

## **Surveillance in Public Places Submission form**

### **Submissions are public documents**

Unless you state otherwise submissions are treated as public documents. However, you can ask that your submission be made anonymous or confidential. Please choose one of the following options:

My submission can be quoted or sourced in publications, kept at the commission for people to look at and uploaded to the commission website but I do not want my name to be disclosed (anonymous).

## General Questions

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

I am concerned because the university has security systems including CCTV - a professional interest and a need to ensure the University complies with legislation and codes of practice

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

benefits to who?

What changes could be made to better regulate surveillance practices?

Unsure but the mixture of federal and state law and the never ending challenge of legislation trailing along behind technical developments comes to mind

## 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?  
Yes
2. Should the once-off or intermittent use of surveillance practices by individuals be regulated?  
in principle yes but the solution has to be practical which will be a challenge. cost effective yet viable?

### 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?  
Sounds a worthy idea but the devil will be in the detail and will it be funded appropriately, presumably by the State Govt. It could just be window dressing with no resources which would scarcely be worthwhile

### Specific functions of the regulator

4. Should the regulator be given the functions proposed by the commission?  
Yes
5. Are there any other functions that should be given to the regulator?
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?  
is the same as the licencing system suggested in the report? It could be useful but again there is the need to balance costs with the benefits of control/information. More detail on what this might mean in practice could be useful.
7. What (if any) investigatory powers should be given to the regulator?  
Someone should have some powers to investigate but whether this should be the regulator or be

referred to another body with the necessary skills is more questionable

8. Should the regulator have an own motion investigatory power in order to identify systemic problems with surveillance in public places?  
Meaning of the question is unclear
8. Should the regulator have the power to develop advisory guidelines which explain the law concerning surveillance in public places?  
Yes. anything which makes the rules and practices clearer and simpler to interpret would be good.

### **Voluntary best practice standards**

10. Would voluntary best-practice standards developed or approved by the regulator be useful?  
Yes - an excellent idea
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?  
there should be some forms of encouragement though no mechanisms are readily apparent.

### **Mandatory codes of practice**

12. Should there be mandatory codes, if so, what conduct should they regulate?  
Not initially. should start with voluntary check for compliance and if these are not followed this should then be considered.
13. If mandatory codes are introduced, should the regulator have the power to approve industry codes that operate in their place?
14. Should the regulator be empowered to investigate complaints made about potential breaches of a mandatory code? How broad should any such powers be?
15. What kind of sanctions should be imposed for breaches of a mandatory code?

### **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?  
Possibly - it depends on the details and costs of acquiring a licence. devil in the detail?
17. Are there any surveillance practices in Victorian public places that are particularly concerning? If so, why?  
Audio surveillance in a public place is possible but is unlikely to be obvious. Conversations will almost certainly be private.

### **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

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 - legislation needs to be as generic as possible so that it does not get left behind by technology.

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 - see above

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?

Unclear

22. Should the enforcement regime of the SDA(Vic) be extended to include civil penalties?

Unclear

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?

Unclear

### **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?

Unclear