

General Questions

Do surveillance practices in Victorian public places concern you? Do some practices cause you greater concern than others, for example, covert CCTV?

Yes there are already far too many cameras in shops in local shopping centres and public buildings than seem necessary to me.

Are there any benefits that flow from surveillance practices that we need to consider when we think about changes to regulation?

The possibility of catching burglars.

What changes could be made to better regulate surveillance practices?

There should be a regulatory body to which anyone who wants to install a surveillance camera should have to apply, and justify their reasons for needing it. I don't know whether this is the current case. If not the situation is out of control and should be regulated soon.

Reform option questions

Principles to guide public place surveillance

1. Do you agree with the draft principles proposed by the commission to guide policy making about public place surveillance?

Not read, don't know.

2. Should the once-off or intermittent use of surveillance practices by individuals be regulated?

Yes if possible.

A new role for an independent regulator

3. Do you agree with the proposal that an independent regulator should have responsibility for monitoring the use of public place surveillance in Victoria? Who should perform this role?

Yes. Either a new independent body or a police department.

Specific functions of the regulator

4. Should the regulator be given the functions proposed by the commission?

5. Are there any other functions that should be given to the regulator?

Yes - monitoring the recording of telephone conversations by utilities, banks, RACV and any large company you ring these days. It is out of control. You have to tell them if you don't want to be recorded, some do it anyway. It should not be happening. It's an invasion of privacy and not necessary.

6. Would a registration scheme assist the regulator to acquire information about surveillance use? Is such a scheme practical? Should some users be exempt from registration requirements?

No-one should be exempt. If anyone wants to film anywhere or record caller's voices they should be regulated.

7. What (if any) investigatory powers should be given to the regulator?

The same as police have to check complaints, or like ombudsmen.

8. Should the regulator have an own motion investigatory power in order to identify systemic problems with surveillance in public places?

If you put this question in simple English I might be able to answer it.

8. Should the regulator have the power to develop advisory guidelines which explain the law concerning surveillance in public places?

Yes.

Voluntary best practice standards

10. Would voluntary best-practice standards developed or approved by the regulator be useful?

No, regulations should be compulsory, not self-regulated by users.

11. Is linking voluntary best-practice standards to government procurement criteria a good strategy for encouraging responsible use of surveillance practices? Are there other strategies for encouraging compliance with the voluntary standards?

See answer to question 8.

Mandatory codes of practice

12. Should there be mandatory codes, if so, what conduct should they regulate?

Yes: who installs cameras in their shop or business, or in public places (such as by local councils or public transport); and also who can record caller's voices, if anyone.

13. If mandatory codes are introduced, should the regulator have the power to approve industry codes that operate in their place?

Yes, forget self-regulation, eg it hasn't worked in the advertising industry.

14. Should the regulator be empowered to investigate complaints made about potential breaches of a mandatory code? How broad should any such powers be?

As broad as needed to make people comply with the code.

15. What kind of sanctions should be imposed for breaches of a mandatory code?

Removal of cameras/recording equipment, and then non allowance for say a year; and promise to comply when allowed to have them again.

A licensing system for some surveillance practices

16. Should users of some forms of surveillance practices be required to obtain a licence from a regulator?

Yes, all forms!

17. Are there any surveillance practices in Victorian public places that are particularly concerning? If so, why?

Yes - too many in local shops, post offices, service stations etc. It shouldn't be necessary. There may not be that many robberies in local shopping centres to justify the numbers already in use, let

alone more.

Changes to clarify and strengthen the *Surveillance Devices Act 1999* (Vic)

18. Should the SDA (Vic) expressly prohibit the use of an optical surveillance devices in toilet areas, shower areas and change rooms?
- Yes, definitely!
19. Should the definition of 'tracking device' in the SDA (Vic) be amended so that it includes all devices capable of determining the geographical location of a person or an object?
- Yes!
20. Should the SDA (Vic) be amended to include a new 'catch-all' category of surveillance devices to cover those devices that do not fit within the Act's existing listening, optical, tracking and data surveillance categories? How could this be done?
- Yes. List all current devices in the legislation and a proviso to add new ones as they're invented.
21. Should the exemption for participant monitoring in the SDA (Vic) be removed? If so, should this also be done for both listening and optical surveillance devices?
- Yes and yes.
22. Should the enforcement regime of the SDA(Vic) be extended to include civil penalties?
- ?
23. Should the regulator's proposed powers to develop guidelines be extended to clarifying the meaning of consent in the SDA (Vic)? If so how should the meaning of consent be clarified?
- Employees would have to give consent to be supervised.

Creating a statutory cause of action for serious invasions of privacy

24. Should there be a statutory cause of action for serious invasions of privacy along the lines proposed by the ALRC?
- Yes.