Independent broad-based anti-corruption commission Victoria

Chief officer's report to the Minister
1 July 2024 – 30 June 2025

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

Acknowledgement

IBAC acknowledges the Traditional Custodians of the lands on which we work and pays respect to Elders past, present and emerging. We recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of Victoria.

Accessibility

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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 IBAC's chief officer.

Section 30P of the Act provides for the inspection by the Integrity Oversight Victoria (IOV) of the records of IBAC to determine the extent of IBAC's compliance with the Act. The IOV must make a report to Parliament at 6-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 2024 to 30 June 2025.

Report

Act subsection		Number
30L(1)(a)	Applications for warrants by IBAC law enforcement officers	3
	Warrants issued to IBAC law enforcement officers	2
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	1
30L(1)(e)	Applications for extensions of warrants by IBAC law enforcement officer	2
	Extensions of warrants granted and reasons	2
	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	1[1]
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	38[2]
	Of the above prosecutions, the number in which a person was found guilty	0

[1] This arrest was made by Victoria Police officers on the basis of arrest warrants applied for by IBAC.

[2] 38 prosecutions commenced in the reporting period in which briefs of evidence contained information obtained from the use of a surveillance device under an SD warrant; however, this information has not been given in evidence during the reporting period due to the lapse in time between charges being laid and court matters reaching finalisation.

One warrant application by IBAC was refused by the Supreme Court of Victoria. The Judge made the decision based on the following factors:

- the extent to which the privacy of any person was likely to be affected
- the warrant was not a necessary means of investigation, and that there were alternative means of obtaining the evidence sought
- the Judge was not satisfied of the evidentiary value sought to be obtained
- the PIM's submissions were taken into account.

Two warrants were extended by the Supreme Court of Victoria as the IBAC investigation had not concluded prior to the expiry of the warrants.

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 two warrants issued to IBAC law enforcement officers for the period 1 July 2024 to 30 June 2025, I report as follows:

Type of device	Number of warrants authorising the device
Listening device	2[3]
Optical surveillance device	1
Data surveillance device	0
Tracking device	0



Victoria Elliott
Commissioner, IBAC

Date: 31 July 2025

[3] One SD warrant authorised the use of a listening device; and the other SD warrant authorised the use of both a listening device and an optical device.



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