



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Public Open Space Closed-Circuit Television Surveillance

CODE OF PRACTICE

Date Issued: **17/04/2020**

Document Owner: Wellington Shire Council – Built and Natural Environment

Introduction/Background

Wellington Shire Council seeks to protect people and assets in the most effective manner possible including through the appropriate application of Closed-Circuit Television (CCTV) surveillance and monitoring systems.

The primary purpose for installing CCTV systems is to discourage and detect unlawful behaviour in and around public places, resulting in the enhanced safety and security of residents and visitors within Wellington Shire.

Scope/Purpose

This Code of Practice applies to the operation of a CCTV program installed to record in public places and monitored by Victoria Police under the terms of a Memorandum of Understanding (MoU) between that organisation and Wellington Shire Council.

The purpose of the CCTV program is to:

- (a) Assist in reducing person and property crime levels;
- (b) Assist Police in determining the appropriate allocation of resources in situations where the commission of a crime is imminent or is in progress;
- (c) Assist in the detection and prosecution of offenders; and
- (d) Promote a safer and more liveable environment.

The Closed-Circuit Television Policy and this Code of Practice will ensure that Council's Open Space CCTV program (the CCTV Program) is operated fairly, within applicable legislation, only for the purposes for which it is established and with due regard to the privacy and civil liberties of individuals.

The purpose and scope of the CCTV Program may be amended as subsequently determined in accordance with this Code of Practice.

The public interest in the operation of the CCTV Program will be recognised by the security and integrity of operational procedures.

Victoria Police may use cameras regulated under the CCTV Program in accordance with the MoU.

Cameras may be used to monitor individuals, groups or locations when the CCTV operator believes that an offence has been committed, is being committed, or is about to be committed in the monitored area.

This Code of Practice emphasises Wellington Shire Council's ongoing commitment to ensuring that the privacy of individuals is protected, ensuring cameras are used for the designated purpose and that the rights of individuals are protected.

Authorised users of the CCTV system must comply with this Code of Practice, relevant policy and operating protocols, and the *Privacy and Data Protection Act 2014 (Vic)* when utilising the CCTV system.

Where permission has been granted, CCTV cameras may be placed on private commercial or residential property and technically attached to the CCTV system to enhance the program's operational efficiency and effectiveness. Formal agreements will be negotiated by Wellington Shire Council with property owners as required.

CCTV Cameras are not placed to cover all conceivable areas. Rather, cameras are installed at priority locations. The criteria for determining 'priority' locations include the level of pedestrian traffic flow through an area, and whether there has been a history of crime in an area as confirmed by Vic Pol. Refer to Schedule 1 for current camera locations.

CCTV cameras installed in locations that are later deemed to be non-priority locations, or not assisting Wellington Shire Council and Victoria Police will be removed for re-deployment to other priority locations.

Definitions and Abbreviations

Word/Term	Definition
Access Application	A request by any person seeking to view CCTV images in Victoria Police possession, and to be submitted to Victoria Police for approval.
Authorised User	Users authorised by WSC CCTV Steering Committee Council Management Team to utilise CCTV systems in accordance with this Code of Practice. Includes Victoria Police authorised users.
CCTV	Closed-Circuit Television
CCTV incident, daily check, and maintenance logs	Documents available at all CCTV data storage locations which must be completed by an Authorised User in the event of: <ul style="list-style-type: none"> • an incident, • maintenance and/or repairs, or • the disclosure of recorded images occurring.
CCTV Program	Approved program for the installation and operation of Closed-Circuit Television in and around Council property and public places, in accordance with this Code of Practice.
CCTV Steering Committee	Committee established by Wellington Shire Council and consisting of representatives from Council's General Manager Built and Natural Environment (or representative) and other WSC officers and relevant stakeholders, to oversee the operation of the CCTV Program. Members of VicPol may be invited to inform effectiveness, policy decisions or changes to the program.
Contractors	CCTV equipment providers. May also assist with training and maintenance/replacement.
Wellington Shire Council Audit Committee	Advisory Committee of Council responsible for reviewing whether the CCTV Program is operating satisfactorily, in accordance with the Code of Practice relevant policy and legislation.
MoU	Memorandum of Understanding - the formal agreement between Victoria Police and Wellington Shire Council relating to the operation of the Public Open Space CCTV Program

Word/Term	Definition
Public Open Space	Any place to which the public has access as of right or by invitation, whether express or implied and where no charge is made for admission to the place. A public place does not include a private place.
Victoria Police Manager	Officer in Charge, Sale Police Station (or nominated representative) as the Victoria Police representative who is the senior supervisor of the Sale Police Station hosting components of the CCTV network.

Instructions

Wellington Shire Council responsibilities and accountability

Wellington Shire Council, in partnership with the VicPol, is responsible for the protection of public interests in relation to the CCTV Program. Wellington Shire Council is accountable for the effective operation and management of the CCTV Program.

- (a) Wellington Shire Council is responsible for the Code of Practice and for ensuring compliance with the Code;
- (b) Wellington Shire Council provides information to the public on its website about the operation of the CCTV Program and about any proposed major amendment to the program or Code of Practice;
- (c) Wellington Shire Council has given authority to Victoria Police, via the MoU, to operate the CCTV system in and around specified public places;
- (d) Wellington Shire Council may request from Victoria Police the right of inspection of all CCTV facilities, procedural documentation, files, registers, records and live or recorded material for analysis, maintenance or during annual reviews associated with the CCTV Program.

Victoria Police involvement in the Program

As a partner to Council's CCTV Program, Victoria Police has agreed to act in accordance with this Code of Practice and the MoU.

Contact related to the CCTV program between Council staff, any delegated contractors and the Victoria Police will be conducted in accordance with this Code of Practice and the MoU.

Public Information and community consultation

The public will be provided with clear and easily accessible information in relation to the operation of the CCTV Program, including:

1. Signs advising that CCTV cameras are operating in the vicinity will be conspicuously displayed at the perimeter of the area covered by the CCTV system and at other key points as may be determined by the CCTV Steering Committee. These signs will clearly:
 - a. Inform the public that cameras are in operation in the vicinity;

- b. Inform the public that footage is being recorded at all times;
 - c. Identify Wellington Shire Council as the owner of the CCTV Program;
and
 - d. Provide a contact telephone number for enquiries relating to the CCTV cameras.
2. Copies of this Code of Practice will be made available to the public upon request and on Council's website;
 3. Enquiries in relation to the CCTV Program and its operation can also be made in writing to:

Wellington Shire Council – CCTV Program
 Attention: General Manager Built and Natural Environment
 PO Box 506
 SALE VIC 3850

4. That proposed installation or removal of CCTV cameras in public locations will be determined by the WSC CCTV Steering Committee in consultation with relevant stakeholders. Such changes will be reported annually to Council's Audit & Risk Committee. Refer to Schedule 1 for current camera locations.

Technical specifications

The system is comprised of 11 fit for purpose Pan, Tilt and Zoom (PTZ) Cameras with 36 times optical zoom.

1. The video footage is transferred via wireless radio links to the Sale Police Station watch-house. Data is stored on a Raid Array server with an independent workstation for the access and retrieval of footage by Victoria Police authorised users;
2. The system complies with:
 - a. 4806.1-2006 CCTV Part 1: Management and operation;
 - b. 4806.2-2006 CCTV Part 2: Application guidelines;
 - c. 4806.3-2006 CCTV Part 3: PAL signal timings and levels; and
 - d. 4806.4-2008 CCTV Part 4: Remote video.

Evaluation of the Program

Evaluation of the CCTV Program will be undertaken annually to identify whether the aims and objectives of the Program are being met and whether the CCTV Policy and Code of Practice are being adhered to.

1. Wellington Shire Council is responsible for ensuring that the CCTV Program is evaluated each year. The CCTV Steering Committee will provide relevant information, reports and data for review by the Council's Audit Committee.
2. The CCTV Steering Committee will include:
 - a. Council Officers and Authorised User(s);
 - b. Other authorised Council representatives, which may include contractors or consultants;
 - c. Relevant stakeholders;

- d. Victoria Police representative/s; and
 - e. any staff member or person nominated by the Council's Chief Executive Officer.
3. The CCTV Steering Committee will provide a review and report to the Council's Audit Committee on matters including:
 - a. description of the system;
 - b. purpose and objectives of the program;
 - c. changes if any to the extent of the CCTV system;
 - d. any major amendments to the Code of Practice;
 - e. the number and nature of any complaints relating to the CCTV Program;
 - f. requests for copy of recorded material or photographs by Victoria Police and the assistance given to Victoria Police for detection of incidents and/or offenders;
 - g. locations where additional cameras may be required and rationale to support any such proposal/request;
 - h. assessment of the CCTV Program's impact upon crime;
 - i. changes in public perception of personal safety through an independent survey;
 - j. costs attributed to installation, maintenance and monitoring; and
 - k. an assessment of the CCTV system and any technology problems.
 4. The functions of the Council's Audit Committee are to:
 - a. Provide an independent review mechanism for the CCTV Program;
 - b. Identify and report deviations from the Policy or this Code of Practice which come to notice; and
 - c. Recommend to Wellington Shire Council, actions that will safeguard and enhance the CCTV Program.
 5. The Council's Audit Committee review will consider such matters as:
 - a. Complaints received and responses provided;
 - b. Processes used to receive, assess and process access requests; and
 - c. Whether the systems and process utilised remain good practice.
 6. The results of the evaluation will be made available for public information upon request and on Council's website.

Management of the CCTV recordings

In accordance with the MoU, Victoria Police Manager (or representative) will ensure:

1. CCTV Program authorised users shall have, and maintain at all times, all necessary licensing requirements and be qualified at a suitable level to meet all relevant legislative and regulatory requirements;
2. Authorised Users understand that they risk disciplinary proceedings (including dismissal) if they breach any of the provisions of the Code of Practice;
3. There is a requirement of confidentiality which can be enforced during and after termination of employment; and
4. The CCTV Incident/Disclosure Log must be completed as soon as practicable following:
 - a. an incident; and/or
 - b. the disclosure of recorded images occurring.

Control and operation of CCTV cameras

Information recorded will not exceed that which is necessary to fulfil the purposes of the CCTV Program and will be obtained fairly and in accordance with the privacy provisions in this Code of Practice.

1. CCTV cameras may be housed in weather protective domes or cases which will be clearly apparent to the public and will not be unduly concealed;
2. CCTV cameras will not be used to look onto adjacent or nearby premises, buildings, commercial premises or private residences unless determined by Victoria Police for the purpose of:
 - a. Following participants in a crime,
 - b. Following participants suspected of being involved in a crime; and/or
 - c. Victoria Police intelligence gathering.
3. Operators of CCTV equipment will act in accordance with the highest standards of probity and will control cameras to record subjects or particular places strictly in accordance with the purpose of the CCTV Program, this Code of Practice and applicable legislative requirements; and
4. Only personnel with responsibility for using the equipment will have access to operating controls, and recording facilities, except in the case of an emergency whereby Victoria and Federal Police may have access.

Retention of and access to recorded material

The retention of, and access to CCTV recorded information will only be for the purposes provided by this Code of Practice and will be kept no longer than is necessary for the purposes of the CCTV Program. Recorded material no longer required will be disposed of using approved methods, and in accordance with a disposal schedule approved by The Keeper of Public Records (Public Record Office Victoria).

1. All requests for access to recorded material, other than by authorised representatives of Wellington Shire Council (including Victoria Police) must be made to Victoria Police. Access to recorded material held by Victoria Police, following the making of an application will only be granted:
 - a. In compliance with the needs of Victoria Police in the investigation and detection of a crime or suspected crime,
 - b. For use in Victoria Police intelligence gathering,
 - c. For use in relation to special or covert operations,
 - d. For providing evidence in actual or possible criminal and/or civil proceedings,
 - e. For identification of witnesses,
 - f. For research or development purposes, and/or
 - g. As otherwise required by legislation.
2. Recorded material will be handled according to all relevant and appropriate legislations and standards,
3. Recorded material will not be sold or used for commercial or other purposes, or the provisions of entertainment, and will only be used for the purposes set out in this Code of Practice.
4. The CCTV Incident/Disclosure Log must be completed on each occasion,

5. The showing of recorded material to the public will be permitted only in accordance with the needs of the Victoria Police in connection with the investigation of crime or in any other circumstances provided by law,
6. Use of recorded material by the media should only occur to gain public information with respect to the identity of a person/s wanted. The recognisable characteristics of the other people in the footage must be obscured,
7. Appropriate security measures will be taken against unauthorised access to alteration, disclosure, accidental loss or destruction of recorded material,
8. Images will generally be retained for no less than 31 days, and thereafter will be deleted, unless they are required to be retained in relation to the investigation of crime, or for court proceedings notified to Victoria Police or for ongoing intelligence and investigations,
9. Images may be recorded and retained for a period less than outlined in the above point, during times of upgrading, repair or changeover of information technology and camera software or hardware, or during periods of maintenance or replacement of equipment or assets,
10. If in the rare circumstances the information technology hardware fails and the current recorded images of up to 31 days are deleted, all reasonable efforts to repair or replace equipment will be made,
11. Wellington Shire Council retains the ownership of and has copyright in all recordings, photographs and documentation pertaining to the CCTV Program. Incident footage which has been downloaded by Victoria Police for law enforcement purposes will become the property and full responsibility of Victoria Police.

Roles and Responsibilities

PARTY/PARTIES	ROLES AND RESPONSIBILITIES
Wellington Shire Council Executive Group	Responsible for the assessment and approval of CCTV equipment installation requests
Victoria Police Manager	Responsible for overseeing the effective and ethical management of equipment and recorded information operated or held by Victoria Police. Reviews and determines all applications for access to recorded information in Victoria Police possession
Wellington Shire Council General Manager Built and Natural Environment	Responsible for the effective and ethical management of equipment and for ensuring that the recorded information is appropriately maintained by Council's Authorised Users. Oversees contracted equipment service providers to the CCTV Program
Wellington Shire Council Governance Officer	Prepares statistical analysis and public survey data for the Public Space CCTV Surveillance Program annual report to be presented to Council's Audit Committee. Serves as the primary Council representative on the CCTV Project Steering Committee

PARTY/PARTIES	ROLES AND RESPONSIBILITIES
WSC CCTV Steering Committee	Comprised of representatives of Council, relevant stakeholders and Victoria Police and responsible for the overseeing the Public Space CCTV Program
Wellington Shire Council Audit Committee	To annually review the use, operation and compliance with the policy and this CCTV Code of Practice
Victoria Police as 'authorised users'	Monitoring of public CCTV cameras in accordance with the Memorandum of Understanding agreement between Victoria Police and Wellington Shire Council
Wellington Shire Council Governance Officer	Receives and processes applications for access to recorded information in Wellington Shire Council possession for the approval of the Manager Built Environment. Assists the CCTV Steering Committee with the preparation of annual CCTV Program Review report for presentation to Council's Audit Committee.
Contracted Security Company	A company engaged to supply/install/maintain CCTV equipment and/or Council facility CCTV Camera footage, in compliance with this policy and the CCTV Code of Practice.

Enquiries and feedback in relation to Council's Public Space CCTV and its operation may be made in writing to:

Wellington Shire Council – CCTV Program

ATTENTION: General Manager Built and Natural Environment

PO Box 506

SALE, VICTORIA 3850

Enquiries and information regarding law enforcement issues identified under the Public Space CCTV Program should be made in writing to:

Victoria Police, SALE – CCTV Program

ATTENTION: Officer in Charge

1-11 Reeve Street

SALE, VICTORIA 3850

Supporting Documents/References and Legislation

Supporting documents

- *Public Open Space Closed Circuit Television Surveillance Policy*
- Memorandum of Understanding Agreement with Victoria Police
- CCTV Incident/Download, Daily System Check, Maintenance Logs and Register
- CCTV Training Manuals (where required)
- CCTV Program Complaints/Feedback Register

References and Legislation

- *Commonwealth Surveillance Devices Act 2004*
- *Commissioner for Law Enforcement Data Security Act 2005*
- *Evidence Act 2008*
- *Freedom of Information Act 1982*
- *Human Rights and Responsibilities Act 2006*
- *Privacy and Data Protection Act 2014*
- *Private Security Act 2004*
- *Public Records Act 1973*
- *Victorian Surveillance Devices Act 1999*
- *Victorian Surveillance Devices Regulations 2006*
- *Victorian Ombudsman Closed Circuit Television in Public Places – Guidelines November 2012*
- Public Records Office Victoria documents

- Australian Standards
 - 4806.1-2006 CCTV Part 1: Closed Circuit Television (CCTV) management and operation
 - 4806.2-2006 CCTV Part 2: Application guidelines
 - 4806.3-2006 CCTV Part 3: PAL signal timings and levels
 - 4806.4-2008 CCTV Part 4: Remote video
- *Guide to Developing CCTV for Public Safety in Victoria, A community crime prevention initiative.* Victorian Government – Department of Justice, August 2011

Version Control Table

The Code of Practice will be reviewed annually

Version	Date	Approved By	Amendment
0	04/04/2018	Draft	Draft
1	17/04/2020	WSC CCTV Steering Committee	Final

Schedule 1 – CCTV Camera Locations

- (a) CCTV Camera 1
Sale Police Station – Foster Street, SALE
The camera is a Pan/Tilt/Zoom (**PTZ**) camera on the Wurruk to Sale Shared Path and is installed on the southern face of the Sale Police Station.
- (b) CCTV Camera 2 & 3
Port of Sale Business Centre – Foster Street, SALE
The cameras are PTZ cameras with adjustable viewing installed on the south-west corner of the Port of Sale Business Centre.
- (c) CCTV Camera 4
Wellington Shire Council – Foster Street, SALE
The camera is a PTZ camera with adjustable viewing installed on the south-west corner of the Wellington Shire Council Headquarters
- (d) CCTV Camera 5
Gippsland Centre – 37-79 Cunninghame Street, SALE
The camera is a PTZ camera with adjustable viewing installed on the north east corner of Gippsland Centre
- (e) CCTV Camera 6 & 7
Star Hotel – Raymond Street, SALE
The cameras are PTZ cameras with adjustable viewing installed on the south-eastern corner of the Star Hotel.
- (f) CCTV Camera 8, 9, 10 & 11
Clocktower – Cunninghame Street, SALE
The cameras are PTZ cameras with adjustable viewing installed on the south-eastern and north-eastern corner of the Clocktower in the Mall
- (g) CCTV Camera 12 & 13
Gippsland Hotel – York Street, SALE
The PTZ cameras are focused on the McDonalds Car Park and installed on the north-eastern façade of the Gippsland Hotel.
- (h) CCTV Camera 14 & 15
Memorial Hall (Veterans Centre) – 81 Macalister Street, SALE
The PTZ cameras have been installed on the north eastern and north western façade of Memorial Hall and focuses on pedestrians particularly travelling between the Criterion Hotel.

Wellington Shire Council CCTV Program 'Maintenance Log/Faults Report Log'

(Victoria Police watch-house officer to complete when reporting off-line periods for maintenance and/or requests for repairs)



Wellington Shire Council Public Space CCTV Program Maintenance Log / Faults Report Log



(Victoria Police watch-house officer to complete when reporting off-line periods for maintenance and/or request for repairs)

Building / CCTV Unit Number and location			
Date	Time	Operator	Engineer:
Reason: Regular Maintenance/Call Out			
Maintenance Details:			
Outcome:			

Building / CCTV Unit Number and location			
Date	Time	Operator	Engineer:
Reason: Regular Maintenance/Call Out			
Maintenance Details:			
Outcome:			

Wellington Shire Council CCTV Program 'Incident/Download' Register

(Victoria Police watch-house officer to complete at time of incident or request for download of footage)



Wellington Shire Council Public Space

CCTV Program

Incident / Download Register



VICTORIA POLICE

** Victoria Police watch- house member to complete at time of incident or request for download of footage , copy of sheet to be stored in the CCTV Folder **

Date	Time	Incident Location
Recording Number	_____	
Live Incident Recording	YES / NO	
Incident Type/Description		
Response to Incident		
If Police required, time requested		
Name(s) and Registered Number(s) of attending Police Officers		
Was footage downloaded from server	YES / NO	Method of copy (USB/CD etc):
Footage recipient name/position/contact details		
Date of destruction/return		
Name of Watch House Officer		
Signature		