

6.3 Draft Safe City Camera Program Policy

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Executive Summary

1. The City of Melbourne invests significantly in the management of amenity related issues including cleanliness, presentation and the protection and conservation of our natural environment. Leveraging the existing Safe City Camera network to assist in the management of these issues within the context of Local Law compliance presents an opportunity to improve public amenity and environmental management controls.
2. Council authorised officers are already empowered to undertake investigations in relation to alleged breaches of Local Laws and they undertake a significant number of investigations each year into issues like illegally dumped waste, graffiti, and public space issues like noise complaints and road management work being undertaken outside of permit conditions. Currently, Safe City Camera footage cannot be utilised in these investigations. The proposed changes would provide Council authorised officers with an additional investigative tool to complement existing practices.
3. A draft Safe City Camera Program (SCCP) Policy (draft Policy) which proposes an expanded purpose for the SCCP to be utilised in certain Local Law investigations has been developed. Consultation with key stakeholders has commenced and broader stakeholder and community engagement will occur should Council endorse the draft Policy.
4. In proposing to expand the purpose of the SCCP it is necessary to balance several issues including Councils obligations to ensure the peace and order of the municipality, community expectations relating to the quality and standards of amenity maintained by Council and our management of the natural environment, and relevant legislative obligations. To assist Council in balancing these diverse interests, assessments of privacy and human rights impacts have been undertaken as part of the draft Policy's development.

Recommendation from management

5. That the Future Melbourne Committee resolves to:
 - 5.1. Endorse the draft Safe City Camera Policy (Attachment 1 of the report from management) for commencement of community engagement and direct that it be annexed to the minutes; and
 - 5.2. Authorise the General Manager Infrastructure and Amenity to make any further minor editorial changes prior to publication.
 - 5.3. Note the final Policy will be included in a report back to Council in December 2025 and if endorsed published on Councils website.

Purpose

6. The purpose of this report is to seek endorsement of the draft Safe City Camera Policy for community consultation.

Background

7. On 6 December 1995, Council resolved to establish a closed-circuit television system in Melbourne's Central Business District, to be known as the Safe City Camera Program (SCCP). The SCCP commenced operation on 27 February 1997 and is a valuable component of public safety infrastructure within the municipality.
 8. The current purpose of the SCCP as outlined in its Operating Manual is to contribute to the provision of a safer physical environment, assist Victoria Police to reduce crime levels by deterring potential offenders, to aid in the early identification of criminal offences and generally assisting in emergency responses.
 9. Each year the SCCP assists in thousands of incidents, supporting Victoria Police in the identification of alleged criminal offences and offenders, but also in welfare checks and assisting to locate vulnerable missing people, as well as in broader emergency management situations.
 10. At its 6 May 2025 meeting the Future Melbourne Committee (FMC) resolved to:
 - 10.1. Note the resolution of Council dated 30 May 2023 relating to the Safe City Camera Program
 - 10.2. Resolves to allocate new capital expenditure to upgrade the existing Safe City Camera Program and the purchase and installation of new cameras to expand the network and refers this expenditure to the 2025/26 draft Budget.
 - 10.3. Request City of Melbourne management undertakes a review of the Safe City Camera program policies and manual which will include consulting with the SCCP Audit Committee, Victoria Police and similar stakeholders involved in advising the program at its inception and in the 2010 Policy review, to consider:
 - 10.3.1. Permitting the use of camera footage by Council-authorized officers for the investigation and enforcement of incidents involving:
 - 10.3.2. Damage to public or private property and infrastructure
 - 10.3.3. Defacement or destruction of the natural environment
 - 10.3.4. Acts of public nuisance and
 - 10.3.5. Other enforcement issues that result in costs to the organisation and ratepayers.
 - 10.4. Requests City of Melbourne management review options regarding the use of video analytics to enhance the effectiveness of the Safe City Camera Program.
 - 10.5. Request management seek expert assistance in assessing whether the above proposals are reasonable and consistent with the Victorian Charter of Human Rights and Responsibilities and include this assessment in its report to Council.
 11. In response to the 6 May 2025 FMC resolution, management initiated a review of the SCCP Operating Manual which identified opportunities to utilise the SCCP to assist Council identify and investigate breaches of the Local Laws.
 12. At the 29 July 2025 meeting of Council, a briefing outlined that a phased program of work had been established following the review of the SCCP Operating Manual. The phases for the program work are:
 - 12.1. Phase 1: undertaking essential maintenance upgrades to the SCCP and considering updates to the SCCP policy settings, the latter of which the current briefing is concerned with;
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- 12.2. Phase 2: expanding the SCCP network by adding additional cameras to the network; and,
- 12.3. Phase 3: consideration of video analytics that could be utilised in conjunction with the SCCP.
13. This briefing outlined that management would prepare an update to Council on Phases 2 and 3 in May 2026.
14. At this meeting, Council resolved to:
- 14.1. Note the update provided on the review of the SCCP Manual and that a draft Policy will be prepared for the Future Melbourne Committee's endorsement on 16 September 2025.
- 14.2. Note that a broader update on the SCCP program of work will be provided to the Future Melbourne Committee on 16 September 2025.
- 14.3. Note that should the Future Melbourne Committee endorse the draft SCCP Policy, a community engagement process will be undertaken.
- 14.4. Note that following community engagement, the final SCCP Policy will be considered at the Future Melbourne Committee's 18 November 2025 meeting for endorsement.
15. The City of Melbourne operates Local Laws, specifically the *Activities Local Law 2024* and the *Environment Local Law 2024*.
16. The objectives of the *Activities Local Law 2024* as outlined in S1.2 are to, amongst other things, promote a physical and social environment free from hazards to health, in which the residents of and visitors to the municipality can enjoy a quality of life that meets the general expectations of the community. Other objectives outlined in the *Activities Local Law 2024* are to control noise, protect the use of and provide for safety in public places.
17. The *Environment Local Law 2024* promotes responsible land management through the Environment Management Plan. The objectives of the *Environment Local Law 2024* as outlined in S 1.2 include to provide for the peace, order and good government of the municipality, and to control, protect and conserve the environment and the amenity of the municipality.
18. The Local Laws also determine when activities require a permit. If the Local Law prohibits a person from doing something 'unless in accordance with a permit', someone doing that activity without a permit is guilty of an offence and a Council authorised officer may serve an infringement notice or notice to comply on the person or corporation responsible. Council authorised officers are also known as 'Local Law Officers'.
19. Detailed information about the *Activities Local Law 2024* and the *Environment Local Law 2024* is publicly available on Council's website.

Key considerations

20. Responding to amenity related issues including those that contribute to the presentation and cleanliness of the municipality are complex given the scale of demand. For example, in the 2024/2025 financial year alone Council removed approximately 650 tonnes of illegally dumped rubbish and 142,500 square metres of graffiti.
21. Local Law investigations can commence from directly observing potential breaches during on-street patrols, or in response to a report, complaint or customer feedback. In the process of investigating potential breaches, Local Law officers may attend the scene and undertake evidence collection, documentation and preservation which, in the case of dumped rubbish, involves attempting to establish the identity of the individual or organisation responsible for the alleged breach.
22. Some conduct which could constitute a breach of the Local Laws is challenging to enforce when responding reactively, particularly when other evidence is not available, making it difficult to identify individuals or organisations responsible for the breach. For example, during patrols Local Law officers

may identify a drain that cooking waste has been deposited into or advertising materials that have been installed onto hoardings overnight, two breaches which may not be identified until well after the offence has occurred and the responsible individual or organisation has departed.

23. Certain scenarios also present occupational health and safety risks to Local Law officers, such as having to roster Local Law officers on overnight shifts to perform compliance activities or Local Law officers engaging with individuals known to repeatedly breach their permit requirements and who have a history of engaging aggressively with Local Law officers.
24. Under the current SCCP settings, Local Law officers are unable to utilise footage from the SCCP to assist their investigations.
25. Amenity related issues create real costs to Council through both the staffing costs to investigate alleged breaches and the remediation works required to address built and natural environment impacts. These issues also create harder to quantify costs to our community impacting on the real and perceived liveability and enjoyment of the municipality.
26. When activities occur outside of permit arrangements and in breach of the Local Laws, Council has less ability to manage the impact on our community. In practical terms, this could mean that residents are not adequately notified of upcoming noisy construction work, or visitors to the city are not able to adequately prepare for disruptions to their journey created through unplanned road closures or street diversions created by road and footpath management activities, which are published on Councils website.
27. From an accessibility and public safety perspective, issues like a-frame advertising boards, scissor lifts on footpaths or occupying public spaces outside of permit times can also create risks to pedestrian safety.
28. A draft Policy for the SCCP has been developed which proposes an expanded purpose for the SCCP to assist Council to identify and respond to damage to public or private property and infrastructure, defacement or destruction of the natural environment, acts of public nuisance, and other breaches of Local Laws including those which lead to costs to ratepayers.
29. The draft Policy's purpose outlines the relevant Local Law sections to which it applies, what the footage may be used for, as well as Council's privacy and security controls, guidance on how to apply to view or obtain a copy of SCCP footage and how to make a formal complaint about the SCCP. Much of this information is already available on Councils website and this information will be updated should a final Policy be endorsed.
30. Expanding the SCCP in this way would continue to deliver important support to Victoria Police operations; while optimising the use of the cameras to provide Local Law officers with an additional tool during investigations.
31. Council officers understand that most capital cities in Australia and several cities in the United Kingdom are utilising CCTV in the management and response to amenity related issues including illegally dumped rubbish, graffiti or damage to Council assets.
32. It is important to note that the draft Policy does not enable or empower the application of video analytics in relation to the SCCP. Should Council propose to utilise video analytics in this manner during Phase 3 of the SCCP Program of Work, a further review of this policy and including an assessment of potential privacy and human rights impacts will be undertaken.
33. Should a final Policy be endorsed by Council, several actions would be undertaken as part of implementing the Policy including reviewing and updating standard operating procedures, identifying any additional training for relevant staff, reviewing existing public signage and communicating the new policy settings to the community.

Safe City Camera Program of Work update

34. Essential maintenance and upgrade works commenced on 1 July 2025 and have included appointing a Project Manager and purchasing relevant project materials.

35. Consultation with Victoria Police on proposed locations for new cameras to be delivered during Phase 2 is ongoing.

Legal

36. Management has engaged an experienced external legal advisor, Maddocks, to support the draft Policy development. Maddocks has assisted Council officers in the preparation of a Privacy Impact Assessment, Charter of Human Rights Impact Assessment and Gender Impact Assessment.
37. The Privacy Impact Assessment, which was prepared utilising the Office of the Victorian Information Commissioner (OVIC) template, has identified actions which will be undertaken either prior to Councils consideration of a final policy or during implementation should Council endorse a final policy.
38. The SCCP Audit Committee has considered the Privacy Impact Assessment. A copy of the Privacy Impact Assessment will also be provided to Council's Information Management and Governance Forum for their consideration.
39. The Privacy Impact Assessment is attached at Attachment 2.
40. The Charter of Human Rights Impact Assessment and Gender Impact Assessment are explored later in this report.

Finance

41. There are no financial implications as a result of the recommendation from management.

Conflict of interest

42. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Charter of Human Rights and Responsibilities

43. Maddocks has reviewed the solicitor's certificates under s 74(1) of the *Local Government Act 2020* for both the *Activities Local Law 2024* and *Environment Local 2024*. Both note that the respective laws are compatible with the Charter of Human Rights and Responsibilities.
44. Council Officers were assisted by Maddocks to complete a Charter of Human Rights Impact Assessment of the draft Policy. This assessment, which is in Council's own template, concluded that to the extent that the expansion of the SCCP will limit a person's human rights, it is deemed to be a limitation that is reasonable and demonstrably justified.
45. Council officers have had regard to the proportionality of the proposed expanded purpose of the SCCP and the potential risk of disproportionately impacting vulnerable groups. Actions will be taken to mitigate this risk as part of implementation activities should Council endorse a final Policy.
46. The SCCP Audit Committee has reviewed the Charter of Human Rights Impact Assessment.
47. The Charter of Human Rights Impact Assessment can be found at Attachment 3 and will be published on Councils website should Council endorse a final Policy.

Health and Safety

48. The proposal to expand the purpose of the SCCP is anticipated to enable improvements to:
- 48.1. **Work Environment:** By enabling more efficient investigations of alleged breaches of the Local Laws by Local Law officers and potentially reducing occupational health and safety risks which can arise from conducting investigations, for example through occupational violence or during afterhours compliance checks.

- 48.2. Health and Safety: Councils ability to identify and respond to breaches of the Local Laws is expected to improve responses to amenity related issues which impact the quality of amenity we deliver to community and our environmental management.

Consultation

49. Consultation with the same or similar stakeholder involved at the inception of the SCCP and in the 2010 policy review is underway.
50. Engagement has commenced with Victoria Police in relation to proposed future camera locations to be delivered during Phase 2 of the Program of Work.
51. OVIC did not raise any material concerns during our initial engagement and Council officers undertook to further engage OVIC on the final Policy at the conclusion of community engagement.
52. Council officers have connected with Liberty Victoria, who have advised that the individual best placed to contribute to this work will not be available until after December 2025.
53. Council officers have met with the Victorian Equal Opportunity Human Rights Commission (VEOHRC) and are considering opportunities to work with VEOHRC throughout the Program of Work.
54. The SCCP Audit Committee met on 4 August 2025 to consider the proposal and draft Policy. The SCCP Audit Committee met again on the 19 August 2025 at which time they endorsed a motion which outlined that, with respect to the draft Policy:
- 54.1. The approach taken is supported;
- 54.2. The SCCP Audit Committee looks forward to providing oversight of the implementation of or progress towards implementation of Councils decisions within the scope of the Committees Terms of Reference.
55. The SCCP Audit Committee have also reviewed the Privacy Impact Assessment and Charter of Human Rights Impact Assessment developed for the draft Policy. The SCCP Audit Committee will further consider the final Policy prior to it being returned to FMC in December 2025.
56. Should FMC endorse the draft Policy, a period of community engagement will commence. This will involve a survey via Participate Melbourne and engagement with community groups.
57. Key stakeholders will also be notified of the engagement process and where appropriate, will be invited to meet to discuss the draft Policy.

Relevance to Council Plan and Council Policies

58. The item is a deliverable under Major Initiative 50 (MI50) 'Street Safety Initiatives', which commits to continuing to work with Victoria Police and other agencies to deliver a range of initiatives that improve safety and the perception of safety in the city.

Social and environmental impacts

Social impacts

59. Expanding the purpose of the SCCP for investigating breaches of relevant Local Laws is anticipated to enable more efficient investigations into amenity related issues and assist Council maintaining the cleanliness and usability of public spaces and protection of our natural environment.
60. There are diverse views about the use of CCTV in public spaces which Council will seek to gain a deeper understanding of through community engagement.

Gender Impact Assessment

61. A Gender Impact Assessment is being undertaken with respect to the draft Policy.
62. Sentiment gathered through community engagement will be utilised to further understand the experiences of diverse groups in the context of the expanded purpose of the SCCP and inform the final Gender Impact Assessment.
63. The final Gender Impact Assessment will be included in the report to Council in December 2025 with a final Policy and subsequently published on Council's website, should it be endorsed by Council.

Environmental impacts

64. Expanding the SCCP purpose to enable its use in the investigation of breaches of Local Laws presents an opportunity to achieve environmental benefits, by enabling more efficient investigations into issues impacting the environment, in line with the objectives of the *Environment Local Law 2024*.

Evaluation and review

65. Should the draft Policy be adopted:
 - 65.1. An evaluation and report back to Council will be prepared no later than 12 months from when the Policy commences to ensure it is meeting its intended purpose and not having any unintended consequences, which may involve engaging with key stakeholders; and
 - 65.2. Management will also request that the SCCP Audit Committee reports on the use of the SCCP under the expanded purpose within its annual reporting process and from 2026 Council members will be provided with this report via a briefing note following consideration by Council's Audit and Risk Committee.

Attachment List

1. Safe City Cameras Program Policy [6.3.1 - 5 pages]
2. SCCP Expansion Privacy Impact Assessment [6.3.2 - 14 pages]
3. SCCP Expansion Human Rights Impact Assessment [6.3.3 - 22 pages]



SAFE CITY CAMERAS PROGRAM POLICY

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Draft

Introduction

Melbourne City Council (**Council**) launched the Safe City Cameras Program (**SCCP**) on 27 February 1997. The SCCP relies on a network of cameras throughout the City of Melbourne to help to create a safer environment, reduce crime levels by deterring potential offenders and helping in crime detection, and to protect Melbourne's natural and built environment. The SCCP is designed to protect the privacy of individuals and comply with Council's human rights obligations.

The Operation of the SCCP

The SCCP area of coverage is a dynamic operating environment. Camera numbers inside the area of coverage change as we endeavour to minimise risks to the community.

The primary locations can be seen on the City of Melbourne website.

Specially trained and licenced security personnel actively monitor the cameras 24 hours a day, 7 days a week.

A Safe City mobile security patrol vehicle fitted with 360 degree CCTV surveillance cameras also operates during busy periods. This service is designed to deter opportunistic crime whilst raising the perception of safety within the patrolled areas. It is not a policing function.

Purposes

The purposes of the SCCP are to:

- assist Victoria Police to identify, detect, and respond to crime;
- assist in emergency response; and
- assist Council to identify and respond to damage to public or private property and infrastructure, defacement or destruction of the natural environment, acts of public nuisance, and other breaches of local laws leading to costs to ratepayers.

Specifically, Council uses the SCCP to enforce laws against:

- dumped rubbish investigations and unlawful deposit of waste;
- unsolicited documents (bill posting);
- destroying, defacing council property (spray stencils on footpaths advertising business/graffiti);
- A-board breaches;
- busking breaches at out of hours as per permit/locations;
- bins in the public space outside of permitted collection times;
- discharges into council drains/gutters;
- monitoring behaviour of waste contractors (putting rubbish on tops of bins to be emptied onto the ground);
- breaches by waste collection companies regarding operating outside the permitted collection times;
- out of hours works (shop fittings, etc) or construction works out of hours;
- road management works, digging up roads/footpaths without consent or notification;

- Site Services could send cases to Local Laws and the footage could be accessed for this for investigation;
- scissor lift placement in the public space before permit is valid; and
- space occupancy set ups before allocated permit conditions/times.

Council's Legal Obligations

Council manages the SCCP subject to the following legal obligations:

Charter of Human Rights and Responsibilities Act 2006: This Act is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves. The Act requires public authorities, such as Council, to act consistently with the human rights described in the Charter of Human Rights. For example, section 13 states that “a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and not to have his or her reputation unlawfully attacked”. There is more information on human rights on the [website of the Victorian Equal Opportunity and Human Rights Commissioner \(VEOHRC\)](#).

Privacy and Data Protection Act 2014: This Act places obligations on Victorian public authorities, such as Council, when it collects, holds, uses or discloses personal information. Specifically, Council must comply with the Information Privacy Principles (IPPs). There is more information on the IPPs and your privacy rights on the [website of the Office of the Victorian Information Commissioner \(OVIC\)](#). For more information on how Council complies with its privacy obligations, refer to Council's [Privacy Policy](#).

Privacy and Security Controls

Council has put the following controls in place to protect the privacy of people who are recorded on an SCCP camera:

- all Council staff members and contractors who have access to the control room must sign a confidentiality agreement;
- there is permanent full-time security on the door to the control room;
- Council will only provide access to the footage to individuals and organisations in specific circumstances (refer to Application to view or obtain a copy of SCCP footage below), and requests must be made in writing; and
- footage is deleted after 28 days.

Application to view or obtain a copy of SCCP footage

SCCP footage of incidents is made available only to authorised police members and civilians who meet the criteria of the protocols and agree to comply with the requirements for handling, use and return of footage. Under the protocols, an application to view or copy footage by a civilian will only be approved if the applicant is:

- a lawyer acting on behalf of a person alleged to have committed an offence(s) which may have footage;
- a lawyer acting on behalf of the Victorian or Australian Government or Statutory Authority against a person alleged to have committed an offence(s) which may have been recorded;
- a lawyer acting on behalf of a person who alleges they have been a victim of an offence which has been recorded; and

- a victim of an offence who will represent themselves in a court of law or tribunal in relation to an offence which may have been recorded. In this instance the applicant must provide evidence to substantiate that he/she has been charged with a criminal offence or has a civil matter before the Court. This evidence could be a copy of the criminal charge or Court hearing date documentation.

Footage is kept for 28 days. If no request has been made to view or access footage during this 28 day period the footage is destroyed.

Please note: in accordance with these protocols, we cannot provide material about traffic offences or insurance matters.

Freedom of Information (FOI) Requests

FOI requests for SCCP footage are managed by Council's Governance and Legal Branch. Information on how to make an FOI request is available on the [City of Melbourne website](#).

Making a Formal Complaint

Council's Complaint Resolution Policy is managed through the Customer Experience Branch.

Information on how to make a formal complaint is available on the [City of Melbourne website](#).

Storage, Handling and Destruction of Electronic Records

Under the Public Records Act 1973, Municipal Councils are responsible for carrying out a program of records management in accordance with the standards established under section 13 of the Act. Council deletes SCCP footage after 28 days.

Memorandum of Understanding with Victoria Police

There is a signed Memorandum of Understanding (MOU) between City of Melbourne and Victoria Police regarding the operation of the SCCP and the partnership approach to the maintenance of a safe city.

SCCP Audit Committee

The independent SCCP Audit Committee (Audit Committee) was established from the inception of the SCCP. There are three independent members on the Audit Committee, including a lawyer and a community representative. In addition, there are two representatives from Victoria Police as program partners and representatives from City of Melbourne who provide operational reports, briefings and the committee secretariat.

The Audit Committee meets six times a year and provides an annual written Audit Report to Council. This report evaluates the operations of the SCCP, compliance with the Protocols and Operating Procedures and any Recommendations that may arise from the Audit. Recent Audit Reports are available on the City of Melbourne website.



Melbourne City Council

Privacy Impact Assessment

Safe City Cameras Program Expansion

Part 1 – Program background and details

Program	Safe City Cameras Program Expansion		
Organisation	Melbourne City Council		
PIA Drafter	Maddocks in consultation with Council	Email	
Program Manager	Dean Robertson	Email	Dean.Robertson@melbourne.vic.gov.au
Privacy Officer	Peter Gannoni	Email	Peter.Gannoni@melbourne.vic.gov.au
Date Completed	9 September 2025		

Description of the program and parties

Melbourne City Council (**Council**)’s Safe City Cameras Program (**SCCP**) was established by a resolution of Council in December 1995, with the initial cameras operational by February 1997. The purpose of the cameras has been, since the inception of the SCCP, to “aid detection of crime, aid identification and apprehension of offenders, and assist emergency response”. Importantly, it was not at the time of introduction, proposed to use the SCCP to enforce local laws but to monitor criminal activity and any breaches of relevant Acts. In 2010, Council considered expanding the scope of the SCCP to the enforcement of local laws, but decided not to proceed at that time. On 6 May 2025, the Future Melbourne Committee passed a resolution requiring the City of Melbourne Management to consider expanding the SCCP to permit the use of camera footage by Council authorised officers for the investigation and enforcement of incidents involving:

- damage to public or private property and infrastructure;
- defacement or destruction of the natural environment;
- acts of public nuisance; and
- other enforcement issues that result in costs to Council and ratepayers.

Specifically, Council plans to use the camera footage for the enforcement of:

- Dumped rubbish investigations and unlawful deposit of waste;
- Unsolicited documents (bill posting);
- Destroying, defacing council property (spray stencils on footpaths advertising business/graffiti);
- A-board breaches;
- Busking breaches at out of hours as per permit/locations;
- Bins in the public space outside of permitted collection times;
- Discharges into council drains/gutters;
- Monitoring behaviour of waste contractors (putting rubbish on tops of bins to be emptied onto the ground);
- Breaches by waste collections companies regarding operating outside the permitted collection times;
- Out of hours works (shop fittings, etc) or construction works out of hours;
- Road Management works, digging up roads/footpaths without consent or notification;
- Site Services could send cases to Local Laws and the footage could be accessed for this for investigation;
- Scissor lift placement in the public space before permit is valid; and
- Space occupancy set ups before allocated permit conditions/times.

This Privacy Impact Assessment (**PIA**) considers the privacy impacts of this proposed expansion of the scope of the SCCP as described above.

Scope of this privacy impact assessment

The scope of this PIA is the proposal to expand the functions of the SCCP. It does not consider:

- the existing privacy impacts of the SCCP;
- the security of existing SCCP systems which hold personal information;
- the proposal to expand the number of cameras, which does not change the functions of the SCCP; or
- any privacy impacts in the adoption of video analytics, which will be considered in a future PIA should the Council decide to pursue this.

The only party relevant to this PIA is Council itself.

Legal authority

Under the *Constitution Act 1975 (Vic)*, “Local government is a distinct and essential tier of government consisting of democratically elected Councils having the functions and powers that the Parliament considers are necessary to ensure the peace, order and good government of each municipal district” (s 74A(1)). These

functions and powers are defined in the *Local Government Act 2020* (Vic). As a council, Council has the power to do all things necessary or convenient to be done in connection with the performance of its role, subject to any restrictions imposed by legislation (*Local Government Act 2020* (Vic), s 10). This includes the collection, holding, use and disclosure of personal information to fulfil any of these functions.

Council is subject to a range of privacy, confidentiality and record-keeping obligations. Relevantly:

- it must only collect, hold, use and disclose personal information in accordance with the Information Privacy Principles (IPPs) established by the *Privacy and Data Protection Act 2014* (Vic) (PDPA);
- it must comply with the *Health Records Act 2001* (Vic) with respect to health information;
- it must give consideration the right to privacy in the *Charter of Human Rights and Responsibilities Act 2006* (Vic), and other Charter rights where relevant; and
- it must comply with the *Public Records Act 1973* (Vic) with respect to public records.

This PIA has been prepared with reference to the guiding principles for surveillance published by the Office of the Victorian Information Commissioner (OVIC).¹ They are:

- legality;
- legitimate aim;
- necessity;
- proportionality;
- safeguards;
- non-discrimination; and
- complaints and remedy.

Stakeholder consultation

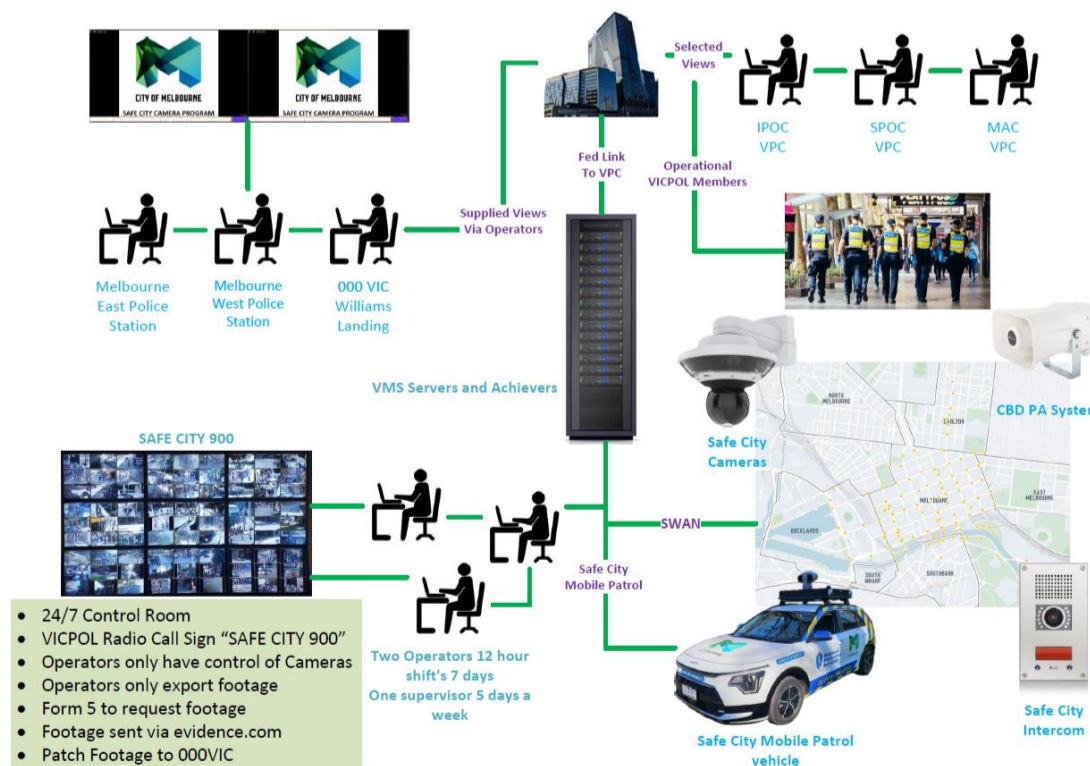
Council has received a report from the SCCP audit committee endorsing the proposal to expand the SCCP. Council will undertake further consultation.

Information flow diagram

The flow of information in the SCCP is straightforward – information is collected by the cameras and transmitted to a central control room for recording. As the SCCP manual states (p. 10):

The SCCP uses fibre optic cable and radio frequency (RF) as the transmission medium back to the Safe City Control Room. Images are viewed on large screens. Computer monitors also sit in front of the operator for viewing single camera images as required. System management is provided by a video management system with a specified 28 day digital recording and archive capability.

The below diagram shows the information flow:



¹ OVIC, Guiding Principles for Surveillance, <https://ovic.vic.gov.au/privacy/resources-for-organisations/guiding-principles-for-surveillance/>

Part 2 – Privacy analysis

The part identifies the privacy elements and risks relevant to the program. The PIA Guide provides guidance on responding to the questions. The right column indicates the relevant section of the PIA Guide. Some questions may not be relevant or applicable. The response should be noted as N/A where this occurs.

The assessment includes prompts to assist identifying the program’s elements and risks. There may exist elements or risks beyond each prompt, and each question should be given a broad interpretation. Identified privacy risks should be listed in Part 3. The PIA Guide contains examples of privacy risks that may arise.

Identify the information elements

	Question	Response	Guide
1	<p>Does the program involve personal information?</p> <p>List each piece of personal information that is involved in the program.</p>	<p>Yes.</p> <p>The cameras will collect the images of individuals from which they may be identified and it is possible that due to the location of the cameras that the facades of some private properties or residences could be captured by cameras within mixed purpose areas such as Melbourne Central Business District. Note that the proposed expansion of the SCCP does not change the type of personal information that will be collected.</p>	<p>PART 2</p> <p>Section 6</p>
2	<p>Does the program involve other information that has the potential to identify individuals?</p> <p>This may include information that does not appear to be personal information at first glance, but which could identify individuals based on the context of the project or how the program uses the information.</p> <p>Describe this other information and explain how it could potentially identify individuals within the context of the program.</p>	<p>Yes.</p> <p>An individual whose identity may not be immediately known may be identified from other information, for example, a witness statement from a member of the public.</p>	<p>PART 2</p> <p>Section 6</p>
3	<p>Does the program involve sensitive information (as defined under Schedule 1 of the PDP Act)?</p> <p>Describe the type(s) of sensitive information that is involved in the program (if any), and how the collection or use of the sensitive information is authorised either by the PDP Act or other legislation.</p>	<p>Potentially.</p> <p>The cameras may collect information which points to an individual’s religious beliefs or activities, political affiliations, sexual orientation, or other sensitive information. This will depend on the activities the individual is engaging in, in view of the cameras.</p>	<p>PART 2</p> <p>Section 6</p> <p>Section 7</p>
4	<p>Does the program involve health information?</p> <p>If the answer is yes, please refer to the Health Records Act 2001 or consult with the Health Complaints Commissioner in relation to health information (and where applicable, the Office of the Australian Information Commissioner).</p>	<p>Potentially.</p> <p>The cameras may record an individual having a medical episode.</p>	<p>PART 2</p> <p>Section 6</p>
5	<p>Does the program involve information that has previously been de-identified?</p> <p>Describe the type(s) of de-identified information that is involved in the program (if any), and the potential for re-identification.</p>	<p>No.</p>	<p>PART 2</p> <p>Section 6</p>

Collection of personal information

6	<p>Is all the personal information collected necessary for the program?</p> <p>Explain why all the information collected is necessary for the program.</p>	<p>Potentially not. The cameras may record personal information which is not relevant to the peace, order, and good government of the City of Melbourne. However, there is no way to direct the cameras to only record information strictly relevant to the purposes of the SCCP. Additionally, while technical functionality exists to edit or pixelate footage, Council does not currently have the requisite software or technology to do so.</p>	<p>PART 2</p> <p>Section 7</p>
<p>Privacy risk: If some personal information is not necessary for the program, consider whether there is a risk of overcollection.</p>			
7	<p>Does the organisation need to collect information that identifies an individual for the purposes of the program, or can individuals remain anonymous?</p>	<p>In order to collect information which can lead to investigation or enforcement action, the SCCP will need to collect and hold information which identifies an individual – a suspected or actual offender, a witness, or a person otherwise affected by an incident. Council will not need to actively identify every individual who is recorded by the cameras, and so most of the individuals who are recorded by the cameras will remain anonymous.</p>	<p>PART 2</p> <p>Section 7</p>
8	<p>If individuals can remain anonymous, will the organisation be collecting indirect identifiers, such as demographic information?</p>	<p>The SCCP will indirectly capture demographic information, such as the age, ethnicity, gender, etc, of individuals which may be apparent or inferred from the recorded footage. Control room operators may make observation reports of incidents, which include descriptions of individuals who are involved in the incident (e.g. “a white male in his 20s”). Council does not make use of demographic information more broadly.</p>	<p>PART 2</p> <p>Section 6</p>

Method and notice of collection

9	<p>How will the personal information be collected?</p> <p><i>Describe the means by which the information will be collected. If personal information is collected via a third party platform, explain whether the platform will also be collecting that information</i></p>	<p>The personal information will be captured by CCTV cameras. The SSCP manual states that the cameras comprise:</p> <ul style="list-style-type: none"> • 117 Pan Tilt Zoom (PTZ) cameras; • 182 Fixed cameras; • 8 Safe City Taxi ranks and Help Point cameras; • 18 shared or private cameras in the network (Council may in high risk areas use the external fixed cameras of a government department, organisation, not for profit entity or company); and • a single mobile security patrol vehicle fitted with 360 degree CCTV surveillance cameras. <p>All cameras are placed in public places in the City of Melbourne.</p>	<p>PART 2 Section 7</p>
<p><i>Privacy risk: Consider whether the method of collection is fair and not unreasonably intrusive.</i></p>			
10	<p>Is the personal information collected directly from the individual?</p>	<p>No. Information is collected passively through a camera without the individual's active participation or express written consent.</p>	<p>PART 2 Section 7</p>
11	<p>Will the individual be notified about the collection of their personal information?</p> <p><i>Describe the steps taken to provide notice to the individual OR explain why notice will not be provided to the individual. Include a link or attach collection notices where appropriate.</i></p>	<p>Yes, in general. Council has installed signs notifying individuals of the collection and use of their personal information through CCTV. There is a risk that the signage is not adequate given the expansion of the Program, and an action is included in this PIA to confirm that the signs are reviewed and updated (Risk #1, Action #1).</p>	<p>PART 2 Section 7</p>
12	<p>Will any personal information about the individual be collected indirectly from another source?</p> <p><i>Describe how and from which other sources the personal information will be collected.</i></p>	<p>In order to carry out the expanded functions of the SSCP, Council may cross-reference information collected through CCTV with information collected from publicly-available information, such as the VicRoads website.</p>	<p>PART 2 Section 7</p>
<p><i>Privacy risk: If personal information is indirectly collected, consider whether there is a risk of the information being inaccurate, out of date or incomplete. Consider the impact on individuals if they are not made aware that their information is being collected from another source.</i></p>			
13	<p>Will the individual be notified that their personal information has been collected from another source?</p> <p><i>Describe the steps taken to provide notice to the individual OR explain why notice will not be provided to the individual. Include a link or attach collection notices where appropriate.</i></p>	<p>Council will only seek further information as necessary for enforcement or investigation action. It is not reasonable to specifically notify an individual who is suspected of vandalism or an act of public nuisance that Council is seeking information about them.</p>	<p>PART 2 Section 7</p>

Unique identifiers

14	<p>Will the program assign a unique identifier or collect a unique identifier assigned by another organisation to adopt as the organisation's own?</p> <p><i>Describe the unique identifier, the purpose for assigning or collecting it, and how this is authorised by either the PDP Act or other legislation.</i></p>	<p>No.</p>	<p>PART 2 Section 7</p>
15	<p>Does the program require an individual to provide a unique identifier?</p> <p><i>Explain why or how the provision of a unique identifier is necessary for the program.</i></p>	<p>No.</p>	<p>PART 2 Section 7</p>

Quality of personal information

16	<p>What steps will the organisation take to ensure the personal information collected is accurate, complete, and up to date?</p>	<p>Council has no direct control over the type of information collected by the cameras. When using CCTV footage for enforcement or investigation action, Council will need to ensure that there are controls in place to minimise the risk of inaccuracy, misidentification and error (Risk #2, Action #2).</p>	<p>PART 2 Section 9</p>
<p><i>Privacy risk: If there are inadequate or no steps taken, consider whether there is a risk that the information will be inaccurate, incomplete or out of date.</i></p>			

Security of personal information

<p>17</p>	<p>Are there security measures in place (existing or intended) to protect the personal information collected and used for this program?</p> <p><i>List the policies, procedures, or controls that the organisation implements to protect personal information. Please indicate how these measures will be governed. Include links or attachments where appropriate</i></p>	<p>There are a range of security measures in place for the SCCP, described in the:</p> <ul style="list-style-type: none"> • SCCP Manual; and • Safe City Control Room Training & Procedure Manual dated April 2024. <p>Existing security arrangements include:</p> <ul style="list-style-type: none"> • physical security measures (for example, through restriction of access to the Control Room); • IT security measures for Salesforce, which stores information used by local laws officers. <p>Note that Evidence.com is managed by VicPol and is not controlled by Council. Council will determine if any additional training is needed due to the expansion of the SCCP, e.g. to the Council's Enforcement or Investigation Team/s (Action #3).</p> <p>The proposed expansion of the program does not change how personal information is secured, and so further consideration of security is out of scope for this PIA.</p>	<p>PART 2 Section 8</p>
<p>18</p>	<p>Where and how will personal information be stored?</p> <p><i>Describe the format in which the personal information will be stored (e.g. electronic, hard copy etc.) and where it will be stored (e.g. internally, external provider, cloud, third party platform etc.)</i></p>	<p>The storage, handling and destruction of the CCTV recordings is described in the SCCP Manual, pp. 15-17. Council will identify what personal information collected through the SCCP will be stored in additional systems, for example, systems involved in Council's compliance and investigation management (Action #4).</p>	<p>PART 2 Section 8</p>

19

Who will have access to the personal information?

Describe the positions that will have access how access is gained or controlled, and whether it is logged.

The SCCP Manual sets out detailed information in relation to access to the personal information collected and accessible as a result of the SCCP.

Currently, access to the personal information collected through the cameras can be broadly categorised as:

- access provided in **real time** (for example, through access to the images containing personal information through real time monitoring of screens broadcasting live feed from the cameras);
- access provided to **recordings** of the live feed obtained from the cameras).

Real time access is available through a number of mechanisms:

- (unescorted) access to the SCCP Control Room by SCCP Operators (Supervisor and Monitoring Staff); Council’s Responsible Officers² and SCCP contracted maintenance technicians;
- (supervised) access to the SCCP Control Room for Victoria Police’s Responsible Officer³, Victoria Police members conducting inquiries requiring SCCP assistance, Australian Federal Police Officers or a member of the SCCP Independent Audit Committee, authorised visitors, consultants engaged by Council to review the SCCP, building and facility maintenance personnel and cleaning staff. Third party service providers who assist in the administration of the SCCP include National Protective Services (ACN 007 009 261) (Council’s contracted service provider for the purposes of the Integrated Security Services Contract) and SCCP contracted maintenance technicians. When third party contractors are signed to a confidentiality agreement and if not an authorised technician, they are required to complete a Form 1 Visitor access request, which is assessed by the security manager.
- via a direct link to real time footage supplied by Council to Victoria Police (at the Victoria Police Complex at 313 Spencer Street and the Melbourne Events Operations Centre (MEOC)) and Triple Zero Victoria personnel (at TZV’s Williams Landing State Emergency Communications Centre) using the Genetec Video Management System. All MEOC staff are required to sign a Form 1, visitor access form prior to entering the MEOC, and there is a guard at the door to enforce this process.

Any other requests for access to recordings (ie. non real time access as described above) may be obtained in selected circumstances by:

- Council’s approved personnel (for example, FOI Officers who are tasked with processing FOI and information requests, Council’s Responsible Officers).
- Lawyers and victims of offences (SCCP Manual, pp. 12-13).
- IBAC (SCCP Manual, p. 13).
- individuals who make an FOI request which is not subject to exemptions (SCCP Manual, p. 14).
- Victoria Police and Australian Federal Police (SCCP Manual, at different points).
- Courts (in connection with a subpoena or summons) (SCCP Manual pp 13 and 15).

Under the proposed expanded use arrangements, there will be an expansion of access to include members of Council’s enforcement and investigation teams and external lawyers who may assist Council from time to time in enforcement activities. Local law officers will not access the cameras directly, but will submit a request for footage on a date and between times. There will be no additional disclosure outside of Council unless a matter goes to court and the footage becomes part of a court record.

Logging access to personal information

Records are maintained in relation to:

- **Real time access –**
 - via completion of a Form 1 (as per the SCCP Manual) and signing the Control Room Visitors Register in the case of supervised access to the Control Room. In the case of unescorted access, access is controlled by using the Gallagher system and the access controls within it. Only staff who are working in the room or the designated authorised personnel are allowed access via their pass.
- The Video Management system records all actions of any person who signs into the system, including when cameras are selected and moved, or footage is destroyed. **Access to recordings –** there are a range of records that are retained in relation to accessing recording of footage:
 - completion of a Form 5 (as per the SCCP Manual) for Victoria Police to view imagery or Form 3 (as per the SCCP Manual) for AFP;
 - completion of a Form 4 (as per the SCCP Manual) for non-police imagery requests (eg. lawyers, victims of offences);
 - FOI requests are managed by Council’s Governance and Legal Branch and an FOI Request for Assistance to Local Documents form is completed with records maintained in relation to the FOI application in the SCCP Incident Management System.

Under the proposed expanded use arrangements, arrangements for logging access to personal information will continue to be maintained as per the SCCP Manual.

PART 2

Section 8

20	<p>Has a separate security risk assessment been completed?</p> <p><i>If so, please refer to or attach a copy of the assessment to this PIA. If not, OVIC suggests a security risk assessment is completed.</i></p>	<p>The current security risk assessments are up to date but are specifically related to Contract Service Delivery (operators and technicians) and Projects as part of a PMO process and the Governance of Audit Committee. Council will undertake a separate overall security risk assessment.</p>	<p>PART 2 Section 8</p>
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Privacy risk: If there are inadequate or no security measures in place, consider whether there is a risk that the information will not be properly protected, leading to loss, misuse, or unauthorised access, modification or disclosure.

Primary and additional uses and disclosures of personal information

21	<p>Is the personal information (including any sensitive information) involved in this program used or disclosed for the main or primary purpose for which it was collected?</p> <p><i>Describe what personal information will be used or disclosed, and for what purposes.</i></p>	<p>Council currently uses the personal information collected through the SCCP to “aid detection of crime, aid identification and apprehension of offenders, and assist emergency response”. If the SCCP is expanded, then it will use personal information for additional purposes, as described in the “Description of the program and parties” section of this PIA.</p> <p>However, Council currently retains CCTV footage for 28 days. This means that Council will not expect to use footage which was collected prior to the change in the scope of the SCCP for any additional purpose, as the change to the purpose of the program will not be retrospective. To be cautious, Council could have a lead-in or transitional period where it has publicised the SCCP expansion (e.g. through signage) before it actually begins using the personal information collected through the cameras for the additional purposes. This will ensure that all of the older pre-expansion information is deleted.</p> <p>Council will also need to be wary of the risk of function creep (Risk #3).</p>	<p>PART 2 Section 9</p>
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22	<p>Does the program use or disclose personal information (including sensitive information) for a new or additional purpose other than the original purpose of collection?</p> <p><i>Describe the new/additional purpose for the use or disclosure of the information and explain how it is authorised, by either the PDP Act or other legislation. If relying on IPP 2.1(a), explain how the secondary use or disclosure is related to the primary purpose of collection.</i></p>	<p>As above.</p>	<p>PART 2 Section 9</p>
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Privacy risk: If relying on IPP 2.1(a) to use personal information for a secondary purpose, consider whether individuals would reasonably expect their information to be used for that secondary purpose. If relying on IPP 2.1(b) to use personal information for a secondary purpose, ensure the individual’s consent is meaningful.

23	<p>Will the individual be notified of the additional use(s) of their personal information?</p> <p><i>Explain how the individual will be given notice of the secondary use(s) of their information, or why notice of the secondary use will not be provided.</i></p>	<p>Yes. The signage will need to be updated to reflect the expansion of the program (Risk #1, Action #1).</p>	<p>PART 2 Section 9</p>
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Transfer and sharing of personal information

24	<p>Will any personal information be shared outside of the organisation?</p> <p><i>Describe:</i></p> <ul style="list-style-type: none"> • what information will be shared; • with whom the information will be shared; • the frequency of the disclosure; • how the information will be shared; and • how the disclosure is authorised by either the PDP Act or other legislation. <p><i>Identify whether any information sharing agreements are or will be in place.</i></p>	<p>Yes (refer row 19). The proposed expansion of the SCCP will not change the external recipients of the personal information.</p>	<p>PART 2 Section 9</p>
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25	<p>Will any personal information be transferred outside Victoria?</p> <p><i>Describe what information will be transferred, to whom the information will be transferred, in which jurisdiction the information will be stored, and how the information will be transferred. Explain how the transfer is authorised by either the PDP Act or other legislation.</i></p>	<p>It is not anticipated that personal information will be shared outside of Victoria, although it is possible that Victoria Police may request information which will be shared as part of an interstate or international law enforcement operation. There is an action to confirm that no third parties with access to the SCCP data store it outside of Victoria (Action #5).</p>	<p>PART 2 Section 9</p>
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Other considerations relating to use and disclosure

² Appendix A of the SCCP Program Manual (v 12) lists the Responsible Officers as a City of Melbourne employee responsible for the management of the SCCP. Specific Council Responsible Officer roles are also defined to include the Director City Safety Security and Amenity; Security Manager; Security Operations Coordinator; Security Technology Coordinator and Emergency Management Coordinator.

³ The SCCP Program Manual (v 12) lists the Victoria Police Responsible Officer as a Victoria Police member who may authorize a police application to view imagery or request a copy of imagery captured by the SCCP.

26	<p>Does the program use or disclose a unique identifier assigned by another organisation?</p> <p><i>Describe the unique identifier and how it will be used or disclosed, and whether this is authorised by either the PDP Act or other legislation.</i></p>	No.	<p>Para No. PART 2</p> <p>Section 9</p>
27	<p>Will any data matching occur as part of this program? This includes matching datasets within the program, or matching to other datasets external to the program.</p> <p><i>If so, explain the purpose for the data matching, what personal information will be matched and what other datasets it will be matched with, and what the combined dataset will be used for.</i></p>	Individuals who appear in CCTV footage may be identified based on publicly-available information (e.g. from VicRoads). There is no matching of datasets or the creation of any combined dataset.	<p>PART 2</p> <p>Section 9</p>
28	<p>Will any personal information be de-identified as part of the program?</p> <p><i>Describe the purpose for de-identifying personal information for the program, the method of de-identification, how the de-identified information will be used, and the potential for re-identification.</i></p>	No. Note however that where footage containing images of members of the public is being released as part of a media campaign run through Crime Stoppers in conjunction with Victoria Police, members of the public will have their faces pixelated to avoid being identified (see page 14 of the SCCP Manual).	<p>PART 2</p> <p>Section 6</p>

Privacy risk: If personal information is de-identified, consider whether there is a risk that the information can be re-identified. For example, de-identified information may be re-identifiable when matched to other information, or because of the way the de-identified information is used in the context of this program.

29	<p>What will be done to ensure the ongoing accuracy, completeness, and currency of the personal information?</p> <p><i>Describe the steps that will be taken, or the measures that are in place, to ensure the ongoing integrity of the information.</i></p>	<p>CCTV cameras capture information as it appears, and Council will only identify individuals as required for the purposes of the permitted use.</p> <p>Refer to Risk #2 and Action #2 for the risk of inaccuracy in this identification and control measures to address the risk.</p>	<p>PART 2</p> <p>Section 9</p>
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Management of personal information

30	<p>Is there a document available to the public that sets out the organisation’s policies for the management of personal information, such as a privacy policy?</p> <p><i>Identify the document(s) and provide a link where available or include as an attachment to this PIA.</i></p>	<p>Yes</p> <p>Council’s Privacy Policy: https://www.melbourne.vic.gov.au/privacy-policy</p> <p>SCCP information: https://www.melbourne.vic.gov.au/safe-city-cameras</p>	<p>PART 2</p> <p>Section 10</p>
31	<p>Will the document be updated to reflect the new collection or use of personal information for the purposes of this program?</p> <p><i>If not, explain why.</i></p>	Yes (Action #1).	<p>PART 2</p> <p>Section 10</p>
32	<p>Is there a way for a person to find out the types of personal information the organisation holds about them? Can an individual find out the purposes for which it is held, and how the organisation collects, holds, uses and discloses that information?</p> <p><i>Describe the steps and provide links where relevant.</i></p>	An individual may contact the Governance and Legal Branch on 03 9658 9658 or email privacy@melbourne.vic.gov.au .	<p>PART 2</p> <p>Section 10</p>

Access and correction of personal information

33	<p>How can individuals request access to, or correct their personal information?</p> <p><i>Identify the avenues available for individuals to request access to or correction of their personal information, and who is responsible for handling such requests.</i></p>	<p>An individual may contact the Governance and Legal Branch on 03 9658 9658 or email privacy@melbourne.vic.gov.au.</p> <p>Council’s contracts with third party service providers include arrangements for requesting access to and correction of personal information.</p>	<p>PART 2</p> <p>Section 10</p>
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Privacy risk: If engaging third parties such as contracted service providers, consider whether there are arrangements in place to allow access and correction of personal information held by third parties. If not, there may be a risk that individuals cannot access or correct their personal information.

Retention and disposal of personal information

34	<p>How long will the personal information be kept for?</p> <p><i>Describe any relevant retention and disposal schedules or policies, including those issued by the Keeper of Public Records or those in other legislation.</i></p>	<p>Footage is deleted in 28 days if not needed for any purpose</p> <p>Personal information collected though SCCP which is used for an enforcement purpose will be retained as required by the applicable retention schedule established by the Public Records Office of Victoria.</p>	<p>PART 2</p> <p>Section 11</p>
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35	<p>How will personal information be destroyed once it is no longer required?</p> <p><i>Describe the method of destruction and explain how that method is secure.</i></p>	<p>Electronic records of CCTV footage are deleted in accordance with Council’s existing record keeping processes which are maintained in accordance with PROV requirements.</p> <p>Information recorded in other formats, such as extracts of CCTV footage used in enforcement reports in Salesforce, will be retained and destroyed per Council’s existing record-keeping processes.</p> <p>Note that Evidence.com is managed directly by VicPol.</p>	PART 2 Section 11
36	<p>As an alternative to destroying personal information, will any personal information be de-identified once it is no longer required?</p> <p><i>Describe the method of de-identification that will be used and the purposes to which the de-identified information will be put.</i></p>	No.	PART 2 Section 11
<p>Privacy risk: If de-identifying personal information once it is no longer required, consider whether there is a risk that the information can be re-identified.</p>			
37	<p>If applicable, what will happen to personal information held by third parties (such as contracted service providers, cloud storage, third party platforms etc.)?</p> <p><i>Describe any arrangements (for example, any contractual provisions) in relation to third parties’ obligations to retain and dispose of personal information.</i></p>	<p>Any personal information held by lawyers, Victoria Police, or IBAC will be retained and destroyed as per their own respective legal obligations. Release to private individuals is limited to cases where those individuals are self-represented litigants or FOI applicants, and the information released to them will accordingly be limited.</p> <p>Council maintenance contractors’ contractual arrangements outline their obligations relating to data protection and the destruction of personal information.</p>	PART 2 Section 11
<p>Privacy risk: If there are no arrangements in place relating to third parties’ retention and disposal of personal information, consider whether there is a risk that personal information will be held indefinitely.</p>			

Other considerations

38	<p>Who can individuals complain to if they have concerns about the handling of their personal information?</p> <p><i>Identify the avenues (internal and external) for making a privacy complaint, including who is responsible for complaint handling.</i></p>	<p>An individual may contact the Governance and Legal Branch 03 9658 9658 or email privacy@melbourne.vic.gov.au.</p> <p>General complaints can also be made in line with the City of Melbourne Complaint Resolution Policy online, by phone, in writing or in person in line with the guidance on the City of Melbourne website.</p>	PART 2 Section 12
39	<p>Does the organisation have a data breach response plan in place?</p> <p><i>If so, describe at a high level the steps that the organisation will take in the event of a data breach.</i></p>	<p>Council has a Cybersecurity Incident Response Plan (CSIRP) which outlines Council’s Incident Response Framework and provides a structured approach to responding to cybersecurity incidents.</p> <p>At a very high-level the phases to respond to a cybersecurity incident as outlined in the CSIRP are:</p> <ul style="list-style-type: none"> • Phase I – Preparation • Phase II – Identification and Assessment • Phase III – Containment and Intelligence • Phase IV – Eradication • Phase V – Recovery • Phase VI – Lessons Learned 	Para No. PART 2 Section 12
40	<p>Will any training be provided to staff to ensure the appropriate collection and handling of the personal information collected for this program?</p> <p><i>Describe the type of training staff will receive.</i></p>	<p>Council staff who handle CCTV footage as part of the SCCP receive biennial mandatory privacy training. Additional training will be provided to authorised Council officers who will now be able to request the CCTV footage to enable expanded use of the SCCP in relation to how to request footage, and the requirements for handling, use and return of footage and photographs (Action #2).</p>	PART 2 Section 12
41	<p>Will the program be evaluated against its objectives?</p> <p><i>Describe who will evaluate the program, at what point in the program evaluation will occur, and how often.</i></p>	<p>Yes.</p> <p>An evaluation of the expanded purposes outlined in the draft Safe City Camera Policy will be undertaken no later than 12 months following its commencement to ensure it is meeting its intended objectives and not having any unintended consequences.</p>	PART 2 Section 12

42	Does the program comply with the organisation's other information handling or information management policies?	Yes.	PART 2 Section 12
43	Will this PIA be published?	Yes	
44	Are there any other broader privacy considerations associated with this program?	Yes. As described in the 'Scope' section of this PIA, these broader privacy considerations are out of scope.	PART 2 Section 12
45	Has the organisation's privacy officer been consulted? <i>The organisation's privacy officer should be consulted.</i>	Yes.	

Part 3 – Privacy risk assessment

This part lists any privacy risks that have been identified as part of the analysis in Part 2. Refer to **Part 3** of the PIA Guide for guidance on completing the risk assessment table.

Were any privacy risks identified in the privacy analysis completed in Part 2 of this PIA?	<input checked="" type="checkbox"/> Yes Enter each privacy risk in the risk assessment table below.	<input type="checkbox"/> No Proceed to Part 4 of this PIA.
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	Description of risk	Consequence rating	Likelihood rating	Overall risk rating	Accept	Risk management strategy	Residual consequence rating	Residual likelihood rating	Residual risk rating	Owner
1	Notification The SCCP public signage, privacy policy, or website may not be sufficient, or may not accurately reflect the expansion of the SCCP, meaning that individuals may not be notified of the collection and use of their personal information as required by IPP 1.3.	Low	High	Moderate	N	Council to review signage (Action #1).	Low	Low	Low	City Safety, Security and Amenity
2	Inaccuracy Footage and images collected by CCTV may be unclear, and Council staff may inaccurately interpret them, leading to errors in the enforcement process.	Moderate	Moderate	Moderate	N	Council to establish procedures and guardrails for the interpretation of CCTV footage, as well as a process to have the procedures updated and continually improved (Action #2).	Moderate	Low	Moderate	City Safety, Security and Amenity
3	Function Creep Council staff begin using personal information collected through the SCCP for purposes beyond the original scope of the proposed expansion as described in this PIA, leading to complaints, negative publicity, and potential breaches of the IPPs.	Moderate	Moderate	Moderate	N	Council to update the SCCP Manual and training to be explicit on the expanded scope of the SCCP and additional training to be provided to Council Authorised Officers on their relevant obligations under the expanded purpose, including the requirements for handling, use and return of footage and photographs . (Action #2 and #3). The SCCP audit committee will be an additional control.	Moderate	Low	Low	City Safety, Security and Amenity

**Add more rows by clicking in the bottom right cell and pressing 'tab'

Part 4 – Action items, endorsement, document information

This part details any action items identified, endorsement of the PIA, and document information. Refer to **Part 4** of the PIA Guide for more information.

Action items



Action items identified in Parts 2 or 3 are listed here, along with the owner of the action and any timeframe within which the action needs to be completed.

	Action	Owner	Timeframe	Completed
1	Review the privacy policy, SCCP information on the Melbourne City Council website, and the existing signage for the SCCP cameras to ensure that they are accurate, and there is sufficient signage to notify people whose information is being collected. This review should consider: <ul style="list-style-type: none"> The notification section relevant to Principle 5, 'Safeguards', in the OVIC guiding principles for CCTV: https://ovic.vic.gov.au/privacy/resources-for-organisations/guiding-principles-for-surveillance/#principle-5-safeguards The findings of the previous VAGO audit into the use of CCTV by local councils in Victoria regarding collection, information and signage: https://www.audit.vic.gov.au/report/security-and-privacy-surveillance-technologies-public-places?section=#32994--3-privacy-and-data-security 	City Safety, Security and Amenity	Review to be completed no later than 31 March 2026 as part of implementation activities. SCCP Audit Committee will provide oversight of this action” SCCP Audit Committee will provide oversight of this action.	
2	Establish a procedure for using the CCTV footage for Council Authorised Officers which includes guardrails for the identification of individuals in the footage. This should include a mechanism for review where individuals may have been mis-identified. Ensure that the procedure is clear on which uses of footage are in and out of scope.	City Safety, Security and Amenity	Prior to Council consideration of final policy. SCCP Audit Committee will provide oversight of this action.	
3	Identify any additional training needs arising from the expansion of the SCCP, e.g. to the Council’s Authorised Officers teams, and ensure that relevant staff are trained on the scope of the expanded SCCP.	City Safety, Security and Amenity	Additional training needs to be identified prior to Council consideration of final SCCP policy. With training to be delivered no later than 31 March 2026, as part of implementation activities. SCCP Audit Committee will provide oversight of this action.	
4	Identify what personal information collected through the SCCP will be stored in additional systems, for example, systems involved in enforcement or investigation management.	City Safety, Security and Amenity and Enterprise Technology Services	Prior to Council consideration of final SCCP policy. SCCP Audit Committee will provide oversight of this action.	
5	Confirm that no third parties with access to the SCCP data (e.g. IT service providers) store personal information relating to the SCCP outside of Victoria.	City Safety, Security and Amenity and Enterprise Technology Services	Prior to Council consideration of final policy. SCCP Audit Committee will provide oversight of this action.	
6	Consider if each proposed expansion of the use of the cameras is proportional to the privacy impacts and risks, taking into account costs to the ratepayer, public safety, and community expectations.	City Safety, Security and Amenity	Considered as part of completing associated Charter of Human Rights Impact Assessment. SCCP Audit Committee will provide oversight of this action.	

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Endorsement

The required endorsements for this PIA are listed below. This may include the program manager, a privacy officer, executive business owner, or any other responsible person.

Name	Position	Signature	Date
Dean Robertson	Director, City Safety, Security and Amenity		17 September 2025
Peter Gannoni	Privacy Officer		17 September 2025

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Document information

<i>Document title</i>	Privacy Impact Assessment: Safe City Camera Program – expanded program
<i>Document location</i>	PIA to be published on Councils website should a final Policy be endorsed by Council.
<i>Document owner</i>	City Safety, Security and Amenity
<i>Document distribution</i>	Maddocks, City of Melbourne branches including City Safety, Security and Amenity, Governance and Legal. PIA to be published on Councils website should a final Policy be endorsed by Council.
<i>Related documents</i>	Safe City Camera Program draft Policy City of Melbourne Privacy Policy Human Rights Impact/Compatibility Assessment: Safe City Camera Program – proposed expansion for local law matters
<i>Next review</i>	30 June 2026.
<i>Document version</i>	V01.

Template Version Control – D20/6441			
Version	Published	Detail	Author
1.0	1 / 5 / 2019	Template published.	Policy Team, OVIC
1.1	2 / 7 / 2019	Updated language of template to frame it as a process. Updated language of template questions 1 – 5, 17, 22 and 28.	Policy Team, OVIC
1.2	15 / 4 / 2021	Updated language of template and minor formatting and layout amendments.	Policy Team, OVIC

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

The Victorian Charter of Human Rights and Responsibilities (the Charter) is an agreed set of human rights, freedoms and responsibilities protected by law.

Council must observe these rights when making decisions, creating local laws, setting policies and providing services.

This assessment tool is designed to help staff undertake a thorough and methodical assessment of any proposed / recommended policy, plan, procedure or decision and identify whether it impacts upon any of the protected rights or freedoms.

Ensure this assessment is registered in e-Docs with the policy, plan, procedure or decision for corporate records.

Date of Assessment	16 September 2025
Completed by	Maddocks, Kelsey Sully - Program Director, Presentation and Safety.
Responsible Director	Dean Robertson, Director, City Safety, Security and Amenity.
Responsible Executive	Rick Kwasek, General Manager, Infrastructure and Amenity.
Name of plan, policy, procedure, decision, etc	Safe City Camera Program – proposed expansion for local law matters.

1. What is the objective of the proposed / recommended policy, plan, procedure or decision?

Council’s Safe City Cameras Program (**Program**) was established by a resolution of Council in December 1995, with the initial cameras operational by February 1997. The purpose of the cameras has been, since the inception of the Program, to “aid detection of crime, aid identification and apprehension of offenders, and assist emergency response”.

Importantly, it was not at the time of introduction, proposed to use the Program to enforce local laws but to monitor criminal activity and any breaches of relevant Acts. In 2010, Council considered expanding the scope of the Program to the enforcement of local laws, but decided not to proceed at that time. On 6 May 2025, the Future Melbourne Committee passed a resolution requiring Council Management to consider expanding the Program to permit the use of camera footage by Council authorised officers for the investigation and enforcement of incidents involving:

- damage to public or private property and infrastructure;
- defacement or destruction of the natural environment;
- acts of public nuisance; and
- other enforcement issues that result in costs to the organisation and ratepayers.

(Continued on page 2)

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

Specifically, Council plans to use the camera footage for the enforcement of:

- dumped rubbish investigations and unlawful deposit of waste (Environmental Local Law 2024 – City of Melbourne’s Environment Management Plan clauses 3.2, 3.4, 4.6 and 5.5);
- unsolicited documents (bill posting) (Activities Local Law 2024 clause 8.4);
- destroying, defacing council property (spray stencils on footpaths advertising business/graffiti) (Activities Local Law 2024 clauses 2.2(a) and 6.2);
- A-board breaches (Activities Local Law 2024 clause 6.6);
- busking breaches at out of hours as per permit/locations (Activities Local Law 2024 clauses 8.6 and 8.7);
- bins in the public space outside of permitted collection times (Activities Local Law 2024 clauses 15.14-15.16);
- discharges into council drains/gutters (Environmental Local Law 2024 - City of Melbourne’s Environment Management Plan clauses 4.6 and 5.5; Activities Local Law 2024 clause 15.1);
- monitoring behaviour of waste contractors (putting rubbish on tops of bins to be emptied onto the ground) (Environmental Local Law 2024 - City of Melbourne’s Environment Management Plan clauses 3.1-3.4 and 4.6);
- breaches of waste collections companies regarding operating outside the permitted collection times (Activities Local Law 2024 clauses 15.10-15.12);
- out of hours works (shop fittings, etc) or construction works out of hours (Activities Local Law 2024 clauses 12.5-12.7);
- road management works, digging up roads/footpaths without consent or notification (Activities Local Law 2024 clause 9.1, 10.1 and 10.2);
- scissor lift placement in the public space before permit is valid (Activities Local Law 2024 clause 9.1(d)); and
- space occupancy set ups before allocated permit conditions/times (Activities Local Law 2024 clauses 8.10 and 16.1).

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

2. Is the proposed / recommended policy, plan, procedure or decision likely to engage one or more human rights recognised under the Victorian Charter of Human Rights?

Look through the below **Compatibility Matrix** which sets out the rights under the Charter and consider whether or not any right may be engaged by the proposed policy, plan, procedure or decision.

If you decide that the policy, plan, procedure or decision might engage a human right, you will need to progress to Question 3 to consider how the right is engaged and whether it is limited.

[If you decide that no human rights are engaged, there is no need to continue with this assessment tool.]

Right to consider	Your Assessment - Does the policy, plan, procedure or decision engage the right?
FREEDOM	
<p>Freedom of movement, expression, assembly and association</p> <p><i>People have the right to assemble and meet peacefully, to freely associate with others and to form and join trade unions.</i></p> <p><i>People who are lawfully in Victoria have the right to enter and leave the State, to move around freely within it and to freely choose where they live.</i></p> <p><i>People have the right to hold opinions without interference from the government or from other people. People have the right to seek out, receive and pass on information and ideas of all kinds.</i></p>	Yes
<p>Right to liberty and security</p> <p><i>Everyone has the right to freedom and security.</i></p>	
<p>A fair hearing</p> <p><i>A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</i></p>	Yes

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

<p>Right not to be tried or punished more than once <i>A person must not be tried or punished more than once for the same offence if he or she has already been convicted or acquitted of that offence in court.</i></p>	
<p>Rights in criminal proceedings <i>A person who is charged with a crime has the right to be presumed innocent until proven guilty, to be informed of their charge and tried without unreasonable delay, the right not to be compelled to testify or confess guilt and the right to have any conviction and sentence reviewed by a higher court.</i></p>	
<p>Retrospective criminal laws <i>A person has the right not to be prosecuted or punished or acts or omissions that were not criminal offences at the time they were committed.</i></p>	
<p>Freedom of thought, conscience, religion and belief <i>People have the freedom to have or choose a religion or belief, and the freedom to demonstrate their religion or belief. They can do this privately or publicly – at home, at work or in a place of worship – as part of a group or alone.</i></p>	
<p>Property rights <i>A person must not be deprived of his or her property except in accordance with law.</i></p>	
<p>Freedom from forced work <i>A person must not be held in slavery or servitude, or forced to work, except as part of normal civil obligations, as part of a court order, or during emergency situations.</i></p>	
<p>RESPECT</p>	
<p>Right to life <i>Every person has the right to life and the right not to be arbitrarily deprived of life.</i></p>	
<p>Protection of families and children <i>Families are entitled to be protected by society and the State. Children have the right to protection according to their best interests, without discrimination.</i></p>	

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

<p>Cultural rights, including recognition that human rights have a special importance for the Aboriginal people of Victoria</p> <p><i>People of all cultural, religious, racial or linguistic backgrounds have the right to enjoy their culture, declare and practice their religion and use their languages.</i></p> <p><i>Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community to enjoy their identity and culture, to maintain and use their language, to maintain their kinship ties and to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.</i></p>	<p>Yes</p>
<p>EQUALITY</p>	
<p>Equal recognition before the law</p> <p><i>Everyone is entitled to equal and effective protection against discrimination, and to enjoy human rights without discrimination.</i></p>	<p>Yes</p>
<p>Entitlement to participate in public life (including voting)</p> <p><i>Every person has the right to take part in public affairs without discrimination. Every eligible person has the right to vote, be elected and to have equal access to the Victorian public service and public office.</i></p>	
<p>DIGNITY</p>	
<p>Protection from torture and cruel inhumane or degrading treatment, medical or scientific experimentation or treatment without consent</p> <p><i>A person must not be tortured, treated or punished in a cruel, inhumane or degrading way. A person must not be subjected to medical or scientific experimentation or treatment without their full, free and informed consent.</i></p>	
<p>Protection of privacy and reputation</p> <p><i>A person's personal privacy, family, home or correspondence cannot be unlawfully or arbitrarily interfered with or have their reputation unlawfully attacked</i></p>	<p>Yes</p>
<p>Humane treatment when deprived of liberty</p> <p><i>All persons deprived of liberty by arrest or detention must be treated with humanity and with respect for the inherent dignity of the person.</i></p>	

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

3. Does the proposed / recommended policy, plan, procedure or decision limit any human right?

If you have identified above that a right is engaged by the policy, plan, procedure or decision, you will now need to use the **compatibility matrix** below to assess whether any right you have identified above is limited by the policy, plan, procedure or decision.

If you do decide that there is a possibility of a right being limited, you will need to determine whether such a limitation is justifiable. This is assessed at **Question 4**.

[If you decide that although a right is engaged, the policy, plan, procedure or decision will not result in any limitation of that right, then you do not need to proceed with this assessment tool.]

Right to consider	Possible limitations	Your Assessment - Does the policy, plan, procedure or decision limit the right?
FREEDOM		
Freedom of movement, expression, assembly and association	<ul style="list-style-type: none"> Limits the ability of a person to choose where to live. Proposes surveillance of an individual's movements. Limits the ability to move through, remain in, or enter or depart from areas of public space or on private land. Regulates the format of any expression (eg speech, publication, broadcast, display or promotion). Censors materials or requires review / approval before publication. Regulates / restricts an individual's access to information (including via the internet). Penalises or disadvantages any person on the basis of their opinions. Limits the right to peacefully protest or to come together for a common purpose. Compels membership, or differentiates on the basis of membership of a group, association, or professional body. 	<p>Right to freedom of expression: Section 15(2) of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds.</p> <p>The Charter provides that the right to freedom of expression may include the right to receive and impart</p>

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		<p>information and ideas of all kinds:</p> <ul style="list-style-type: none"> • orally; • in writing; • in print; • by way of art; or • in another medium chosen by that person. <p>Notably, section 15(3) of the Charter provides that special duties and responsibilities are attached to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary:</p> <ul style="list-style-type: none"> • to respect the rights and reputation of other persons; or • for the protection of national security, public order, public health or public morality. <p>It is possible that the right to freedom of expression may be affected where an individual seeks to receive and impart information and ideas through (for example):</p>
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HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		<ul style="list-style-type: none"> the performance of music or dance the presentation of images, artwork or media; <p>Section 15(3) of the Charter specifically reflects the importance of special duties and responsibilities for the protection of public order, public health or morality.</p> <p>Council already enforces local laws in relation to public nuisance, vandalism or Council property and busking. The expansion of the Program will not result in any infringement of the right to freedom of expression which the Council has not already accepted in creating and enforcing the Activity Local Law 2024.</p>
<p>Right to liberty and security</p>	<ul style="list-style-type: none"> Authorises the detention of a person with a mental illness. Relates to the management of security of anyone in your care, especially those in involuntary care. 	
<p>A fair hearing</p>	<ul style="list-style-type: none"> Regulates complaints procedures, restricts review of administrative decision-making or appeals processes, or their impartiality. Reverses the onus of proof of a matter or regulates the way in which 'evidence' is collected and presented. 	<p>Right to a fair hearing: Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to</p>

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		<p>have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.</p> <p>Footage captured from the cameras in the Program is intended (where appropriate) to be used as evidence in criminal law or local law enforcement matters. There is potential for an individual to raise concerns in relation to the relative probative weight that may be given to such evidence.</p> <p>The use of footage in connection with local law enforcement will not affect the competence, independence or impartiality of a court. As such, Council has not considered this aspect further.</p> <p>Council has processes for decision making in relation to local law enforcement that take into account the nature of evidence that is required</p>
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HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		to support local law enforcement.
Right not to be tried or punished more than once	<ul style="list-style-type: none"> Allows a person to be punished a second time for the same 'offence'. 	
Rights in criminal proceedings	<ul style="list-style-type: none"> Affects the presumption of innocence. Deals with the admissibility of 'evidence' or restricts access to material to be used as 'evidence'. Regulates the procedures for investigation and prosecution of 'offences' or the bringing of disciplinary actions. Regulates requests to appeal/review a decision, or establishes time limits on the lodging of complaints or appeals. Regulates the representation of an 'accused', or their access to support persons, advisors, assistants, or interpreters. 	
Retrospective criminal laws	<ul style="list-style-type: none"> Imposes sanctions for conduct that, at the time undertaken, was not contrary to policy, procedure or practice. Applies more severe penalties for conduct than existed at the time the conduct was undertaken. Fails to apply less severe penalties if penalties have decreased since the conduct was undertaken. 	
Freedom of thought, conscience, religion and belief	<ul style="list-style-type: none"> Promotes, restricts or interferes with religion or beliefs or requires disclosure of religion or belief. Impinges upon or disadvantages a person because of the person's opinions, thoughts or beliefs. Affects a person's worship, observance, practice, teaching, or proselytising their religion or belief. Requires acts or conduct, or imposes conditions on benefits that prevent adherence to religion or belief. Sets dress codes (possibly for safety or hygiene reasons) that do not accommodate religious dress. Restricts the capacity for those in your care or control to comply with the requirements of their religion. 	

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

Property rights	<ul style="list-style-type: none"> Provides for acquisition, seizure or forfeiture of a person's property. 	
Freedom from forced work	<ul style="list-style-type: none"> Compels the provision of any labour or the performance of any service under threat of a penalty. 	
RESPECT		
Right to life	<ul style="list-style-type: none"> Impacts on the way services are provided, or how and whether these services can be accessed. Establishes procedures for the management of those held in your care. 	
Protection of families and children	<ul style="list-style-type: none"> Affects the ability to form and maintain close or enduring personal relationships or fails to recognise them. Regulates the obligations of family members towards each other, including parents and guardians towards children. Affects the welfare of children within the family or your care. 	
Cultural rights, including recognition that human rights have a special importance for the Aboriginal people of Victoria	<ul style="list-style-type: none"> Limits the observance of any religious practices, regardless of the religion. Restricts people's capacity to declare or make public their affiliation to a particular racial, religious or cultural group. Limits or prohibits communication in languages other than English, including through the provision of information. Limits the ability of Aboriginal persons or members of an ethnic group to take part in a cultural practice, or otherwise interferes with their distinct cultural practices. Restricts the provision of services or trade on religious holidays. Relates to the preparation and serving of food. May interfere with the relationship between Aboriginal persons and land, water and resources. 	<p>Cultural Rights: Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background to enjoy their culture, to declare and practise their religion and to use their language. Section 19(2)</p>

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		<p>provides for specific cultural rights for Indigenous people.</p> <p>It is possible that a person may express their culture in a way which creates or has potential to be perceived to create, a public nuisance or infringement of a local law.</p> <p>The possibility of such an infringement is very low, and the Council has already considered the human rights impacts of the Environment Local Law 2024 and Activities Local Law 2024 when passing them. The expansion of the Program will not change any impact these laws or their enforcement has on cultural rights, and as such, Council has not considered this further.</p>
EQUALITY		
<p>Equal recognition before the law</p>	<ul style="list-style-type: none"> • Attempts to assist those who are socially, culturally and/or economically disadvantaged. • Positively discriminates to diminish or eliminate conditions that have resulted in specific groups being disadvantaged. • Provides for the delivery of a service to some but not others. • Disproportionately impacts on those with a protected attribute under the Equal Opportunity Act (EOA). 	<p>The Program, and the expansion of the Program, does not include any direct discrimination, and makes no distinction between the</p>

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

	<ul style="list-style-type: none"> Restricts eligibility by reference to age or other protected attribute under the EOA. 	<p>recording and use of surveillance footage between individuals with and without protected attributes.</p> <p>It is possible that a person with the protected attribute of disability, e.g. a mental health condition or disorder, may engage in public nuisance and destroy or deface Council property. it is noted that Council already enforces local laws against public nuisance and vandalism of Council property.</p> <p>Explored further in section 4.</p>
<p>Entitlement to participate in public life (including voting)</p>	<ul style="list-style-type: none"> Limits the ability to take part in municipal and parliamentary elections. Regulates participation in public affairs / decision making. 	
<p>DIGNITY</p>		

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

<p>Protection from torture and cruel inhumane or degrading treatment, medical or scientific experimentation or treatment without consent</p>	<ul style="list-style-type: none"> • Affects the physical or mental well-being of a person in a manner that may cause serious physical or mental pain or suffering, or humiliate or debase a person (albeit non-intentionally). • Removes or restricts the right to complain about service delivery. • Affects the conditions attached to all forms of State care and detention. • Authorises a person to be searched or puts in place procedures for conducting searches. • Regulates the treatment of persons at, for example, an approved mental health service, a disability or aged care service, or supported residential service. 	
<p>Protection of privacy and reputation</p>	<ul style="list-style-type: none"> • Involves surveillance of persons for any purpose, such as closed-circuit television (CCTV). • Involves collection and/or publication of personal information and how it is accessed, used or disclosed. • Involves powers of entry, search, seizure, confiscation or forfeiture. • Provides for treatment or testing of a service user without their consent. • Involves a professional duty of confidentiality. • Provides for mandatory disclosure or reporting of information (eg of convictions, injury or illness). • Restricts access by individuals to their own personal information. • Changes or creates any confidentiality provisions or secrecy provisions relating to personal information. • Regulates the storage, security or retention of personal information. • Creates an identification system or proposes to link/match personal information across or within agencies. • Relates to handling personal information for research or statistics. • Involves the interception, censorship, monitoring or other regulation of postal articles and all other communications. 	<p>The right to privacy may potentially be affected, as Council will use surveillance footage of members of the public within Council for a broader range of purposes than it currently does.</p> <p>Accordingly, Council has completed a full Privacy Impact Assessment (PIA) on the proposed expansion of the Program, which has considered its privacy impacts in more detail, including its compliance with the <i>Privacy and Data Protection Act 2014</i> (Vic).</p> <p>For the purposes of this human rights assessment, it is important to note that:</p> <ul style="list-style-type: none"> • The Program has been designed to comply with the requirements of the <i>Surveillance Devices Act</i>

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

		<p>1999 (Vic) and the <i>Privacy and Data Protection Act 2014</i> (Vic), and the expansion is planned to facilitate the enforcement of valid local laws. As such, any interference with privacy from the expansion of the Program is expected to be lawful.</p> <ul style="list-style-type: none"> The expansion of the Program is intended to provide for the consistent enforcement of existing laws. Matters of reasonableness and proportionality are considered in detail further on in this assessment. <p>Explored further in section 4.</p>
<p>Humane treatment when deprived of liberty</p>	<ul style="list-style-type: none"> Enables you to detain individuals or relates to the conditions under which a person may be detained. 	

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

4. Is the limitation reasonable, necessary, justified and proportionate?

A. What is the nature of the right?

Consider the right that is being limited. What right does it provide? Who does it apply to? Why is it a human right that should be protected? How important is the right to a democratic society?

Your Assessment:

Right to privacy: Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with.

This right is broad and encompasses several fundamental values. The Supreme Court has interpreted it to include the right to be “left alone,” allowing individuals to engage in lawful daily activities without state surveillance.

When information is collected, individuals retain the right to control how it is stored, used, and shared. This includes personal data such as one’s image, which is integral to private life and personal development.

Section 13(a) contains internal qualifications – namely, an interference with privacy will only be taken to limit the Charter right if:

- it is **unlawful**, in that an applicable law is infringed; or
- it is **arbitrary**, in that it is capricious, or has resulted from conduct which is unpredictable, unjust or unreasonable in the sense of not being proportionate to the legitimate aim sought.

Right to equality and non-discrimination: Section 8(3) of the Charter provides that every person is entitled to equal and effective protection against discrimination.

‘Discrimination’ under the Charter is defined as discrimination on the basis of a protected attribute listed in section 6 of the *Equal Opportunity Act 2010 (Vic)*.

Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute as set out in section 6 of the *Equal Opportunity Act 2010 (Vic)*, but only where that requirement, condition or practice is unreasonable.

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL**B. What is the nature and extent of the limitation?**

Here you should consider the limitation that is being applied to the right. How does the limitation affect persons protected under the Charter? How many people does it affect? How much does the limitation affect a person's way of life? What are the potential consequences of the limitation?

Your Assessment:**Right to privacy****The nature of any human rights affected**

As discussed in section 3 above, the expansion of the Program may have an impact on the right to privacy. While the expansion of the Program is lawful, it is also necessary for Council to determine that it is not unpredictable, unjust or unreasonable in the sense of not being proportionate to the legitimate aim sought.

The nature and extent of the limitation

In addressing proportionality, the nature and extent of the interference with human rights needs to be considered, as the more intrusive a limitation on a right is, the higher the level of justification required.

The extent of the interference is limited, as:

- the cameras are already in place and already record individuals in the City of Melbourne, and the expansion of the Program is solely to make broader use of the footage already taken; and
- the expansion of the Program is to allow for the enforcement of existing laws through existing enforcement procedures.

Council completed a proportionality assessment in relation to the expansion of the Program and determined that, on balance, it is appropriate and justifiable to adopt the expanded use of the footage in connection with existing local law enforcement procedures.

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HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL**Potential indirect discrimination****The nature of any human rights affected**

As discussed in section 3 above, the expansion of the Program may have an impact on the right to equality and non-discrimination if it leads to outcomes with a disproportionate impact on individuals with a protected attribute. Specifically, an individual experiencing mental illness (the protected attribute of disability) may be more likely to breach local laws against public nuisance and the vandalism of property, particularly if they are also experiencing homelessness, and as such, may be more likely to be prosecuted under the expanded scope of the Program.

The nature and extent of the limitation

In addressing proportionality, the nature and extent of the interference with human rights needs to be considered, as the more intrusive a limitation on a right is, the higher the level of justification required.

In this case, it is possible that the expansion of the Program will lead to more enforcement against individuals with a disability than individuals without a disability. It is difficult to model what, if any, higher level of enforcement such individuals might experience.

Importantly, however, Council already take enforcement against the behaviours covered by the expansion of the Program. The expansion of the Program would not involve penalising of any activities that are not already sanctioned by criminal or local laws. The expansion of the Program would be expected to lead to the more frequent enforcement of existing criminal or local laws.

Council completed a proportionality assessment in relation to the expansion of the Program and determined that, on balance, it is appropriate and justifiable to adopt the expanded use of the footage in connection with existing local law enforcement procedures.

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL**C. What is the importance of the purpose of the limitation?**

Why, in the particular circumstances, is limiting the right important? Why is there a real need for the limitation being proposed? Look at the objective(s) you identified in Question 1 and consider whether it addresses an area of public or social concern that is pressing and substantial enough to warrant limiting the right. Your explanation should provide relevant and sufficient reasons and briefly describe the consequences of not implementing the plan, policy, procedure or decision.

If you decide that the objective for limiting the right does not seem to be important or significant your plan, policy, procedure or decision is likely to be incompatible with human rights. You will need to think about whether there are other ways to achieve the objective without limiting the right.

If the objective for the limitation does appear to be important and significant, proceed to **Part D**

Your Assessment:

To be lawful, a limitation of a right in the Charter must address “pressing and substantial” social concerns and pursue legitimate values or interests to be sufficiently important to justify limiting a Charter right.¹ The more pressing and substantial the purpose, the greater the limitation it will justify.

In this case, the purpose of the limitation is for the purposes described in the background section of this document. This includes:

- protecting the amenity of the City of Melbourne, by combating vandalism, graffiti, the dumping of rubbish, and acts of public nuisance;
- protecting the natural environment (for example, the Yarra River) and built environment (for example, buildings of historical significance) from pollution or damage;
- protecting private property from vandalism and destruction; and
- protecting ratepayers’ money, by making it more likely that individuals or corporations which breach local laws leading to a cost to the ratepayer, such as the illegal dumping of rubbish, are identified and can be compelled to pay to rectify any damage.

1. *Momcilovic v the Queen* [2011] HCA 34 per French CJ at p 41, [26]; *R v Oakes* [1986] 1 SCR 103 at [70] (Dickson CJ).

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL**D. What is the relationship between the limitation and its purpose?**

Here you should describe the effect of the limitation of the right and whether it is likely to be effective in achieving the objective being sought. Refer back to your answer to Question 1 – think about the problem that the limitation is seeking to address and consider whether the limitation will in fact result in a reduction of that problem. You should be able to establish a rational connection between the legitimate aim to be achieved and the measure limiting the right. If the objective might be legitimate but unless the proposed measure will actually achieve that objective, the limitation of the right is likely to be impermissible.

If you decide that the limitation is not rationally connected to the objective your plan, policy, procedure or decision is likely to be incompatible with human rights. You will need to think about whether there are other ways to achieve the objective without limiting the right.

If you decide that the limitation is likely to be effective in achieving the objective being sought, proceed to **Part E**.

Your Assessment:

Next, it must be determined whether there is a rational connection between the limiting measures and the above objectives.

In relation to the right to privacy

In this case, any limitation on an individual's use of privacy would be through the storage and use of footage of that individual for the purpose of investigating and taking enforcement action for one of the expanded purposes of the Program. As such, the limitation is directly related to the purpose.

In relation to the potential for indirect discrimination

In this case, achieving the objectives described in 4C and the objectives described in Section 1 of this assessment would require more frequent enforcement action from Police or Council employees, which may lead to the potential inequalities of outcome described in 4B above.

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL**E. Are there any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve?**

Here you should assess whether the limitation of the right is no more restrictive than it needs to be in order to achieve its objective. Answering the following questions will help you to assess whether the limitation of the right is reasonable, necessary and proportionate:

- Are there less restrictive alternatives for achieving the objective, and have they been tried? Look at the objectives you identified at Question 1 and consider whether these outcomes can be achieved only by the proposed limitation of the right. If there is another less restrictive way of achieving the desired outcome, you must explain why that option was not taken.
- Does the limitation involve a blanket restriction or does it allow for different cases to be treated differently? Blanket restrictions will often be considered disproportionate, as it has the effect of imposing limitations in circumstances where they are not really needed.
- Has sufficient regard been paid to the rights and interests of those affected? Proportionality requires that even if the objective of the limitation is of sufficient importance and it has been carefully designed to limit the right as little as possible, it may still not be justified, because of the severity of the effects of the measure on individuals or groups.
- Do safeguards exist to ensure effective guarantees of human rights in practice? For example, does the limiting measure make appropriate provision for procedural fairness and/or effective judicial oversight? Have any discretionary powers been appropriately circumscribed to prevent the risk of abuse or arbitrary exercise of the discretion?

Does the limitation destroy the very essence of the right? Think about the right being limited and consider whether there will be anything left of the right after the restrictions are put in place. Remember that no restriction is ever justified if it impairs the very essence of a right.

If your assessment concludes that the limitation is proportionate, the proposed / recommended plan, policy, procedure or decision is likely to be compatible with human rights.

If you decide that the effect of the limitation is likely to be disproportionate to the objective being sought, your proposed / recommended plan, policy, procedure or decision is likely to be incompatible with human rights. You will need to think about whether there are other ways to achieve the objective of the plan, policy, procedure or decision without limiting the right.

Your Assessment:

The final step of the analysis is to consider whether there are any less restrictive means reasonably available to achieve the purpose. This includes implementing safeguards or practices to ensure that any interference which occurs is the minimum necessary to achieve the purpose.

The right to privacy

It is open to Council to continue to address public nuisance and enforce local laws without the use of the Safe City Cameras. However, this will not achieve the same enforcement objectives. Refer to the PIA for the expansion of the Program for a full description of the safeguards and controls put in place to manage the risk to individuals' privacy.

Potential indirect discrimination

It is open to Council to continue to address public nuisance and enforce local laws without the use of the Safe City Cameras. However, this will not achieve the same enforcement objectives. Council's proportionality assessment recognises that implementation of the proposed expansion of the Program will require review of standard operating procedures, procedures and processes used by local laws officers in the enforcement of local laws as well as appropriate training to ensure that safeguards are in place to ensure individuals affected by special circumstances (such as mental illness) are protected.

HUMAN RIGHTS COMPATABILITY ASSESSMENT TOOL

Final Assessment:

Is the policy, plan, procedure or decisions compatible with the Victorian Charter of Human Rights and Responsibilities?

On balance, the expansion of the Program may have an impact on the right to privacy and the right to equality, although any infringement of these rights will be minor when considering the existing purposes of the Program and existing procedures to enforce state and local laws.

To the extent that the expansion of the Program will limit a person's human rights, it is deemed to be a limitation that is reasonable and demonstrably justified based on the matters set out above.

Compatible

Incompatible