

**Authorised Version**

**Surveillance Devices Amendment (Body-worn  
Cameras) Regulations 2018**

**S.R. No. 96/2018**

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1 Objective	1
2 Authorising provision	2
3 Commencement	2
4 New regulations 10 and 11 inserted	2
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<b>Endnotes</b>	<b>8</b>

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STATUTORY RULES 2018

S.R. No. 96/2018

*Surveillance Devices Act 1999*

**Surveillance Devices Amendment (Body-worn  
Cameras) Regulations 2018**

The Lieutenant-Governor as the Governor's deputy, with the advice of the Executive Council, makes the following Regulations:

Dated: 10 July 2018

Responsible Minister:

MARTIN PAKULA  
Attorney-General

ANDREW ROBINSON  
Clerk of the Executive Council

**1 Objective**

The objective of these Regulations is to amend the Surveillance Devices Regulations 2016 to prescribe—

- (a) the persons who may use body-worn cameras or tablet computers in the course of their duties and the circumstances in which the cameras or computers may be used subject to the requirements of the **Surveillance Devices Act 1999**; and
- (b) the purposes for which information obtained from the use of those cameras or computers may be used, communicated or published.

## **2 Authorising provision**

These Regulations are made under section 37A of the **Surveillance Devices Act 1999**.

## **3 Commencement**

These Regulations come into operation on 11 July 2018.

## **4 New regulations 10 and 11 inserted**

After regulation 9 of the Surveillance Devices Regulations 2016<sup>1</sup> **insert—**

### **"10 Prescribed persons and classes of persons and prescribed circumstances**

- (1) For the purposes of sections 6(2)(e), 7(2)(e) and 30F(1B) of the Act, the following persons or classes of persons and the circumstances in relation to that person or class are prescribed—
  - (a) a person authorised under section 9A of the **Corrections Act 1986** to exercise the powers or functions of a prison officer or an escort officer in circumstances where—
    - (i) the safety of any person may be compromised; or
    - (ii) there is a threat to the management, security or good order of a prison or any location where a prisoner is being held;
  - (b) a person employed as a prison officer within the meaning of the **Corrections Act 1986** in circumstances where—
    - (i) the safety of any person may be compromised; or

- (ii) there is a threat to the management, security or good order of a prison or any location where a prisoner is being held;
- (c) a person employed as an escort officer within the meaning of the **Corrections Act 1986** in circumstances where—
  - (i) the safety of any person may be compromised; or
  - (ii) there is a threat to the management, security or good order of a prison or any location where a prisoner is being held;
- (d) a specified officer within the meaning of section 78F of the **Corrections Act 1986** supervising a prisoner on parole or a monitored serious sex offender in circumstances where—
  - (i) the safety of any person may be compromised; or
  - (ii) there is a threat to the management, security or good order of the location that the specified officer is attending;
- (e) a security officer within the meaning of the **Corrections Act 1986** in circumstances where—
  - (i) the safety of any person may be compromised; or
  - (ii) there is a threat to the management, security or good order of premises where the Adult Parole Board of Victoria meets or premises where employees of the Department of Justice

and Regulation who are assisting the Adult Parole Board under section 70(1) of the **Corrections Act 1986** to perform its functions are located;

- (f) a prison officer within the meaning of the **Corrections Act 1986** assigned to the Security and Emergency Services Group of Corrections Victoria, Department of Justice and Regulation, in relation to that person's duties when engaged in a youth justice facility within the meaning of section 482A of the **Children, Youth and Families Act 2005**, in circumstances where there is a threat to—
  - (i) the security or good order of a youth justice facility; or
  - (ii) the safety and security of any detainee in a youth justice facility;
- (g) an officer within the meaning of section 482A of the **Children, Youth and Families Act 2005** assigned to the Safety and Emergency Response Team of Youth Justice Division, Department of Justice and Regulation in circumstances where there is a threat to—
  - (i) the security or good order of a youth justice facility within the meaning of section 482A of the **Children, Youth and Families Act 2005**; or
  - (ii) the safety and security of any detainee in a youth justice facility;

- (h) an officer within the meaning of section 482A of the **Children, Youth and Families Act 2005** assigned to the role of night supervisor in circumstances where there is a threat to—
  - (i) the security or good order of a youth justice facility within the meaning of section 482A of the **Children, Youth and Families Act 2005**; or
  - (ii) the safety and security of any detainee in a youth justice facility;
- (i) a specified officer within the meaning of the **Serious Sex Offenders (Detention and Supervision) Act 2009** working at a residential facility in circumstances where—
  - (i) the safety of any person may be compromised; or
  - (ii) there is a threat to the management, security or good order of the residential facility;
- (j) a specified officer within the meaning of the **Serious Sex Offenders (Detention and Supervision) Act 2009** supervising an offender subject to an order under that Act at a location other than a residential facility in circumstances where—
  - (i) the safety of any person may be compromised; or
  - (ii) there is a threat to the management, security or good order of the location that the specified officer is attending;

- (k) a protective services officer within the meaning of the **Victoria Police Act 2013** in the circumstances of carrying out their functions under that Act or any other Act.
- (2) For the purposes of paragraph (ac) of the definition of *protected information* in section 30D of the Act, the prescribed persons or class of person and prescribed circumstances are those referred to in subregulation (1).
- (3) For the purposes of paragraph (d) of the definition of *local protected information* in section 30F(4) of the Act, the prescribed persons or class of person and prescribed circumstances are those referred to in subregulation (1).

**11 Prescribed purposes for the use, communication or publication of local protected information**

- (1) For the purposes of section 30F(1A)(b) of the Act, the following purposes are prescribed where the local protected information is obtained from the use of a body-worn camera or a tablet computer by a police officer—
  - (a) a proceeding for a family violence intervention order under the **Family Violence Protection Act 2008**;
  - (b) an investigation or inquest carried out under the **Coroners Act 2008**;
  - (c) assisting in locating any person reported missing to Victoria Police.

- (2) For the purposes of section 30F(1B)(b) of the Act, the following purposes are prescribed—
- (a) where the local protected information is obtained from the use of a body-worn camera or a tablet computer by a protective services officer within the meaning of the **Victoria Police Act 2013**—
    - (i) a proceeding for a family violence intervention order under the **Family Violence Protection Act 2008**;
    - (ii) an investigation or inquest carried out under the **Coroners Act 2008**;
    - (iii) assisting in locating any person reported missing to Victoria Police;
  - (b) in any other case, an investigation or inquest carried out under the **Coroners Act 2008**."
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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 61/2016.