

1. *Yes I agree with the principles proposed for guiding policy making regarding public place surveillance. In particular I strongly agree with the suggestion of the British Columbia Law Institute in Canada that a person "may have a reasonable degree of privacy with respect to lawful activities of that person that occur in a public setting, and which are not directed at attracting publicity or the attention of others." In my opinion this is a very reasonable recommendation.*
2. *It would be difficult to regulate once-off or intermittent surveillance practices by individuals. However these practices still have the potential to impact on public privacy and should be conducted in a responsible manner, perhaps assisted by voluntary best-practice standards.*
3. *Yes, an independent regulator should have responsibility for monitoring the use of public place surveillance. I agree with the suggestion of the Victorian Privacy Commissioner for the role of regulator.*
4. *The functions of the regulator proposed by the commission seem reasonable.*
5. *–*
6. *A registration scheme would assist in gathering information on the way surveillance is currently conducted in public places. The scheme would need to be designed so as not to make registration too cumbersome or costly for operators to comply with.*
7. *The regulator should initially have the power to obtain documents and information relating to the surveillance of public places.*
8. *An own motion investigatory power would be useful and would allow the regulator a suitable degree of flexibility to actively identify systemic problems with surveillance in public places that it may not otherwise be able to do if it restricted to responding only to specific complaints.*
9. *The regulator seems well placed to be given the power to develop advisory guidelines which explain the law concerning surveillance in public places.*
10. *Voluntary best-practice standards developed and approved by the regulator would be useful as a starting point. I would agree though that if non-compliance with the voluntary standards is widespread then consideration should be given to the creation of mandatory standards.*
11. *Linking voluntary best-practice standards to government procurement criteria seems a reasonable strategy for encouraging responsible surveillance practices.*
12. *Mandatory codes should regulate the most invasive forms of surveillance or those most open to misuse or abuse.*
13. *I would have no objections to the regulator approving industry codes in place of the mandatory code.*
14. *Powers for the regulator investigating suspected breaches of the mandatory codes could be similar in scope to those of a WorkSafe Inspector. Though this depends on whether breaches or privacy are deemed to be as serious in consequence as physical injury in the workplace. I think most people would say they are not as serious. Even so, an effective regulator needs sufficient powers to investigate breaches of the mandatory code.*
15. *An escalating scale from civil penalties up to criminal offences for the most serious, repeated or wilful misconduct would likely be appropriate for breaches of a mandatory code.*
16. *More invasive forms of surveillance should require users to be licensed.*
17. *X-ray body scanners and any covert forms of surveillance are two of the most worrying practices as they represent a severe invasion of privacy (in the case of x-ray) or provide no warning to the subject of the surveillance to allow them to modify their behaviour (in the case of covert surveillance).*
18. *Yes*
19. *Yes*
20. *Yes*
21. *Use of listening devices for participant monitoring should not be completely banned and at a minimum the exceptions in other state legislation should apply in Victoria. Use of optical devices for participant monitoring should be restricted and recording of private activity should be prohibited without the consent of the other party.*
22. *Yes*
23. *–*

24. *A statutory cause of action for serious invasions of privacy seems reasonable provided it requires that the defendant acted deliberately or reckless to cause damage and was not simply negligent in its actions.*