COUNCIL POLICY

POL 0086: CCTV

Purpose

To set out the Shire of Esperance's requirements in relation to the operation of Closed Circuit Television systems that it owns and operates.

Scope

This policy does not apply to the capture of videos or photos not linked to the Shire's internal CCTV system or public CCTV system, i.e. live streaming of Council Meetings.

Definitions

MOU: Memorandum of Understanding regarding the supply and use of public CCTV between the Shire of Esperance and the WA Police.

Internal CCTV: Closed Circuit Television recording staff and public internally and externally of the Shire of Esperance buildings.

Public CCTV: Closed Circuit Television covering public open spaces and streets including linked mobile systems.

Policy - POL 0086 - CCTV - Version 5

Practice

Introduction

The Shire owns and operates both an internal CCTV system and a public CCTV system. Digital images are recorded from both systems twenty four (24) hours, seven (7) days a week and are retained for a period of not less than thirty one (31) days.

The internal CCTV system monitors the Shire of Esperance building assets, the purpose of the Internal CCTV system is to -

1. Assist in deterring antisocial and criminal behaviour
2. Assist in deterring offences against persons and/or property.
3. Assist staff with providing improved customer service.
4. Assist staff with providing operational services.

The Public CCTV System monitors public open spaces and streets. The purpose of the Public CCTV system is to -

1. Assist in deterring antisocial and criminal behaviour
2. Assist in deterring offences against persons and/or property.
3. Facilitate rapid response by WA Police and other emergency services as determined by WA Police when detecting instances of crime and anti-social behaviour.
4. Capture footage of suitable quality (ideally facial identification) to ensure that recorded footage of crimes can be used by WA Police or their legal representative for effective prosecution.
5. Reduce the public's perception of crime and the fear of crime.

Ownership and Control

1. Internal CCTV system -
   The Shire of Esperance Internal CCTV system is owned by and is the sole property of the Shire of Esperance, who ensure that the CCTV system is maintained in efficient working order. The Shire of Esperance have exclusive access to and control of all recorded footage.
   The Shire of Esperance may allow access, only to the external building cameras, to WA Police as part of the Public CCTV system. The footage and data from these cameras would be available to WA Police without restriction.
2. Public CCTV system -
   The Public CCTV system is owned by and is the sole property of the Shire of Esperance, who ensure that the CCTV system is maintained in efficient working order. The Shire of Esperance provides the CCTV system to WA Police who have exclusive access to, and control of, all recorded footage. These ownerships and controls reference the MOU between the Shire of Esperance and WA Police.

Viewing and requesting CCTV images/recordings

1. Internal CCTV system -
   a. Live viewing of Internal CCTV Footage -
      i. Shire staff, contractors and volunteers are able to view live internal CCTV footage that is operational required as part of their role.
   b. Reviewing of recorded CCTV footage -
      i. Reviewing of recorded CCTV footage is restricted to authorised Shire staff who have a legitimate operational need. Authorisation, including any conditions of access, must be approved by the Manager Information Services.
   c. Downloading Historic Internal CCTV Footage -
      i. Shire of Esperance staff -
         An Internal CCTV Data Request form, must be filled in and signed by the requesting officers Manager before lodging it with the Manager Information Services who will verify and approve the request.
         The Manager Information Services or their delegate will assess and provide the data as requested based on priority (urgency and importance), ensuring that the request does not contravene governing standards before providing the data.
      ii. WA Police -
         WA Police may request footage from the Shire of Esperance Internal CCTV in order to supplement or assist with criminal investigations.
         Any and all requests for such data will need to be made in writing to the Shire of Esperance, the Manager Information Services will assess and provide the requested footage as required.
      iii. General Public -

Members of the Public may request footage from the Shire of Esperance Internal CCTV through a Freedom of Information Request. Request will be governed by the requirements under the *Freedom of Information Act 1992*.

2. Public CCTV system -
    a. The police have the sole viewing rights to the Public CCTV system. Request for viewing and requesting images/recordings from public system can only be done through WA Police. The Shire of Esperance does not have access to the images and recordings from the Public CCTV System.

.....End.....

Document Information

Responsible Position	Manager Projects & Buildings
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *AS/NZS 62676:2020 Video Surveillance Systems for use in Security Application*
- *WA Criminal Code Act Compilation Act 1913*
- *Criminal Procedures Act 2004*
- *State Records Act 2000*
- *Freedom of Information Act 1992*
- *Memorandum of Understanding – Western Australia Police Force and Shire of Esperance*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2021	1	D21/20129	New policy.	O0621-142	Jun 2023
Mar 2022	2	D21/20129[v2]	No change.	O0322-062	Mar 2024
Mar 2024	3	D21/20129[v3]	Biennial review, no change	O0324-023	Mar 2026
Mar 2026	4	D21/20129[v4]	Update responsible position title	O0326-053	Mar 2028
Oct 2026	5	D21/20129[v5]	Inclusion of reviewing recorded CCTV	O1026-114	Mar 2028

Memorandum of Understanding

0594-2021

The Provision of CCTV Access/Sharing – located within Esperance Police Station.

Shire of Esperance

Western Australia Police Force

1. INTRODUCTION

The purpose of this Memorandum of Understanding (MOU) will be to record an agreement between the Shire of Esperance and the Western Australia Police Force (WA Police Force) with respect to Public Closed-Circuit Television (CCTV) systems in the Shire of Esperance. It will clearly explain each party's responsibilities in regard to the operation, use and maintenance of public CCTV throughout the Shire of Esperance.

The public CCTV system has been established by the Shire of Esperance to contribute to the safety and security of persons and property within the Shire of Esperance.

WA Police Force are concerned with enhancing quality of life and well-being of the community by contributing to safety and security of the communities they operate within.

The purpose of this agreement is to facilitate a collaborative approach to enhancing the safety and security of persons and property with the Shire of Esperance.

2. NATURE OF MEMORANDUM

This MOU does not obligate funds and does not create a legally binding commitment for any party.

3. DEFINITIONS

Parties to this agreement include:

1. Shire of Esperance (the Shire)
2. Western Australia Police Force (WA Police Force)

4. LIMITATIONS

Parties can withdraw from the agreement at any time. Where formal agreements are negotiated between the parties, these will be negotiated separately to the MOU and will take priority over the MOU.

5. TERM OF AGREEMENT

This agreement will remain current for the duration of the life of the public CCTV network, unless requested to be terminated in writing by either party

6. THE AGREEMENT

Parties to this agreement undertake the following provisions;

Concerning the Shire of Esperance

The role of the Shire is to provide public CCTV infrastructure, namely hardware and software for use by the WA Police Force. The role of the public CCTV is to act as a deterrent to anti-social behaviour and crime, and in the event of crimes, provide evidence for the purposes of successful prosecutions.

This includes:

- *Supply and installation of all CCTV hardware and software across key locations as agreed upon by key stakeholders.*
- *Periodic and reactive maintenance of all CCTV hardware, software and licences including all costs associated with this maintenance.*
- *Providing full and exclusive access to all footage and image data held on the secure server to WA Police Force, ensuring that there is 24/7 coverage for all cameras for a period of not less than 31 days.*
- *Provide 24/7 digital monitoring of all CCTV assets to ensure their optimal functioning. This monitoring will alert key personnel in real time of any issue or outage and the Shire of Esperance will undertake work to rectify as soon as possible.*
- *Provide access to WA Police Force for all external cameras located on Shire of Esperance buildings and assets.*

Concerning the Western Australia Police Force

The responsibility of the WA Police Force includes:

- *Monitor CCTV as required for preventing or responding to anti-social behaviour or crime. This includes the real time use of Pan/Tilt/Zoom cameras to track areas or items of interest to the WA Police Force in their role of preventing and prosecuting crime.*
- *Retrieve CCTV footage as required to fulfil their obligations under state and federal law.*
- *Report any issues with the public CCTV system or its functionality as soon as possible to the Authorised Officer at the Shire of Esperance.*
- *Assess and action requests from the General Public, Businesses or Legal Representatives for CCTV footage, in consultation with the Shire of Esperance and in accordance with state and federal laws, governing the dissemination of such data.*

7. LIAISON OFFICERS

The following positions are the first point of contact for any queries relating to this Memorandum of Understanding.

WA Police Force Senior Sergeant Peter Arancini – Officer in Charge Esperance Police Station – Goldfields / Esperance District (08) 9079 8999 – Esperance.police.station@police.wa.gov.au
Shire of Esperance Ben Fetherston – Property / Building Coordinator Shire of Esperance Asset Management (08) 9071 0604 - Ben.Fetherston@esperance.wa.gov.au or shire@esperance.wa.gov.au

8. DISPUTE RESOLUTION

Any dispute or issue that arises between the Parties in relation to the content or operation of this MOU will be referred to the respective Liaison Officers for resolution. Where the Liaison Officers are unable to resolve the issue, the matter may be referred to the signatories of this MOU for resolution.

9. SIGNING

Signed on behalf of the

Shire of Esperance

..... Shane Burge

Chief Executive Officer

15/12/2021

Date

Signed on behalf of the

WA Police Force

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Acting Commander Brad Jackson

Date: 8 December 2021