loss of power, damage, or destruction to the Security Camera System.
- (e) The Security Camera System must, at all times, capture a clear view of the driver and all passengers from the waist up to the top of the head when seated in the vehicle. Images of all occupants of the vehicle must be of sufficient quality to enable easy identification of any occupant when viewed on readily available equipment e.g., computer monitor.
- (f) The Security Camera System must be able to record images at all times while the vehicle is operating.
- (g) The Security Camera System must be able to transfer (download) 24 hours of recorded images to an external storage device within 15 minutes, for each camera fitted.
- (h) The Security Camera System must operate so that the oldest recordings are automatically overwritten first.
- (i) The Security Camera System must self-test for faults and automatically detect and report any functional or operational faults, including loss of image capture.

A security camera system has the following image capture capability:

- (a) The Security Camera System must be a minimum of 720P resolution and able to record at a minimum of 5 frames per second.
- (b) The Security Camera System must meet the Australia and New Zealand Police Advisory Agency (ANZPAA) recommended resolution standard for facial recognition for Closed Circuit Television (CCTV) systems, as at July 2022, being a standard of Face Identification of 120%².
- (c) The resolution and clarity of image components in recordings must be consistent in all lighting conditions from darkness (0 lux) through to bright sunlight (50,000 lux).
- (d) All recordings must have the following imprinted on them (without obstructing the image of any person seated in the vehicle):
 - registration number of the vehicle in which the Security Camera System is installed
 - date and time in AEST or AEDST within one second and
 - location in coordinates with latitude and longitude accurate within a 10-metre distance at least 95% of the time.
- (e) Recordings must be able to be converted to commonly used video/image files using the proprietary software or download facility supplied with the Security Camera System.

A security camera complies with the following in relation to audio:

- (a) To comply with the *Listening Devices Act 1991*, the Security Camera System must have the audio recording function (if available) disabled at all times, whilst operational in the taxi or on-demand passenger transport service vehicle.

¹ Australian Standard - AS 60529-2004

² Australia and New Zealand Police Advisory Agency Recommendations for CCTV Systems

A security camera has functionality to secure, store and manage access to recordings in the following manner:

- (a) Access to recordings and any proprietary software/equipment required to download recordings from the Security Camera System must be restricted to:
 - Authorised Officers
 - Police officers
 - the Transport Commission and
 - the Supplier or agents of the Supplier (for installation and maintenance purposes and to comply with testing and downloading requirements under regulations).
- (b) The software and/or download system must be password protected or otherwise encrypted to prevent unauthorised access to recordings. Recordings must not be readily decrypted without using the proprietary/download software.
- (c) If a recording, including any downloaded recorded material, is stored on any remote storage device such as a computer, appropriate systems must be in place which prevents any unauthorised access to the recording or the removal of the storage hardware from a secure site.
- (d) All video recordings are to be retained in the Security Camera System for at least 14 days (336 hours).
- (e) The Security Camera System must be capable of being easily accessed for download of recordings without removal of any vehicle components. A remote hardwired port or local wireless access may be installed, providing these access points have the same level of access protection as specified for the Security Camera System.
- (f) If the Security Camera System has removable memory, it must be designed so that it prevents unauthorised access to, or removal of, that memory.
- (g) The Security Camera System must keep a log of all events for a minimum of 14 days (336 hours, including, but not limited to:
 - system faults
 - times that the system was accessed, the reasons for access and by whom
 - the time the system was activated and deactivated
 - software updates and
 - downloads of any recordings (retrievals).
- (h) Event logs must be accessible/retrievable only by Authorised Officers, the Transport Commission or Police Officers, the Supplier or agents of the Supplier and must not have the capacity to be deleted or altered.

The security camera has support available that meets the following:

- (a) For any installed Security Camera System, it must be supported by:
 - availability of 'in-country' technical support hours for any faults or complaints relating to the Security Camera System;
 - access to hardware and software components of the Security Camera System through the reliable (in-country) supply of spare parts and software updates required to maintain the system in accordance with these requirements;
 - availability of installation and testing agent(s) and download facility operator(s) for the purposes of the requirements of the *Taxi and Hire Vehicle Industries Regulations 2023* with publicly available contact details published and updated within 5 calendar days if that information changes.
- (b) A Security Camera System must be supported by the availability of all things necessary for accessing and downloading recordings and event logs to the Transport Commission and/or Tasmania Police at no cost within 2 business days if requested. Any supplied software etc. must be able to operate on a commercial, off-the-shelf computer device, using commonly available software.

THE OFFICIAL SEAL OF THE TRANSPORT COMMISSION

Is duly affixed in the presence of: -

Gary Swain
Commissioner for Transport

On this 6 day of April 2023

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