

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Question No. 106

Senator Ludlam asked the following question at the hearing on 8 February 2010:

What legislation—state, territory or Commonwealth—guides the use, storage and dissemination of images from legitimate political protests, demonstrations and so on recorded by surveillance cameras?

The answer to the honourable senator's question is as follows:

The *Privacy Act 1988* regulates the handling of personal information by most Australian Government agencies, Australian Capital Territory agencies, and many private sector organisations. In addition, privacy laws exist in some States and the Northern Territory. These requirements will apply to surveillance activities to the extent that images of individuals are collected that are in an identifiable form.

Additionally Victoria, Western Australia and Northern Territory have surveillance devices laws which regulate the use of optical surveillance devices (such as CCTV) and essentially prohibit a third party using an optical surveillance device to monitor a person's 'private activities' without the person's consent (see *Surveillance Devices Act 1999 (Vic)*, *Surveillance Devices Act 1998 (WA)* and *Surveillance Devices Act 2007 (NT)*).

The Commonwealth only permits covert surveillance, where it would otherwise be unlawful, in the investigation of offences by law enforcement agencies. The Commonwealth *Surveillance Devices Act 2004* (the SD Act) does not prohibit or regulate the use of cameras in public places.

It is worth noting that surveillance activities conducted by the Australian Security Intelligence Organisation are regulated under the *Australian Security Intelligence Organisation Act 1979*.