

**CODE OF PRACTICE FOR CCTV SYSTEM
IN LICENSED PREMISES**

Legislation – *Liquor Act 2019* – Section 20

1. BACKGROUND

Section 20 of the *Liquor Act 2019* (the Act) provides for the Northern Territory Liquor Commission (the Commission) to establish a code of practice to regulate certain matters, including the operation of licensed premises. The Commission is required to publish an established code of practice in the way it considers appropriate.

2. PURPOSE OF THE CODE

Certain liquor licensees in the Northern Territory may be required to install, maintain, and operate a closed-circuit television (CCTV) system at their licensed premises. The licensees are those who:

- hold a late night authority to operate from 00:00 to 02:00;
- hold an extended late night authority to operate from 00:00 to 04:00;
- hold a public bar authority;
- hold a takeaway authority for the sale or supply of liquor to which the operation of the identification system applies under section 130 of the Act;
- have a CCTV licence condition imposed by the Commission under section 87(1) of the Act;
- have a pre-existing CCTV licence condition, which was imposed on the licence under the *Liquor Act 1978*.

A licensee who is a party of a local liquor accord has discretion to install and operate video surveillance under section 133(1)(e) of the Act.

The intended purpose of CCTV in licensed premises is to assist in the meeting of objectives of the *Liquor Act 2019* and in particular, promoting the responsible service and consumption of alcohol and minimising harm caused by the abuse and misuse of alcohol, such as violent and anti-social behaviour or associated effects on the amenity of the community.

CCTV assists in the regulation of the operation of the licensed premises including the monitoring and assessment of licensee management practices, the adoption of best practice for the positive promotion of licensing objectives and the monitoring of compliance with legal obligations and accurate identification of offenders and events.

The responsible service of alcohol by liquor licensees and the provision of safe environments that prevent or reduce alcohol-related violence are a major focus of the Commission and the compliance activities of the Director of Liquor Licensing (the Director).

CCTV is a valuable tool which contributes to public safety and security protecting both people and property and assists in the prevention, detection and investigation of offences under the Act.

This code is established to provide guidance on the appropriate and effective use of CCTV operated in licensed premises and data retention and to assist licensees to adopt best practice standards. It sets out guiding principles that should apply to a CCTV system in licensed premises to ensure it is transparent and capable of providing good quality images and other information which is fit for purpose.

3. DEFINITIONS

The following definitions apply to terms used in this Code:

Commission means the Northern Territory Liquor Commission established by section 5 of the *Liquor Commission Act 2018*

Director means the Director of Liquor Licensing appointed under section 9 of the *Liquor Act 2019*

Closed-circuit television (CCTV) means a television system that transmits images on a 'closed loop' basis, where images are only available to those directly connected to the transmission system. The transmission of closed circuit television images may involve the use of coaxial cable, fibre-optic cable, telephone lines, infra-red and radio transmission systems

Inspector means an inspector appointed under section 16 of the *Liquor Act 2019*

Licensee means a person who holds a licence required under section 42 of the *Liquor Act 2019*

Licensed premises means the premises licensed under the *Liquor Act 2019* for the sale, supply or service of liquor

Police officer means a member of the Northern Territory Police Force established by section 5(1) of the *Police Administration Act 1978*

Trading hours means the hours contained in the conditions of licence or the maximum prescribed for the relevant authority

Video surveillance means surveillance by a closed-circuit television system for direct visual monitoring and recording of activities on licensed premises

4. APPLICATION

This code is established under section 20 of the Act and will apply to all licensees that are the subject of regulations 59(4) or 76 of the *Liquor Regulations 2019*, or a CCTV licence condition imposed by the Commission, with the exception of those premises that the Commission has determined should be subject to an alternative standard.

Pursuant to section 20(3) of the Act, it is a condition of a licence that the licensee comply with the provisions of this code.

A breach of the code or a failure to comply with the code constitutes a breach of condition of a licence and is a ground for a complaint under section 160(1)(a) of the Act and possible disciplinary action under section 165 of the Act.

This code does not replace or remove any statutory obligations on a licensee of such systems to comply with the provision of any other relevant laws.

Covert surveillance at licensed premises by public authorities is not covered by this code.

5. GUIDING PRINCIPLES

Licensees should adopt the following guiding principles:

- Use of CCTV must always be for a legitimate purpose or need identified by the Commission, the Act, or the *Liquor Regulations 2019*.
- CCTV should not be used for general intelligence gathering.
- The recording and retention of images should be undertaken fairly and lawfully.
- The use of CCTV must take into account its effect on individuals and their privacy and civil right to conduct or engage in lawful activities.
- There must be as much transparency in the use of CCTV as possible, including a published contact point for access to information and complaints.
- There must be clear responsibility and accountability for CCTV activities including images and information collected, held, and used.
- Clear rules, policies, and procedures must be in place to use CCTV and must be communicated to those who need to comply with them.
- CCTV should be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- No more images and information should be stored than that which is strictly required for a stated purpose and such images and information should be deleted once their purposes have been discharged, including the keeping of the record for the specified period.

- The disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
- CCTV images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- Access to retained images and information should be restricted and there must be clearly defined rules on who can access and for what purpose such access is permitted.
- CCTV operators should work to meet and maintain operational, technical and competency standards relevant to a CCTV system.
- There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice and to be used as a basis of recommendation for improved practice.
- Any information used to support CCTV should be accurate and kept up to date.

6. CCTV REQUIREMENTS

- 6.1. The licensee must prepare a Camera Surveillance Plan (CSP) in accordance with the code and must submit the CSP to the Director for approval. In order to match the plan to the premises, the Director may approve minor inconsistencies between the plan and this code.
- 6.2. At a minimum, the CSP must detail the technical specifications, location, physical and electronic security arrangements for all equipment associated with the CCTV. The CSP must identify by their position title the staff authorised to access and operate the system and describe ongoing maintenance arrangements.
- 6.3. The CSP must provide for sufficient cameras for the type of premises operated:
 - 6.3.1. If you have a “**late night authority**” attached to your licence that allows trade past midnight, or a “**public bar authority**” you must have cameras at:
 - a) the internal access/egress of each entrance and exit of the licensed premises to clearly record all patrons entering or leaving the premises and interactions between the patrons and a crowd controller or staff of the premises;
 - b) The external vicinity of each of each entrance/exit to a radius of 10 metres;
 - c) Bar service areas and sales points;
 - d) in other areas as reasonably directed by the Director such as dance-floors, passageways and stairwells;
 - e) outside smoking areas, if applicable.

- 6.3.2. Other premises identified by the Commission or the Director must have:
- a) a minimum of one camera over the sales counter;
 - b) a minimum of one camera inside the main entrance;
 - c) camera coverage of liquor storage cabinets, storage fridges that can be accessed by the public;
 - d) camera coverage as specifically provided in the conditions of your licence and authority.
- 6.3.3. If you have a **"takeaway authority"** where the operation of the identification system applies under section 130 of the Act, as a minimum requirement, CCTV must be designed and operated to record information regarding the items purchased, the use of the BDR scanner, interactions between the purchaser and the salesperson, the appearance of the purchaser and the appearance of the salesperson.
- 6.4. The licensee must install, maintain, and operate a secure CCTV system compliant with the CSP approved by the Director (the approved plan) for the licensed premises.
- 6.5. The licensee must develop and implement a set of standard operating procedures for staff operating the CCTV system to ensure they are trained and proficient in the use of the system, identify adverse behaviours and potential breaches of the Act and types of incidents to which an inspector or police response is generally appropriate.
- 6.6. Pursuant to section 109 of the Act, a licensee must, on the request of an inspector or a police officer provide access to, and copies of, CCTV records.
- 6.7. The licensee shall not destroy a CCTV record that has been provided to an inspector or a police officer until written notice is received that the recording is "viewable", or until 14 days after the CCTV record has been provided to the inspector or police officer, whichever is sooner.
- 6.8. Signage must be displayed in all areas open to the public that are subject to CCTV. The signs must inform patrons and staff that the area is under electronic surveillance for safety and security reasons.
- 6.9. All CCTV equipment must be maintained in good operating condition.
- 6.10. At the commencement of each trading day, the licensee must check that the CCTV equipment is working properly and record the following details:
- the date and time the equipment was checked;
 - the name of the person who checked the equipment; and
 - whether the equipment was operating effectively.

6.11. If the CCTV equipment is not operating effectively, or it otherwise malfunctions, subject to clause 6.12, the licensee must make arrangements within 48 hours for it to be repaired and must record:

- the date and time the equipment malfunction was identified;
- the name of the person who identified the malfunction;
- details of arrangement made to repair the equipment including:
 - the date and time the arrangements were made;
 - the name of the person who made the arrangement;
 - nature of the arrangements made to repair the equipment;
 - the date the equipment is repaired.

6.12. If the CCTV equipment which is not operating effectively is unable to be repaired within 48 hours of the fault being detected, the licensee must notify the Director of that fact and abide by any further conditions the Director may reasonably impose as a requirement for the licensee to be permitted to continue trading.

6.13. The CCTV system must have capability to continue to record for at least 15 minutes during a power outage and should automatically start recording after recovering from an extended power outage.

6.14. A licensee required to operate CCTV pursuant to a late night authority must cease to serve liquor during any period when CCTV is not operational or not recording at any time between the hours of the late night authority (from 00:00 to 2:00 or 00:00 to 04:00).

6.15. If the CCTV system becomes inoperable at any time during the prescribed hours of operation, the risks should be assessed by the licensee and the necessary precautions should be taken, such as employing additional staff where risks are assessed as high.

6.16. A licensee is encouraged to seek expert advice on issues relating to technical requirements and specifications of all components that make up the CCTV system for operation in the given environment.

7. CCTV SYSTEM GUIDELINES

7.1. The CCTV system and its recordings shall be secure from unauthorised access and tampering.

7.2. The CCTV system should be capable of digital recording. Analogue recording systems are not permitted.

7.3. Cameras must have the capability of operating in varying light conditions such that incidents and persons captured by the CCTV system are clearly discernible.

- 7.4. All images must be of sufficient size and clarity to enable the identity of an individual to be determined.
- 7.5. The CCTV system must operate at a minimum of eight (8) frames per second per camera.
- 7.6. The CCTV system must record the time and date at all times, along with the image. The time and date must be able to be read when the image is played back on a different system.
- 7.7. The images produced by all cameras must be recorded and kept, ideally for 28 days, but not less than 14 days¹. The system must allow for immediate viewing or replay of earlier recorded events and be capable of producing clear copies of recordings capable of being played back on a different system.
- 7.8. In the event of a power failure, the recording system must be capable of continuing for at least 15 minutes. If the power failure exceeds 15 minutes, the outage is to be logged by the licensee as soon as practicable after the power failure.

8. CCTV EQUIPMENT CERTIFICATION

- 8.1. At least every 12 months, CCTV equipment (and any related device) must be checked by an inspector or other appropriately authorised and qualified person, to ensure that the CCTV equipment can:
 - record images clearly;
 - record the correct date and time;
 - store each recording made by it for at least 14 days; and
 - produce a digital copy of each recording stored on the equipment or device.

9. SYSTEM ADMINISTRATION

- 9.1. The licensee shall appoint a system administration manager who has responsibility to:
 - create and manage passwords
 - carry out any changes to system settings
 - approve alterations to cameras or lighting.

¹ Although the current requirement is to keep data for at least 14 days, licensees should note that in line with best practice, that it is likely at some time in the future, after due notice has been provided, that this requirement will be increased to 28 days.

This Code of Practice, established under section 20 of the Act, takes effect from 1 August 2023.

The Common Seal of
the Northern Territory
Liquor Commission
was affixed on
26 April 2023



In the presence of:

Chairperson Goldflam

Northern Territory Liquor Commission

Member Dwyer

Member Stephenson