

Commercial Passenger Vehicle Compliance Body Worn Camera Policy

Document title	Commercial Passenger Vehicle Compliance Body Worn Camera Policy
Contact details	Passenger Transport Branch Department of Infrastructure, Planning and Logistics Northern Territory Government
Approved by	Bernie Ingram, Director of Passenger Transport
Date approved	15 March 2023
Document review	Three years
TRM number	2021/1317

Version	Date	Author	Changes made
1	February 2022	Passenger Transport	<ul style="list-style-type: none"> Initial version
2	January 2023	Passenger Transport	<ul style="list-style-type: none"> Outcome of six month trial supports the ongoing use of Body Worn Cameras. Minor updates to policy statement. Removed review section from document and updated review period to every 3 years.
3	March 2023	Passenger Transport	<ul style="list-style-type: none"> Non-evidential and uncategorised retention period categories were extended from 110 days to 200 days. Minor formatting changes.

Acronyms	Full form
BWC	Body Worn Camera
CP(R)T Act	<i>Commercial Passenger (Road) Transport Act 1991</i>
CPV	Commercial Passenger Vehicle
DIPL	Department of Infrastructure, Planning and Logistics
FOI	Freedom of Information

Contents

1	Policy statement	4
2	Objective	4
3	Scope	4
4	Body Worn Camera	4
5	Authorised use	5
6	Unauthorised use	5
6.1	Complaints by the public.....	5
7	Procedures	6
8	Roles and responsibilities	6
8.1	Manager Commercial Passenger Vehicles.....	6
8.2	CPV Compliance Officers	6
8.3	The Department of Infrastructure, Planning and Logistics	7
9	Freedom of Information requests	7
9.1	Sharing of footage	7
9.2	Reasons to access footage.....	7
9.3	Retention schedule.....	8
10	References	8

1 Policy statement

The Department of Infrastructure, Planning and Logistics (DIPL) is committed to ensuring that commercial passenger vehicles (CPVs) operate in a safe and reliable condition to help industry meet the community's needs and expectations to deliver modern, passenger-focused services.

CPV Compliance Officers within DIPL use Body Worn Cameras (BWCs) according to the Commercial Passenger Vehicles Body Worn Camera Procedure when performing their duties and functions under the [Commercial Passenger \(Road\) Transport Act 1991 \(the CP\(R\)T Act\)](#). The collection of video and audio information recorded through the BWC supports the enforcement and regulation of the [CP\(R\)T Act](#) as applicable to the delegated functions and powers of CPV Compliance Officers.

Use of the BWC will help to ensure:

- excellence in the management of evidence and electronic data in accordance with applicable legislation and protocols;
- a safe work environment for officers undertaking activities in accordance with the [CP\(R\)T Act](#) and relevant legislation; and
- transparency of activities including compliance assessments, audits and investigations.

This policy has been developed to ensure that it's CPV Compliance Officers and their supervisors, the public and industry are aware of their roles, responsibilities and rights in relation to appropriate and lawful use of a BWC.

2 Objective

The purpose of this policy is to ensure that the collection, storage and use of footage captured by CPV Compliance Officers using BWCs is compliant with relevant legislation including the [CP\(R\)T Act](#), the [Information Act 2002](#) (Information Act), the [Surveillance Devices Act 2007](#) (Surveillance Devices Act) and the [Evidence \(National Uniform Legislation\) Act 2011](#) (Evidence Act).

3 Scope

This policy applies to all staff employed as CPV Compliance Officers under the [CP\(R\)T Act](#) whilst undertaking operational duties and is relevant to drivers, operators and networks in the Northern Territory CPV industry.

Only staff of DIPL who have been appointed as CPV Compliance Officers (or inspectors as defined under the [CP\(R\)T Act](#)) will wear and operate BWC devices in the performance of regulatory and enforcement actions under the [CP\(R\)T Act](#).

4 Body Worn Camera

A BWC is an overt, wearable device used to make audio-visual recordings of events in which CPV Compliance Officers are involved whilst undertaking their duties.

CPV Compliance Officers will use BWCs to capture evidence relating to alleged breaches of the [CP\(R\)T Act](#) and regulations made under that Act.

The use of BWCs compliments existing evidential and procedural responsibilities of CPV Compliance Officers such as the use of official notebooks.

Each BWC recording carries a unique identifier and is stamped with the time, date and location the footage was captured. All recordings must be encrypted, processed, stored and managed using a secure database. The database provides a full audit trail to ensure evidentiary continuity and compliance with obligations under the [Information Act](#) and Surveillance Devices Act.

5 Authorised use

CPV Compliance Officers may only operate BWCs when:

- exercising a power or function under relevant [CP\(R\)T Act](#) and regulations, including conducting formal interviews;
- they are clearly identifiable as a CPV Compliance Officer, either by wearing a CPV uniform or by displaying an identification card as a CPV Compliance Officer; and
- the recording may provide evidence which assists in the investigation of an offence or suspected offence under the [CP\(R\)T Act](#).

Operation of a BWC is permitted:

- in overt recording, but not in covert activities; and
- even if the person being recorded objects to the recording.

6 Unauthorised use

CPV Compliance Officers must comply with the [Information Act](#) and [Surveillance Devices Act](#) at all times when using BWCs.

It is an offence under sections 11 and 12 of the [Surveillance Devices Act](#) to record private conversations or activities where the CPV Compliance Officer:

- is not a party to the conversation or activity; or
- does not have the consent of the parties involved.

Misuse of BWCs may also constitute a breach of the [Information Act](#). Examples of actions which may amount to a breach of the [Information Act](#) include, but are not limited to:

- collection of footage where CPV Compliance Officers are not exercising one of their powers;
- improperly sharing or distributing footage;
- failing to properly store footage.¹

Failure to adhere to this policy and the procedures may result in consequences for breaches of the:

- [Code of Conduct for the Northern Territory Public Sector](#); and
- [Public Sector Employment and Management Act 1993](#).

6.1 Complaints by the public

The public are entitled to make complaints in relation to the use of BWCs. Complaints may be investigated by DIPL or NT Police, depending on the seriousness and particular circumstances of the complaint.

For more information refer to the [Complaint Report – Commercial Passenger Vehicles CPV35](#).

¹ Refer to Schedule 2 of the [Information Act 2002](#) for more information.

7 Procedures

Procedures for the appropriate use of BWCs will be developed by the Manager Commercial Passenger Vehicles, in consultation with staff.

Training will be provided to ensure that relevant staff are competent in the procedures.

The procedure must make provision for regular review and amendment by the Manager Commercial Passenger Vehicles to address legislative reforms and any identified operational issues or areas for improvement.

8 Roles and responsibilities

8.1 Manager Commercial Passenger Vehicles

This position is responsible for:

- implementation of this policy within the position's area of responsibility;
- developing and regularly reviewing the procedures in relation to the use of BWCs;
- developing and providing regular training in relation to the use of BWCs to CPV Compliance Officers;
- consistently monitoring and evaluating BWC practices to maintain efficient and effective procedure;
- ensuring strict compliance with the Information Privacy Principles (set out in Schedule 2 of the [Information Act](#)) by maintaining secure and effective practices for the collection, use and storage of BWC data;
- implementing, monitoring and maintaining an auditing system to monitor misuse of data or unauthorised access or use;
- managing requests for the sharing of footage; and
- managing any complaints against DIPL in relation to use of the BWC in accordance with the [Complaint Report – Commercial Passenger Vehicles CPV35](#).

As delegated by the Manager CPV the Senior Compliance Officer will act as proxy.

8.2 CPV Compliance Officers

CPV Compliance Officers are responsible for:

- following established BWC procedures;
- reporting any equipment failures or errors to management as soon as practicably possible;
- ensuring BWC is only utilised when exercising powers under the [CP\(R\)T Act](#); and
- identifying opportunities for improvement of the BWC procedure, providing feedback to management and assisting DIPL in the development of relevant policy and procedures.

8.3 The Department of Infrastructure, Planning and Logistics

DIPL is responsible for:

- managing this policy and ensuring compliance with relevant legislation;
- investigating serious complaints referred by the Manager Commercial Passenger Vehicles or DIPL management and taking appropriate action; and
- managing a framework for auditing and complaints.

9 Freedom of Information requests

BWC recordings made by CPV Compliance Officers are classified as Government information under the [Information Act](#). Procedure for the collection, management and release of images from BWCs to the public and external stakeholders must comply with this legislation.

Freedom of Information (FOI) allows members of the public to make requests to the Northern Territory Government for access to information. Any requests for recordings or information from BWCs must be directed to the DIPLs FOI Officer at foi.dipl@nt.gov.au.

For more information visit www.infocomm.nt.gov.au.

9.1 Sharing of footage

The Director Passenger Transport and/or Manager Commercial Passenger Vehicles may be requested by external agencies to provide BWC recordings for evidentiary purposes.

External Northern Territory Government agencies who wish to obtain copies of footage, with the exception of NT Police, must submit a request in writing to the Manager Commercial Passenger Vehicles.

The Manager Commercial Passenger Vehicles is able to provide direct access to footage to members of the NT Police. The handling of requests from the NT Police must be in accordance with the [Information Act](#).

9.2 Reasons to access footage

Footage from BWCs can only be downloaded by an authorised officer and is accessed and used (but not limited to) the following scenarios:

- to ensure compliance by a driver of a CPV with requirements that apply to the driver under a law in force in the Territory;
- to ensure compliance by a passenger of a CPV with requirements that apply to the passenger under a law in force in the Territory with an obligation to pay the fare for a hiring of a CPV;
- to investigate an offence committed in the Territory or elsewhere (including locating a person in connection with such an offence) or otherwise enforcing a law in force in the Territory;
- to locate a missing person or furthering an investigation into the safety or welfare of any person;
- to inspect, maintain, repair or test an Onboard System; and
- for CPV Compliance Officer and driver training purposes.

9.3 Retention schedule

Footage is stored on Evidence.com and attracts specific retention periods as determined by the Administrator. At the completion of the respective retention period, footage will be automatically deleted.

Footage retention categories are:

- Evidential (one year);
- Non-evidential (200 days);
- Training (until manually deleted);
- Pending review (one year); and
- Uncategorised (200 days).

10 References

- [Code of Conduct for the Northern Territory Public Sector](#)
- [Commercial Passenger \(Road\) Transport Act 1991](#)
- [Evidence \(National Uniform Legislation\) Act 2011](#)
- [Information Act 2002](#)
- [Public Sector Employment and Management Act 1993](#)
- [Surveillance Devices Act 2007](#)