

Commercial Passenger Vehicles Information Bulletin – CPV43

Trial of Body Worn Cameras

Introduction

The Department of Infrastructure, Planning and Logistics (DIPL) administers the *Commercial Passenger (Road) Transport Act 1991* (the Act) and related regulations to ensure passenger transport is safe and industry continues to comply with the law.

DIPL will commence a trial of Body Worn Cameras (BWCs) by its Commercial Passenger Vehicle (CPV) Compliance Officers when carrying out compliance activities under the Act. This includes using the BWCs during on-road and rank audits of vehicles and drivers of CPVs, such as taxis and the rideshare industry. The aim of the trial is to investigate the use of BWCs to improve transparency and effectiveness in compliance activities under the Act.

Why is DIPL trialling BWCs?

The use of BWCs may serve a number of purposes including:

- assisting with the accurate and impartial collection of video and audio evidence;
- helping to resolve complaints;
- ensuring compliance with evidence management requirements; and
- improving the safety of both CPV Compliance Officers and members of the commercial passenger vehicle industry by encouraging safe and mutually respectful interactions.

The recordings from BWCs may be used in future investigations or as evidence in prosecutions.

How long will the trial last?

The trial will commence from late April for a period of up to 6 months. After the trial period and the consideration of industry feedback, DIPL will assess the potential to adopt BWCs as part of its normal compliance operations.

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?

For the purpose of the trial, 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 110 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.