ibac independent broad-based anti-corruption commission
Victoria

Chief officer report to the Minister

Section 30L of the Surveillance Devices Act 1999 (Vic)

1 July 2022 to 30 June 2023

Acknowledgement

IBAC acknowledges the Traditional Owners of Country throughout Victoria and pays respect to and recognises the contribution from their Elders past and present

Accessibility

If you need this information in an accessible format, telephone **1300 735 135** or email **communications@ibac.vic.gov.au**
This document can also be found on our website **www.ibac.vic.gov.au**
Alternatively, contact the National Relay Service on **133 677 (www.relayservice.com.au).**

ISBN XXXX (print)
ISBN XXXX (online)

© State of Victoria 2023
(Independent Broad-based Anti-corruption Commission)



You are free to re-use this work under a Creative Commons Attribution 4.0 licence, provided you credit the State of Victoria (Independent Broad-based Anti-corruption Commission) as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any branding, including Government logos.

Introduction

The *Surveillance Devices Act 1999* (Vic) (the Act) regulates the installation, use, maintenance and retrieval of surveillance devices and restricts the use, communication and publication of information obtained through the use of surveillance devices or otherwise connected with surveillance device operations.

The Act, amongst other things, establishes procedures for law enforcement officers to obtain warrants or emergency authorisations for the installation, use, maintenance and retrieval of surveillance devices and creates offences relating to the improper installation or use of surveillance devices.

Section 3 of the Act defines the Independent Broad-based Anti-corruption Commission (IBAC) as a law enforcement agency and the IBAC Commissioner as a chief officer.

Section 30P of the Act provides for the inspection by the Victorian Inspectorate (VI) of the records of IBAC to determine the extent of IBAC's compliance with the Act. The VI must make a report to Parliament at six monthly intervals on the results of its inspections.

Section 30L of the Act states that as soon as practicable after the end of each financial year, and at any event within three months after the end of the financial year, the chief officer of a law enforcement agency must submit a report to the Minister on those matters set out in sections 30L(1) and (2) of the Act.

This report is for the period 1 July 2022 to 30 June 2023.

Report

The following table sets out the information as required by sub-sections 30L(1)(a)-(g) for the period 1 July 2022 to 30 June 2023.

Act subsection		Number
30L(1)(a)	Applications for warrants by IBAC law enforcement officers	9
	Warrants issued to IBAC law enforcement officers	8[1]
30L(1)(b)	Applications for emergency authorisations by IBAC law enforcement officers	0
	Emergency authorisations given to IBAC law enforcement officers	0
30L(1)(c)	Remote applications for warrants by IBAC law enforcement officers	0
30L(1)(d)	Applications for warrants or emergency authorisations by IBAC law enforcement officers that were refused and reasons	0
30L(1)(e)	Applications for extensions of warrants by IBAC law enforcement officer	7
	Extensions of warrants granted and reasons	7
	Extensions of warrants refused and reasons	0
30L(1)(f)	Arrests made by IBAC law enforcement officers on the basis (wholly or partly) of information obtained by the use of a surveillance device under a warrant or emergency authorisation	0
30L(1)(g)	Prosecutions commenced in Victoria during the IBAC reporting period in which information obtained by the use of a surveillance device under a warrant or emergency authorisation was given in evidence	5
	Of the above prosecutions, the number in which a person was found guilty	0

[1] Section 30L(1)(a) provision of the Act determines *the number of applications for warrants by and the number of warrants issued to law enforcement officers of the agency during the year.* Pursuant to this provision *a* warrant issued to an IBAC law enforcement officer did not meet this criterion as a result of an error in the swearing in of the relevant IBAC Officer and therefore the warrant being invalid. As such, it was not included to this report as a warrant issued under this provision of the Act.

Subsection 30L(2) requires the identification of the number of warrants issued and emergency authorisations given in respect of each different kind of surveillance device.

Accordingly, in relation to the eight warrants issued to IBAC law enforcement officers for the period 1 July 2022 to 30 June 2023, I report as follows:

Type of device	Number of warrants authorising the device
Listening device	7
Optical surveillance device	6
Data surveillance device	1
Tracking device	5



Stephen Farrow

Acting Commissioner

Date: 21 August 2023

ibac independent broad-based anti-corruption commission
Victoria

Independent Broad-based Anti-corruption Commission

Level 1, North Tower
459 Collins Street
Melbourne VIC 3000

GPO Box 24234
Melbourne VIC 3001

Phone: 1300 735 135
Email: info@ibac.vic.gov.au

www.ibac.vic.gov.au