

Commercial Passenger Vehicles Information Bulletin – CPV43

Body Worn Cameras

Background

In May 2022, Commercial Passenger Vehicle (CPV) Compliance Officers commenced a six month trial to use a Body Worn Camera (BWC) to carry out compliance activities under the *Commercial Passenger (Road) Transport Act 1991* (the Act). This included using the BWC during on-road and rank audits of vehicles and drivers of CPVs, such as taxis and the rideshare industry.

BWCs are a potential tool to support the regulation and enforcement of the Act by:

- improving the quality of evidence for enforcement actions;
- helping to resolve complaints by providing greater transparency; and
- improving the safety of both CPV Compliance Officers and those in the CPV sector by encouraging safe and mutually respectful interactions.

The following key findings from the trial support the continued use of BWCs to improve transparency and effectiveness in compliance activities under the Act:

- The use of the BWC supported CPV Compliance Officers to carry out compliance activities.
- Improved transparency and effectiveness with compliance activities under the Act.
- Improved response times to resolve complaints and respond to requests from key stakeholders.
- The use of the Body Worn Camera assisted CPV Compliance Officers collect accurate and impartial video and audio evidence.
- Improved the safety of both CPV Compliance Officers and members of the CPV industry by encouraging safe and mutually respectful interactions.

The CPV Unit will continue to use BWC on an ongoing basis unless otherwise determined by the Department of Infrastructure, Planning and Logistics (DIPL) to support their daily compliance activities.

Frequently asked questions

In what situations will BWCs be used?

CPV Compliance Officers use their BWCs during all on-road interactions with CPV drivers, operators and persons involved in CPV activities which are relevant to their duties and functions under the Act.

Will BWC always be recording?

No. Footage from BWCs will only be used in circumstances where it may assist in providing a record of evidence in respect of the investigation of any offence or suspected offence.

The device will be switched on prior to, or during, any encounter where a CPV Compliance Officer uses a legislated power and function of office, unless impractical to do so.

Upon commencement of recording, the CPV Compliance Officer will, when practicable, tell those present that they are being recorded. They will only switch the camera off when the incident has concluded or where there is no further evidential value to be had in continued recording.

How does the BWC device work?

BWCs are individual, portable devices that collect video and audio records. The device will be worn on the vest of a CPV Compliance Officer.

Footage that the device records will be stored on an internal and secure system for use as evidence at court or other proceedings. The camera does not live stream footage.

How will the use of BWCs be managed?

DIPL has released a *Commercial Passenger Vehicle Compliance Body Worn Camera Policy*. This document outlines the objectives, scope, procedural matters and the relevant roles and responsibilities of the position within DIPL to manage the use of BWCs and the storage of footage, including the management of privacy obligations under the *Information Act 2002*.

What happens to the footage?

Footage is retained in a secure digital evidence management system for a set period of time according to evidence management requirements and will be disposed of after the legislated retention period.

Only authorised officers will have access to the footage. All access to BWC footage is monitored, tracked and auditable.

Can footage be edited or deleted by the officer?

To protect the integrity of evidence collected on BWCs, there is no ability to delete footage that has been captured. Recordings will only be deleted when the records retention period has been met.

Footage can only be edited under very specific circumstances, for example when it has been captured in error.

What about rights to privacy?

All footage recorded by BWCs is subject to legal safeguards and guidance set by the *Information Act 2002* and the Information Privacy Principles of that Act. Footage that is not likely to be of evidential value will be removed from the system within a short period of time (the current guidance is within 200 days).

Footage that is retained is subject to regular review and, if no longer required or no longer likely to be required as evidence, will be disposed of.

How can I access body worn camera footage?

Footage from BWCs is classified as information as defined by the *Information Act 2002* and its collection, management and release is governed by that Act. People who have been recorded have the right to access the footage under Freedom of Information. To request access to information held by DIPL, including BWC footage, you can send an email to foi.dipl@nt.gov.au or contact 08 8924 7930.