

**SOUND RECORDING OF SITE INSPECTIONS
CONSUMER BUILDING AND PROPERTY,
BUILDING
OPERATIONAL PROTOCOLS**

DRAFT

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1. INTRODUCTION

As an employer, NSW Fair Trading must provide and maintain a working environment that is safe so far as is reasonably practicable. This includes protecting staff from the risk of Consumers, Traders and others who may hinder, obstruct, assault, intimidate or threaten them daily whilst undertaking their duties. In recent times, Inspectors have been subject to verbal assaults, threats, harassment, and other inappropriate behaviour. They have also witnessed behaviours of this type directed to other attendees at site inspections.

Part of a suite of tools to reduce the risks currently being developed, is the use of sound recording of site inspections. The intention is for this technology to complement other controls to minimise the risk to Inspectors.

The Sound Recording of Site Inspections Operational Protocol outlines the use of the Sound Recorders and management of recordings by CBP Building Inspectors.

2. PURPOSE

This document sets out the operational protocols for using sound recorders by Inspectors. This includes when a sound recorder can be used and what to do in the event that an incident occurs involving clients who hinder, obstruct, assault, intimidate or threaten an Inspector or other party. It will also provide guidance on using the recorders and storage of recorded data.

The sound recordings will also be accessed to investigate allegations of misconduct by Inspectors.

3. DEFINITIONS

- **Sound Recorder** means equipment worn overtly by Building Inspectors that is capable of recording sound.
- **Overt** means using the sound recording device with the full knowledge of those being recorded.
- **Recording Data** means any information relating to, or extracted from, the use of a sound recorder, including but not limited to, audio files and associated data.

4. KEY CONSIDERATIONS

The purpose of using a Sound Recorder is to assist in reducing the risks associated with client and public violence and aggression and is a tool used in support of the BRD Policy 'Managing the risk of client and public violence and aggression'.

Recording data obtained using the sound recorder may be used in evidence and may be provided to police to support any investigation/prosecutions relating to offences committed against Fair Trading Inspectors.

Inspectors should not unnecessarily expose themselves to risks of violence or aggression.

5. SOUND RECORDING OPERATIONAL PROTOCOL

Guidance on appropriate use of Sound recording devices

A sound recording will be made in circumstances where those being recorded have provided consent to the recording being made.

Parties to a site inspection are advised, both verbally and in writing, that it is a condition of attending a site inspection that the inspection is recorded by a sound recording device.

Written notification of the date and time of the inspection confirms that the site inspection will be recorded and that this is a condition of attending the inspection and that it will be recorded.

It is the intention that a sound recording device be worn and used by Inspectors during all site inspections at which both parties are in attendance.

Prior to site inspection

As soon as it becomes apparent that a site inspection is likely to be required to complete an investigation, the Inspector should advise the parties that any site inspection will be recorded with a voice recorder and that in attending a site inspection, the attendee explicitly provides consent to the inspection being recorded.

If a site inspection is scheduled, the Inspector will provide written confirmation of the inspection using the approved inspection confirmation template. The confirmation will be sent to all parties who have agreed to attend.

At the inspection

Inspectors are to activate the recording device once they have parked their vehicle at the inspection site. Once the attendees to the inspection have assembled the Inspector should display the sound recording device, remind attendees that their attendance is subject to sound

recording. If the complainant or their representative advises that they do not wish to be recorded, the inspector will advise them that the inspection cannot take place and Fair Trading cannot assist further.

If the contractor or their representative advises that they do not wish to be recorded, the inspector will advise them to leave the site and will obtain their comments later before the inspector makes any determinations.

If a person is in attendance, or who wishes to attend in the course of the inspection, who has not previously consented to being recorded, the Inspector must advise them immediately that the inspection is being recorded and that it is a condition of attendance that the inspection is recorded. A person who does not wish to be recorded should be required to leave.

The inspector is to deactivate the recording device only when they have left the inspection site in their vehicle.

After the inspection

The Inspector will download the recording file and save it to a secure location on their DCS provided laptop or corporate drive.

As soon as is practically possible, the Inspector will save the recording to a secure DCS location as specified by Building Management.

The Inspector may access the recording to review the site inspection and confirm observations and outcomes.

In the event of equipment malfunction the Inspector should advise their line manager immediately and arrange for replacement or repair of the recording device.

What to do if an incident occurs

Report the incident to your manager immediately and discuss the appropriate response.

The response will depend on the nature of the incident, the nature of the resulting harm, ongoing threat and the individual or individuals who are the subject of the incident.

What will happen if an allegation is made against the Inspector

If an accusation is made against an Inspector about their conduct at an inspection, Building Management may access the recording in the course of investigation to assess the validity of the accusation.