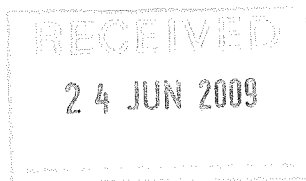




Department of Planning and Community Development

23 JUN 2009

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Our Ref:

Dear Professor Rees

OFFICE FOR YOUTH SUBMISSION TO SURVEILLANCE IN PUBLIC PLACES REVIEW

Thank you for your letter regarding the Victorian Law Reform Commission's review of the regulations around surveillance in public places.

This is an increasingly complex issue and has a number of potential repercussions for young people. Please find attached the Office for Youth's submission on the proposed reforms.

Yours sincerely

Kati Krsevan
Director
Office for Youth

General comments

Surveillance in public places has particular relevance for young people for a number of reasons, including their high levels of use of public space. Occasionally young people are targeted in this context through certain policing practices and environmental design issues. Additionally, marginalised groups such as the homeless and newly arrived migrant young people are even more vulnerable in these spaces. The potential for discrimination and profiling of young people, as mentioned in the consultation paper, is an important issue.

For these reasons, young people are vulnerable users of public space, and the increasing use of surveillance has considerable repercussions for this group, both in regards to safety and privacy.

Proposed Principles – comments

The impact on vulnerable groups, including young people, of discriminatory and targeted surveillance is noted, as per discussion on page 74 of the consultation paper. It is suggested that an addition be made to principle number 1 to cover the right that every person has to participate in public life without discrimination, as per the Victorian Charter of Human Rights and Responsibilities.

Proposed Reforms – comments

- 1. A role for an independent regulator to monitor, report on, and provide information about public place surveillance in Victoria.*

This proposal is supported with the comment that the comprehensiveness of any public awareness campaign is crucial, with the aim of increasing awareness not just of surveillance practitioners but also the general public as subjects of surveillance and of accidental users themselves.

Public awareness on this issue should take the form of ensuring all members of the public are able to practice 'smart safety', with an understanding of how technology is developing and how it is being used, and what individuals need to understand about their rights, their safety, and their roles as potential surveillers.

- 2. New voluntary best practice standards to promote responsible use of surveillance in public places.*

It is suggested that if this particular reform is progressed, voluntary best practice standards should be tied to government procurement criteria at a minimum.

- 3. Mandatory codes to govern the use of surveillance in public places with sanctions for non-compliance.*

This proposal is supported with emphasis again on public awareness to ensure that industry and the general public are aware of their obligations, ramifications for breaching the code, avenues of recourse and their rights as subjects of surveillance.

Regulation should be targeted primarily to industry surveillance and should attempt to avoid capturing accidental breaches by members of the general public.

4. A licensing system for some surveillance practices.

This proposal is supported.

5. Changes to clarify and strengthen the SDA (Vic).

These reforms have the potential to target accidental users who may be unaware of restrictions and repercussions. Any changes to the Surveillance Devices Act 1999 (Vic) should be accompanied by targeted and comprehensive public awareness strategies to ensure that members of the public, particularly high frequency users of technology such as young people, are highly aware of the repercussions for breaching the Act.

There should be clarification on what constitutes 'reckless' conduct that breaches the Act.

6. A new statutory obligation to refrain from committing a serious invasion of privacy.

This proposal is supported.

