

Q&As

Body worn cameras (BWC's)

Q. At what point are they turned on?

A. BWCs allow authorised officers to collect audio and video recordings while working out in the field. Fieldwork includes situations such as routine stable/kennel inspections, animal welfare investigations, and race day Steward's inquiries

Q. The rights of the investigating officer to turn them on?

Under s175 of the *Racing Integrity Act 2016*, the QRIC's Authorised Officers, having gained lawful entry to a place, have the power to inspect, examine or film any part of a place or anything at a place, once they have gained lawful entry. The definition of 'film', under s175 includes photograph, videotape and recording of an image in any other way.

Q. The rights of the participant on being recorded?

A. An Authorised Officer may enter a place in accordance with sections 154–169 of the *Racing Integrity Act 2016*. There is no obligation to stop recording because a person does not wish to have the event filmed. Whenever Authorised Officers are on a participant's property, they will be recording their attendance using BWCs. This is done to protect the integrity of both the Authorised Officers and the participant.

Q. Does the Investigating officer have to declare that a camera is now active?

A. An Authorised Officer does not have to declare that a recording is being made. Under Section 43 of the *Invasion of Privacy Act 1971*, it is lawful to record a private conversation providing the person using the recording device is a party to that conversation. The BWC is not covert and will be plainly visible to the participant.

Q. What if the participant is not comfortable with being recorded?

A. An Authorised Officer is under no obligation to stop recording because a person does not wish to have the event filmed.

Q. When, where, and for how long are recordings kept?

A. Video and audio recordings made in the execution of an Authorised Officer's duty are a 'record' under the *Public Records Act 2002* and managed accordingly.

Q. Is a participant able to access a copy of their own recording?

A. Yes. All recordings made in the execution of an Authorised Officer's duty can be subject to an access application made under the *Information Privacy Act 2009*. If a racing industry participant is charged with an offence, any footage that forms part of the evidence in that case, would be made available to the charged participant as part of the proceedings.

Q. Who is authorised to access any recording?

A. Video and audio recordings made in the execution of an Authorised Officer's duty are confidential and must be retained and managed in accordance with the QRIC's obligations under the Queensland Government's Information Security Standard 18, which includes requirements for appropriate access controls.

In the case of recordings made using BWCs, access to footage is generally limited to appropriately trained Authorised Officers. However, where an offence has occurred or is suspected, relevant footage may be shared with the QRIC's Principal Legal Officer, Deputy Commissioner, Commissioner, Internal Adjudicator or a relevant agency as prescribed under section 98A of the *Racing Integrity Act 2016*.

Q. Will statistics of "good" (where no further action is taken as a result) recordings be released against "bad" (further action is taken against a direct recording result) recordings?

A. No. It is not anticipated that the use of BWC will necessarily result in more or less action being taken against industry participants. Rather, use of BWC will improve the timeliness and fairness of the QRIC's disciplinary and internal review processes as the BWC's will contribute to accuracy of the evidence relied upon.