

LEGISLATIVE COUNCIL

JUSTICE LEGISLATION AMENDMENT (BODY-WORN CAMERAS AND OTHER MATTERS) BILL 2017

(Amendments to be proposed in Committee by Mr RICH-PHILLIPS)

1. Clause 1, line 6, after "police" insert ", custodial officers, emergency workers".
2. Clause 3, after line 10 insert—

*"custodial officer"* means a prison officer or escort officer within the meaning of the **Corrections Act 1986**;

*emergency worker* means—

  - (a) a protective services officer within the meaning of the **Victoria Police Act 2013**; or
  - (b) an operational staff member within the meaning of the **Ambulance Services Act 1986**; or
  - (c) a person employed by the Metropolitan Fire and Emergency Services Board established under the **Metropolitan Fire Brigades Act 1958** or a member of a fire or emergency service unit established under that Act; or
  - (d) an officer or employee of the Country Fire Authority under the **Country Fire Authority Act 1958**; or
  - (e) an officer or member of a brigade under the **Country Fire Authority Act 1958**, whether a part-time officer or member, a permanent officer or member or a volunteer officer or member within the meaning of that Act; or
  - (f) a casual fire-fighter within the meaning of Part V of the **Country Fire Authority Act 1958**; or
  - (g) a volunteer auxiliary worker appointed under section 17A of the **Country Fire Authority Act 1958**; or
  - (h) a person employed in the Department of Environment, Land, Water and Planning with emergency response duties; or
  - (i) a registered member or probationary member within the meaning of the **Victoria State Emergency Service Act 2005** or an employee in the Victoria State Emergency Service; or
  - (j) a volunteer emergency worker within the meaning of the **Emergency Management Act 1986**; or
  - (k) any other person or body—
    - (i) required or permitted under the terms of their employment by, or contract for services with, the Crown or a

government agency to respond (within the meaning of the **Emergency Management Act 2013**) to an emergency (within the meaning of that Act); or

(ii) engaged by the Crown or a government agency to provide services or perform work in relation to a particular emergency;"

3. Clause 4, after line 26 insert—

"(e) the overt use of a body-worn camera or a tablet by a custodial officer or an emergency worker acting in the course of the person's duty and the recording of a private conversation to which the person is not a party is inadvertent, unexpected or incidental to that use; or".

4. Clause 4, line 27, omit "(e)" and insert "(f)".

5. Clause 4, page 4, line 5, omit "and (e)" and insert ", (e) and (f)".

6. Clause 4, page 4, line 6, after "officer," insert "a custodial officer, an emergency worker,".

7. Clause 5, after line 24 insert—

"(e) the overt use of a body-worn camera or a tablet by a custodial officer or an emergency worker acting in the course of the person's duty and the recording of a private conversation to which the person is not a party is inadvertent, unexpected or incidental to that use; or".

8. Clause 5, line 25, omit "(e)" and insert "(f)".

9. Clause 5, page 5, line 3, omit "and (e)" and insert ", (e) and (f)".

10. Clause 5, page 5, line 4, after "officer," insert "a custodial officer, an emergency worker,".

11. Clause 6, after line 16 insert—

"(ac) any information obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty; or".

12. Clause 6, line 17, omit "(ac)" and insert "(ad)".

13. Clause 7, page 6, after line 6 insert—

"(j) if the information is obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty to record a private conversation or a private activity—

(i) any purpose referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (ga) or (h); or

- (ii) the education and training of custodial officers or emergency workers, as the case requires; or
- (iii) any prescribed purpose;".

14. Clause 7, page 6, line 7, omit "(j)" and insert "(k)".
15. Clause 7, page 6, after line 34 insert—
  - "(d) any information obtained from the use of a body-worn camera or a tablet computer by a custodial officer or an emergency worker acting in the course of the person's duty to record a private conversation or a private activity; or".
16. Clause 7, page 7, line 1, omit "(d)" and insert "(e)".

AMENDMENT OF LONG TITLE
17. Long title, after "police" insert ", custodial officers, emergency workers".