

QUESTION TAKEN ON NOTICE

ADDITIONAL ESTIMATES HEARING : 08 February 2016

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(AE16/076) - Equipment, Go Pro Cameras, Tasers - Programme 1.1: Border Enforcement

Senator Gallacher, Alex (L&CA) written:

With the merger of Border Protection and Customs what equipment e.g.

- (1) Go Pro Cameras,
- (2) Tasers have been issued to Customs?

What legal, technical and miscellaneous issues have been identified?

For example:

- (1) legal ability to use Go-Pro's
- (2) Training and functionalities of Taser

1. A small number of *Go Pro* camera units, also referred to as Body Worn Video (BWV) units, have been issued for use in specific situations relating to boarding vessels at sea. Additionally, a small number of *Go Pro* camera units were acquired to evaluate the capability and to examine associated legislative, technical, training and other issues. This evaluation is on-going. Since the integration of the Department of Immigration and Border Protection and the Australian Customs and Border Protection Service, no *Go Pro* camera units have been formally issued to Australian Border Force (ABF) officers for operational purposes.
2. Tasers have not been acquired and as such have not been issued to Departmental officers for operational purposes.
3. **Issues – BWV:**
 - a. **Legal.** The use of BWC by ABF officers in the course of their duties is regulated by a range of State, Territory and Commonwealth legislation, including state and territory legislation concerned with the use of listening and surveillance devices as well as Commonwealth privacy legislation. Under current law, the use of BWC with both audio and visual recording capabilities by an ABF officer, without the consent of the subjects concerned, risks breaching state and territory laws as well as Commonwealth privacy legislation.
 - b. **Technical.** Technical issues with BWV are generally limited to the support and maintenance of such items. For example:
 - i. BWV units require periodic electrical charging, requiring charging infrastructure to be installed widely across the ABF;
 - ii. Video footage acquired from each BWV unit will be stored for periods of time depending on its value as evidence which generates considerable data management and storage requirements; and

- iii. Officers will be required to process video evidence in accordance with legislative requirements and the operation of the BWV unit, resulting in an increased administrative burden that will reduce operational capacity.
- c. **Training.** Training for the use of BWV would cover operation and use aspects that are an extension of existing video capture capabilities. This is not viewed as complex or onerous.

4. **Issues – Tasers:**

- a. **Legal.** Tasers are not currently declared as approved items of personal defensive equipment (PDE) for the purpose of section 189A of the Customs Act 1901. An amendment to the Customs Regulations 1926 is required in order to make Tasers approved PDE.
- b. **Technical.** Technical issues with Tasers are also generally limited to the support and maintenance of such items. For example:
 - i. Taser units require continual electrical charging when not in use, requiring charging infrastructure to be installed widely across the ABF;
 - ii. Taser units have a finite life in operational use, with expiry dates declared by the manufacturer, resulting in additional cost to replace expired units; and
 - iii. Taser units require connectivity to corporate networks for upload of use and diagnostic data and the download of operating software as they are computer controlled devices.
- c. **Training.** Tasers have not been procured for ABF officers however should they be procured training officers to use Tasers would be integrated into current Operational Safety training. Existing officers would require conversion training during their yearly recertification period which will add approximately two days.