Chapter 2
Use of Surveillance in Public Places

CONTENTS
30 Introduction
31 Surveillance technology
32 Major users of public place surveillance
43 Conclusion
Chapter 2

Use of Surveillance in Public Places

INTRODUCTION

2.1 This chapter examines the various forms of public place surveillance in Victoria, who uses it, and why.

2.2 There is no single comprehensive source of information about the use of public place surveillance in Victoria. Therefore, our description has been informed by the results of our discussions with users of public place surveillance and our examination of published research. In this chapter we list the major users of public place surveillance and describe their surveillance practices and the technologies used. The many important purposes served by public place surveillance—including safety, crime prevention and control, journalism and entertainment—are outlined in Chapter 4.

2.3 Government agencies and departments, individuals and private organisations of all sizes use public place surveillance extensively and its use is increasing. Victorians can expect to be observed, recorded and tracked while engaging in daily activities in our streets, shops and major public venues.

2.4 By far the most common form of surveillance is visual surveillance, particularly by the use of CCTV cameras. As systems are becoming cheaper and easier to install and use, CCTV is increasingly relied upon by government and private users. There is also growing use of other surveillance technologies, notably tracking devices, in Victoria. We provide definitions and descriptions of the various surveillance technologies in this chapter.

2.5 In our Consultation Paper we discussed some current trends in relation to surveillance use in Victoria. These are:

- the use of increasingly sophisticated technological devices with greater capacities
- the decreasing cost of surveillance devices and their greater use by businesses and individuals
- the increase in mass surveillance that monitors large groups of people rather than specific individuals
- the widespread use of location and tracking devices
- the increased capacity to store, use and disseminate surveillance data.¹

2.6 There is also a tendency for technologies to converge, allowing for the creation of devices with increased surveillance capabilities. CCTV, for example, may be combined with facial recognition technology (described below) to identify individuals from their images. Another example is modern mobile phones, which combine telephonic services with GPS tracking software, digital visual and sound recording capabilities, and connection to the internet. A consequence of the convergence of surveillance technologies is the greater ability of surveillance users to compile detailed pictures of members of the public,² making it increasingly difficult for individuals to maintain their privacy and anonymity.³
SURVEILLANCE TECHNOLOGY

CLOSED-CIRCUIT TELEVISION (CCTV)

2.7 A CCTV system is one in which a number of video cameras are connected through a closed circuit or loop, and the images taken by these cameras are sent to a television monitor or recorder. The term ‘closed circuit’ highlights the private nature of the system and distinguishes it from television broadcasting from which anyone can receive signals. Increasingly, modern CCTV cameras use digital technology and are no longer closed circuit but are usually networked digital cameras. The expression CCTV is still commonly used, however, to refer to camera surveillance. Increasingly, CCTV is combined with software capable of ‘smart’ surveillance. For example, some CCTV systems can track individuals within a camera image or across multiple screens.

GLOBAL POSITIONING SYSTEM (GPS) AND SATELLITE TECHNOLOGY

2.8 Many location devices rely on GPS technology. GPS works by measuring the time it takes a signal to travel the distance between a satellite and the device itself. GPS is commonly used in vehicles and handheld objects such as mobile phones and personal digital assistants. The nature of the technology means the device itself can be used as a tracking device.

TRACKING MOBILE PHONES

2.9 Every mobile phone has an unchangeable electronic serial number (ESN), which, when combined with a phone number, makes the phone easily distinguishable by a telecommunications service provider, enabling the telephone to be tracked over time. GPS applications on mobile phones mean that phones can also be used for location or tracking surveillance.

RADIO FREQUENCY IDENTIFICATION (RFID)

2.10 RFID is another type of tracking device that enables identification of an object. The technology relies on a small transponder, known as a radio frequency tag, to transmit and receive radio signals to and from a scanner, known as a radio frequency reader. There are two types of RFID tags: active and passive. An active RFID tag is powered by an internal source, such as a battery, and is constantly functioning. A passive RFID tag is powered by an external source, for example the e-tag reader on Melbourne freeways. Although a passive RFID tag, such as the e-tag, cannot be used to monitor the location of a vehicle constantly, it will identify the tag, and therefore the vehicle, when it is near a reader. In this way this technology can, for example, be used to track a vehicle.

2.11 Another example of RFID as a surveillance device is the new public transport ticketing system myki, which uses RFID to allow access to transport. Cards that are not issued on an anonymous basis include details about the card holder. There is, therefore, the potential for card holders’ movements to be tracked while using the transport system through the records of their card use.

AUTOMATIC NUMBER PLATE RECOGNITION (ANPR)

2.12 Another technology that can be used for location and tracking surveillance is automatic number plate recognition (ANPR). ANPR uses a camera and optical character recognition software to locate a vehicle’s number plate in an image of the vehicle and convert the number plate to text. The car’s number plate can be matched to a car registration database to identify the car owner or other matters of interest.
Chapter 2

Use of Surveillance in Public Places

BODY IMAGING DEVICES AND SCANNERS
2.13 Some types of body scanners have recently come into use at international airports in a number of countries. One type relies on x-ray technology, which has been used for over 100 years, most commonly for medical purposes. Recently, the Australian Government has trialled the use of body scan x-ray machines as an alternative to pat down checks to identify items such as weapons or explosives concealed beneath a passenger’s clothing. Another type of body scanner that was trialled is the millimetre wave scanner, which uses very low-level radio waves (similar to a radar) to scan the human body. This creates an image that may also be used to detect objects concealed under an individual’s clothing.

2.14 Thermal imaging cameras work by detecting and measuring the heat radiating from an object or person. This type of technology has been used in Australian airports to identify individuals with higher than normal body temperatures that may indicate a person suffering from a particular virus, for example, swine flu.

2.15 Another type of technology is the residue scanner used in some airports and prisons. It works by blowing air over an individual’s body in order to release small particles attached to the skin, hair or clothing. The particles are analysed for trace amounts of explosives or drugs.

BIOMETRIC TECHNOLOGIES
2.16 Biometrics involves the collection of samples of biological information, such as fingerprints and face or voice characteristics, for later comparison with samples provided by the same person, or different individuals, to establish identity. An example of a biometric technology used in combination with camera surveillance is facial recognition technology, which compares a camera image of an individual’s face with images held in a database to determine the individual’s identity.

GOOGLE EARTH AND GOOGLE STREETVIEW
2.17 Google Inc., a publicly-listed US company specialising in internet search technologies and other web-based services, has developed two popular services using public place surveillance: Google Earth and Google Streetview. Google Earth is a free online database of satellite images that provides a bird’s eye view of a location, searchable by landmark or address. Google Streetview provides a curbside view of streets and other locations. Vehicles with rooftop-mounted cameras capture images. This application is also free and is searchable by address or landmark. Streetview provides a higher level of clarity; in some cases it is possible to identify faces and other identifying features such as number plates. To address privacy concerns, these features may be blurred.

MAJOR USERS OF PUBLIC PLACE SURVEILLANCE
VICTORIA POLICE
2.18 Victoria Police has access to state-of-the-art surveillance technology and its use of surveillance devices in Victoria is extensive. Police routinely use optical surveillance, including stationary CCTV systems and hand-held devices, in relation to the investigation and prevention of crime. Cameras are also fitted to the front and rear of some metropolitan and regional police vehicles. In some instances, video surveillance is coupled with software to enhance its capabilities. For example, the Victorian government recently announced its intention to provide funding for police use of facial recognition software to identify individuals.
Police also use listening devices that can be handheld or installed at specific locations. The commission was told that some police officers record conversations between themselves and members of the public for evidentiary purposes. Police must obtain a warrant issued by a judge or magistrate to conduct covert surveillance of private activities and conversations, unless they are a party to that activity or conversation.27

Potential suspects may also be tracked through their mobile phone or by ANPR. In 2007 Victoria Police and VicRoads trialled the use of ANPR to record the details of vehicles potentially involved in traffic violations and other matters of interest. By late September 2009, 316526 plates had been scanned and 6079 offences detected. Other less common methods of surveillance, such as drug and explosive-detection dogs, are also used.

Police are also increasingly using data provided by other Victorian bodies, including government departments, local councils, private organisations and individuals. In some cases this is provided on an ad hoc basis; in others, formal agreements are in place. The collection and subsequent use of these data frequently falls outside the regulatory regime designed to deal with police use of surveillance.

At least one police station has attempted to simplify the process of locating CCTV footage from local businesses by asking business owners to complete a form describing the CCTV systems they use. There are also some formal agreements in place concerning police access to surveillance footage between organisations that operate CCTV systems and Victoria Police.

Victoria Police also funds the Crime Stoppers Victoria program. Images (either captured by CCTV or provided by the public) are publicised in order to elicit information about potential suspected criminals.
Chapter 2

Use of Surveillance in Public Places

CORRECTIONS VICTORIA

2.24 Corrections Victoria also uses state-of-the-art surveillance technology. While much of its surveillance is not conducted in public places, Corrections Victoria does track some people in public places under a home detention scheme. In some cases, individuals placed on a home detention order can engage in employment and some community activities but must wear a tamper-proof electronic tracking bracelet equipped with an active RFID tag that enables supervising officials to monitor the individual’s location. Before a home detention order can be granted, the offender must sign an undertaking consenting to be monitored in this way.

2.25 Since 2005 Corrections Victoria has also used a residue scanner in some prisons. This machine blows air over an individual to detect trace amounts of explosives and drugs. Iris scanning equipment was also introduced at the entry and exit of the Melbourne Assessment Prison in 2005.

LOCAL COUNCILS

CCTV

2.26 While the Victorian and federal governments fund some CCTV initiatives, local councils are the primary government user of CCTV throughout the state.

2.27 Melbourne City Council has the largest council-operated CCTV network in Victoria. The network has been in place since 1997 and has had 54 cameras in operation since an upgrade of the system in 2009. The cameras operate 24 hours a day, have the capacity to tilt and zoom, and can rotate 360 degrees. They are placed throughout the city, including in areas known to have high crime rates, and on some landmark buildings. The council also uses portable cameras for crowd control during major events. These are mounted on poles and removed within 24 hours. In addition, in 2009 the Melbourne City Council began trialling the use of two CCTV security vehicles that are installed with cameras that record a 360 degree view from the vehicle as it drives through the streets.

2.28 Melbourne City Council has established detailed protocols that govern its use of the CCTV system. These note the council’s commitment to privacy and include procedures relating to security and access to footage, release of information and provisions for sharing some types of information with Victoria Police. An external consultant evaluates the policy every three years. Council’s use of CCTV is also subject to scrutiny by an audit committee made up of senior staff and external members. The committee provides oversight for council’s operations, including storage, security, accuracy of documentation relating to CCTV footage and the provision of footage to Victoria Police.

2.29 A number of other metropolitan and regional councils also use CCTV cameras in central business districts and high-crime areas. The arrangements regarding the ownership and operation of systems vary between councils. One local council has established a partnership with an incorporated body (made up of local businesses owners and a councillor) to install CCTV systems in a shopping strip and other identified areas. Footage from the systems is streamed live into the local police station and monitored by an officer on duty. Procedures for the operation and management of the CCTV system are set out in guidelines agreed to by the incorporated body and Victoria Police. These stipulate that the incorporated body is responsible for all costs and liability arising from the operation of the CCTV cameras.
2.30 The commission is aware that there are a number of other models in place for the management of council systems. In one central business district council staff monitor footage from the central police station. Footage is monitored at busy times (ie weekend nights) and during special events only. Senior officers are involved in the training of council staff, and staff may contact police if they become aware of an incident occurring. Footage is also recorded and available for police viewing at any time. Other councils contract security companies to operate their systems.50

GPS

2.31 Local councils also use GPS to monitor activities within their council area. The media have reported that local councils have, for example, used GPS and Google Earth to ‘check on illegal pools, buildings and vegetation clearing’.51 As long ago as 2001, at least one local council was using GPS to identify potential fire hazards on private residential property in its district.52

PUBLIC HOUSING

2.32 The Housing and Community Building Division of the Department of Human Services is responsible for the wireless CCTV network in operation at high-rise public housing estates. The network was initially established to monitor equipment and manage maintenance issues, but has since been expanded to include camera surveillance. Cameras are located in lifts, foyers, car parks, plant rooms and on external walls. Some cameras are strategically placed in areas where criminal activity, such as drug dealing, may occur. Although the cameras are not hidden, there are no signs notifying people of their use. In some instances covert cameras have been installed upon police request when there has been a strong suspicion of criminal activity. 53

2.33 All CCTV footage is fed to an offsite control room monitored by a contracted security company. At larger housing estates there are also onsite control rooms and security staff who monitor footage in real time. Footage is stored at the central control room for 28 days and at the onsite control rooms for five days. Cameras that are able to pan, tilt and zoom can be manoeuvred by onsite security personnel and by staff at the central control room.54

UNIVERSITIES AND TAFES

2.34 The commission consulted Victorian universities in our preliminary consultation period. All universities consulted by the commission use CCTV to monitor their campuses for the purpose of protecting students, staff and property. Some institutions use surveillance cameras to monitor the movements of any individual on the campus late at night. All universities and TAFEs the commission consulted have internal policies regarding the storage, access and use of footage obtained by CCTV.55

2.35 Universities and TAFEs can also track student and staff movements through their university identity cards. These cards hold information about users and provide access to particular campus locations, which enables individuals who have used the card to be potentially located or subsequently tracked.56

TRANSPORT

2.36 Transport operators rely heavily on surveillance technologies—including visual, audio and tracking devices. Specific uses are outlined below.
Chapter 2

Use of Surveillance in Public Places

Trains

2.37 CCTV is used in and around metropolitan and regional train stations for a number of purposes, including monitoring train movements, passenger safety, and deterring and investigating crime. The number of cameras at a particular station can be significant—Flinders Street Station, for example, has approximately 150 cameras and Southern Cross Station 180, all operating 24 hours a day. Most cameras show only a fixed view and only a few have zoom, pan and tilt functions. Some stations erect signs notifying of the surveillance.

2.38 Cameras operate inside most train carriages on metropolitan train lines. Footage cannot be viewed from train stations but can be viewed by the driver. When a duress alarm sounds in a carriage, the driver is alerted to the view in that carriage.

2.39 At larger stations the station’s footage is monitored from an onsite control room; on suburban lines footage for several stations is monitored from a central suburban station. Control room operators and Department of Transport personnel can view footage live, but do not have access to recorded footage; recorded footage from cameras at train stations and inside trains is accessible only to management centre staff. The commission was told that police requests for footage was increasing. There is a formal process within the department for dealing with all requests for footage.

2.40 Myki, the new public transport ticketing system, uses passive RFID in plastic cards to allow access to transport. The myki system ‘will provide passengers with smart travel cards that can calculate and automatically deduct fares from pre-paid accounts’. Except when issued on an anonymous basis, use of these cards could potentially enable a person’s movements through the transport system to be tracked and recorded.

Trams

2.41 CCTV is used for operational and safety purposes on the Melbourne metropolitan tram network. For example, footage from VicRoads traffic control cameras is provided to Yarra Trams to monitor traffic conditions. Specific incidents can be highlighted to better enable staff to monitor and manage incidents. CCTV also operates on board newer Melbourne trams. These cameras are mounted on the front and sides of trams and, in a bid to improve passenger safety, capture images of cars that illegally drive past stationary trams.

2.42 GPS tracking devices have also been installed in trams to allow trams to be tracked in real time and for information to be relayed to passengers waiting at tram stops. The tracking system also communicates with VicRoads to ensure that trams are given priority at certain intersections across Melbourne. Trams can also be tracked by individuals through an iPhone application.

Buses

2.43 Some metropolitan buses have CCTV cameras that capture images inside buses. These generally record while the bus is in operation. More modern buses also have sound recording capabilities that record while the bus is in operation. Footage and recordings may be reviewed at a later date in relation to a specific incident. Some buses display signs notifying of surveillance. GPS tracking systems are also used on some metropolitan bus routes. The information is used by VicRoads to request priority at traffic lights and to provide accurate wait times at bus stops.
Tracking devices

Cameras

Roads

Taxis

2.44 All taxis that operate in the metropolitan, outer-suburban and Geelong taxi zones are required by law to have cameras installed to capture images inside the vehicle. Taxis must display notices inside and outside the taxi to notify the presence of the cameras. Footage can be viewed only by transport safety officers. Footage may be released to a driver or passenger only in relation to an incident reported to police and upon written request from a police officer.

2.45 Approximately 90 per cent of Victorian taxis have GPS installed. In addition to assisting drivers to determine which route to follow, the system can also assist in emergencies. Once a driver triggers a duress alarm, the base operators can track the vehicle. A one-way voice channel is also activated so that the conversation inside the taxi can be heard at base.

2.46 Some local councils have established taxi ranks at which a customer’s identification information is collected and photo identification may be scanned. Privacy Victoria has expressed concern regarding the privacy implications of this practice and as a result some local councils have abandoned it.

Footage can be viewed only by transport safety officers. Footage can be provided to Victoria Police if requested for criminal investigations.

2.47 There are between 600 and 700 cameras used to monitor and manage traffic on Victoria’s roads, including cameras owned by VicRoads and private toll road operators Citylink and Eastlink. The majority of these cameras can be tilted and zoomed. VicRoads and private operators continuously monitor footage from inhouse control rooms. VicRoads has at least two operators in a control room at all times. Once alerted to an incident or traffic situation, operators use cameras to determine an appropriate traffic management response.

2.48 VicRoads generally does not record footage. Where footage is recorded, it is usually for operational purposes such as reviewing the effectiveness of a change in a traffic management plan. There are no signs notifying the public that cameras are in operation.

2.49 Footage can be provided to Victoria Police if requested for criminal investigations. CityLink also provides real-time webcam images of major Melbourne roads on its website to enable individuals to view traffic conditions. VicRoads is considering the use of similar webcams.

2.50 Toll collecting systems on Citylink and Eastlink use RFID technology in e-tag transponders for billing and payments. When a car carrying an e-tag passes a reader on the freeway, a fee is automatically charged to the individual’s account without the car having to stop. If no e-tag registers as a vehicle passes, cameras are triggered to capture images of the front and the back of the vehicle. The information is downloaded and optical character recognition software is used to read and record licence plate details. In most situations a toll is automatically charged.

2.51 Where photographs do not provide a clear image, an operator will review the footage to determine the licence details and may contact VicRoads for registration details for billing purposes. VicRoads also uses fixed and mobile cameras with ANPR technology to detect traffic infringements such as running red lights and speeding.
Chapter 2

Use of Surveillance in Public Places

Monitoring heavy vehicle movements
2.52 Heavy freight vehicles are restricted from using some roads because their size and mass can damage infrastructure or threaten safety. The Intelligent Access Program (IAP) is a voluntary program that allows controlled vehicles access to additional roads on the condition they install a GPS monitoring device and allow tracking by the Transport Certification Authority. In 2009 over 3000 vehicles voluntarily registered for involvement in the IAP across Australia.87

Airports
2.53 Airports use a number of surveillance technologies. For example, since 2005 all Australian passports have included embedded RFID chips88 that can be read by an airport scanner. The chip contains information that includes the holder’s photograph, name, signature, gender, date of birth, passport number and expiry date.89

2.54 In 2008 the SmartGate system was introduced at Melbourne international airport.90 The system, which relies on facial recognition technology, enables Australian and New Zealand citizens to process themselves through passport control.91 If the machine does not detect a match, the individual must go through manual processing with a customs official.92

2.55 In 2008 the federal government trialled the use of x-ray and millimetre-wave body scanning systems at Melbourne, Sydney and Adelaide airports.93 These scanners were used as an alternative to a pat-down search to see through passenger clothing to determine whether items such as weapons or explosives had been concealed. In February 2010 the federal government released plans to install x-ray body scanners in international airports as part of increased security measures.94

2.56 Another technology sometimes used in airports is thermal imaging, which is used to identify people with higher than normal body temperatures.95 In 2009, thermal imaging machines were installed in Australian international airports to detect passengers arriving from overseas who may have had the swine flu virus.

Port of Melbourne
2.57 The Port of Melbourne Authority operates 180 CCTV cameras to maintain employee health and safety and to protect against crime, including theft and terrorist acts. Some cameras are positioned around bulk liquid terminals; others overlook the beach and the pier. Footage is relayed to a central control room and is continuously monitored by contracted security personnel. Footage is also provided to the Water Police. There are no signs notifying the public of the use of surveillance cameras in the area.96

MAJOR PUBLIC EVENTS: CONCERTS AND SPORTS
2.58 The commission consulted with two major sporting venues in Melbourne: Etihad Stadium (Etihad) and the Melbourne Cricket Ground (MCG). Both rely heavily on surveillance technology for the management of crowds, the protection of people and property, and for responding to claims about injuries sustained at the venue.97

2.59 The MCG, which holds approximately 100000 people, has 400 cameras in operation.98 Etihad is much smaller, with a capacity of 58000 people and 63 cameras.99 Both organisations are considering upgrading their systems in the near future. Some cameras pan the crowd and several monitor the perimeter of the premises. A powerful camera is used by the MCG to monitor crowd flow from nearby train stations and traffic flow outside the MCG. It can zoom up to 1.5 kilometres.100 There are signs in both stadiums notifying patrons of the use of these systems.101
On event days security staff and police officers operate the control rooms. The police have a leading role in directing camera operation. Footage is recorded and stored for up to 30 days. The MCG’s policy is to release footage only to police, insurers, and in response to a subpoena or court order. When members of the public request footage a court order is requested. To date Etihad has not received a request for footage from a member of the public but suggested that if it did, it would probably refer the matter to the police.

Other security measures used at the MCG include the use of a duress alarm by cashiers. The alarm is linked to the CCTV system. Pressing the alarm button will ensure that the camera records and retains footage from 15 seconds before the alarm was activated. The MCG also uses biometric fingerprint scanning for the purpose of controlling contractors’ access to the ground.

The Melbourne Sports and Aquatic Centre (the Centre) is another major user of surveillance. The Centre operates 86 cameras across its premises, although not in change rooms and toilets. Footage can be viewed in the surveillance control room and the Duty Manager’s office, although neither is continuously monitored. Recorded footage is also used to investigate criminal offences, including break-ins and theft. Signs notifying people that cameras are in operation are strategically placed to deter criminal activity.

The Centre stores footage for approximately 14 days after it is recorded and provides footage to the police upon request. The Centre has not received any requests for footage from members of the public and stated that if it did, it would be unlikely to provide it.

CROWN CASINO

Melbourne's Crown Casino (the Casino), which employs approximately 6000 staff, is visited by over 30,000 people every day. Crown Casino has one of the most advanced, complex and comprehensive video surveillance systems currently in use in Victoria. The primary component of this system is CCTV.

The Casino has an inhouse surveillance technical team that is responsible for maintaining the equipment, sourcing new equipment and keeping up to date with technology. As well as performing those general duties these staff are also responsible for developing inhouse surveillance technologies to suit the Casino’s needs.

In the past five years Crown Casino’s CCTV system has undergone technological improvement, particularly in relation to the resolution quality of images and its digital recording capabilities. The Casino relies on the system to identify and prevent illegal activity, monitor cash handling and gambling activities, and to ensure patron and staff safety by responding quickly to incidents as they arise.

The Casino operates a large number of cameras within its premises. Many of the cameras have the capacity to pan, tilt and zoom. Often several cameras target one area, such as a gaming table. Some cameras are equipped with both audio and visual recording capabilities. There are others that begin recording only when motion is detected in a given area. In premium gaming rooms there is additional surveillance. In most of these areas access is restricted either by use of swipe cards or by a licensed officer at the door.
Chapter 2

Use of Surveillance in Public Places

2.68 A number of staff continuously monitor the CCTV system. The cameras are monitored in real time but footage can also be viewed retrospectively. The Casino’s Security Communications Centre and the Victorian Commission for Gambling Regulation can also access surveillance footage in real time.113

2.69 Crown Casino has installed software that is used in conjunction with some of its cameras for surveillance purposes. For example, people-counting technology (which does not identify individuals) is used in conjunction with tracking software to determine the number of people entering the Casino. The Casino has also conducted trials of facial recognition technology but has found it to be of limited use.114

2.70 Crown Casino’s nightclubs use identification scanning technologies at their entrances to record the details of the patrons entering. The use of this technology has assisted police to apprehend at least one serious offender. Police often alert the Casino to people who are of interest to their investigations. The identity scanner can be used in conjunction with CCTV to identify such individuals and monitor their movements.115

THE HOSPITALITY INDUSTRY

2.71 CCTV is widely used in the hospitality industry. Some licensed venues must have CCTV cameras that operate to prescribed standards and security staff as a condition of their licence,116 while other licensed venues choose to have security cameras even though it is not a condition of their licence. In addition to cameras within the premises, some venues also have cameras to view adjacent areas, such as footpaths and carparks. Footage from these cameras can be viewed in real time for crowd control purposes and to prevent criminal behaviour, and can also be viewed later to investigate crime. In early 2009 some interstate hospitality venues trialled the use of small cameras worn by security staff that record sound as well as pictures.117

2.72 Some nightclubs operate other forms of surveillance, including identification scanners and facial recognition technology.118 Identification scanners record the image and written details on an individual’s driving licence or other identity card, including their name and address.119 Facial recognition software scans patrons’ faces as they enter the nightclub and matches those images against a database of photos. In this way the software can be used to identify patrons who have been previously banned from a venue.120 The software can be shared among venues.

SHOPPING CENTRES AND RETAILERS

2.73 Many shopping centres and retail outlets such as service stations, supermarkets and department stores rely on CCTV for crime prevention and detection.121 Large shopping centres typically use sophisticated CCTV systems that have many cameras operating both inside and outside the centre. Cameras tend to be concentrated on entrances and areas where there have been crime problems. One consultation participant mentioned that as handbag theft was especially common in food courts, there are more cameras in these areas.122 Service stations use CCTV to deter theft and record the details of individuals who leave the service station without paying for petrol so they can be provided to police.123 One large shopping centre reported that its security personnel carry CCTV-captured images of people who have been banned from the centre so they can be identified and removed.124
RFID tracking is also used by some businesses for stock control. In this system, a tag is attached to a pallet when it leaves the manufacturer and a scanner reads it at each stage of its journey to the distribution centre. Some large retail chains are considering attaching RFID chips to individual boxes or items so they can be tracked to the store.

Passive RFID devices are also used as anti-theft mechanisms in many clothing and department stores. A tag on a garment triggers an alarm if the item is taken past readers that are usually situated at the entrance of the store. As a rule, tags can only be removed by the use of a device at the point of sale.

Media organisations use various surveillance devices in public places in order to carry out news gathering. For example, media organisations routinely use cameras and audio devices to record events and interviews. Unlike many organisations the media’s use of surveillance does not generally occur on an ongoing basis in only one place, but typically for a short time in a given location.

Sometimes media organisations receive CCTV footage of alleged criminal conduct from third parties. This occurred in relation to the shooting in Melbourne’s CBD in June 2007. Generally, media organisations will attempt to corroborate such footage and will be careful to consider its likely authenticity.

Media groups told us they generally use surveillance equipment in an overt and obvious way. When, for example, a news crew from a television station arrives at the scene of an event it is usually in a marked vehicle, with crew wearing clothing and carrying equipment marked with the logo of the television station.

Some organisations use surveillance technologies for marketing purposes. One example uses mobile phones with Bluetooth functionality. Location-based services detect that a phone is in a certain vicinity (for example, a shopping centre) and, at the customer’s request, send information about nearby services.

The same process is also used for advertising. A Bluetooth transmitting device is placed in a location near a retailer or institution wanting to advertise to people nearby. The device sends a message to all Bluetooth-enabled mobile phones within 100 metres of the device and the mobile phone user either accepts or declines the offer from their phone. For example, pubs and clubs can advertise drink specials or cinemas can send people the latest movie session times.

Private investigators routinely engage in public place surveillance to carry out their work. While insurance companies are the primary source of work for private investigators, private clients also request investigations about matters such as matrimonial and child support issues. Footage is usually obtained in a covert manner, for example, from inside cars or from public places using concealed cameras. The commission was informed that toilets, change rooms, homes and private yards are considered no go areas for surveillance by private investigators.

Private investigators must hold a licence. An application for a licence must include details of the applicant’s qualifications and any training or experience relevant to each private activity to be authorised under the licence.
Chapter 2

Use of Surveillance in Public Places

PUBLIC AND PRIVATE INSURERS

2.83 Public and private insurers hire private investigators to engage in some public place surveillance in order to determine the validity of some insurance claims. The surveillance might include, for example, the use of an optical recording device in a public location, such as a park, to record the claimant’s behaviour in order to test the truth of his or her statements.

2.84 The commission was told that while the use of covert surveillance is an important part of the insurance industry’s ability to investigate claims, it is not a particularly common activity. Private insurance companies advise policy holders in their disclosure statements that surveillance may be used to assess the veracity of any claim and to investigate possible fraud.

THE PRIVATE SECURITY INDUSTRY

2.85 Many surveillance systems in Victoria are managed and monitored by private security companies. The commission met a number of organisations (including government departments, local councils and private organisations) that outsource all or part of their security needs to private security firms. There are many different arrangements. Some private security companies manage operations from their own premises using their own equipment (often for a number of clients) and others work at the venue itself under direction of venue staff. In contrast, some other organisations employ inhouse security staff to manage their operations.

2.86 Contracted security personnel are required to undergo training, which must be provided by a registered training organisation at Certificate II or Certificate III level. A Certificate III course typically takes three to four weeks to complete. Some people we consulted raised concerns that, in contrast, inhouse security staff are not required to have any certification or training.

AGED CARE

2.87 RFID and GPS technology is used as a method to monitor the location of aged care patients suffering from dementia and other memory-affecting conditions. Alzheimer’s Australia recommends that carers consider the use of a tracking device to monitor a person with dementia so that the individual can freely go for walks on their own but are also easily located if they become lost or disoriented. A device can be worn around the wrist, waist or neck. Some devices can be activated only by the person wearing the device, while others enable an external party to monitor the whereabouts of the person wearing the device.

PERSONAL USES

2.88 Individuals use surveillance devices in public places for a number of reasons. Optical surveillance devices, such as cameras and video recorders, are commonplace. The Victorian Association of Photographic Societies noted in its submission that photographers frequently use photography for legitimate purposes.

2.89 It is also now possible for individuals to track each other. Telstra, for example, offers a service that locates any Telstra mobile phone and marks the approximate address on an online map. Although this service can be used only with the consent of the phone user and the person receiving the alert, there are other covert phone tracking services offered in Australia. One Sydney-based company offers ‘mobile phone monitoring software’ that can be downloaded onto a mobile phone without notification to the owner and can covertly copy, record and send to another account all communications made to and from that phone. This type of service has been marketed, for example, to people to monitor their spouse. There have also been newspaper reports of an increasing number of parents tracking their children, including by mobile phone tracking systems.
The commission was also told about the importance of surveillance technologies in family disputes. Another group of individuals who routinely use surveillance devices are people involved in protests. Visual recording is used by activists ‘where there are community concerns that violence may occur’.

There are some reports of individuals using surveillance for criminal purposes. There have been several cases of people using hidden cameras to record images up the skirts of unsuspecting women. This practice, known as ‘upskirting’, is now a specific criminal offence. Another disturbing use of surveillance devices by individuals is the practice of recording violent attacks on mobile phones and then distributing that footage. This practice, known as ‘happy slapping’, is discussed in greater detail in Chapter 4.

Surveillance in public places can also be used to facilitate other crimes. For example, covert surveillance cameras have been installed at ATMs to capture PIN numbers for the purpose of stealing from individual accounts.

**CONCLUSION**

Because public place surveillance is widespread in Victoria, we can no longer assume that activities performed in public places will pass unobserved and unrecorded. Government, private organisations and individuals are all extensive users of public place surveillance. Although there are many different practices, we found some common themes.

- Many agencies and organisations use CCTV. Although most systems can record large amounts of data, many are not actively monitored.
- The sophistication of modern CCTV systems is increasing rapidly, including considerable pan, tilt and zoom capabilities, and an ability to film in colour or use an infrared light.
- Contracted security companies are responsible for monitoring many of the CCTV systems that are actively monitored.
- Because many cameras are small and are often placed in obscure positions, and because not all users of CCTV erect signs, it is likely that many people do not know that their image is being recorded as they go about their daily lives.
- Smart surveillance, such as facial recognition technology, is not yet in widespread use.
- In general, surveillance users appear to avoid private areas, such as toilets and change rooms.
- Surveillance data, such as CCTV footage, is generally shared only with police and insurers.
- While some organisations have good internal policies concerning their use of surveillance equipment, others do not.

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136 Consultation 31.
137 Submission 16.
138 Submission 16.
139 Submission 16.
140 See eg, Consultation 10; Site Visits 15, 18.
141 See eg, Site Visits 1, 9, 12, 16.
142 Consultation 17.
143 Eg, the International Security Training Company offer a Certificate III in Security Operations (control room operator).
144 Consultation 18.
145 Consultations 17, 18.
146 Alzheimer’s Australia, Safer Walking for People with Dementia: Approaches and Technologies, Update Sheet 16 (April 2009) 3, 4.
147 Submission 15.
148 Telstra, above n 10.
151 Submissions 14, 34, 40.
152 Submission 40.
153 Submission 34.
155 Summary Offences Act 1966 (Vic) div 4A.