ibac independent broad-based anti-corruption commission
Victoria

Chief Officer Report to the Minister

Section 31 of the Crimes (Assumed Identities) Act 2004 (Vic)

1 July 2012 to 30 June 2013

Independent Broad-based Anti-corruption Commission
and the Office of Police Integrity

Contents

1. Introduction 3

2. Reports about authorities for assumed identities - Office of Police Integrity 3

2.1 The number of authorities granted during the year [s 31(1)(a)] 3

2.2 General description of the activities undertaken by authorised persons when using assumed identities [s 31(1)(b)] 3

2.3 The number of applications for authorities that were refused during the year [s 31(1)(c)] 4

2.4 Whether or not any fraud or other unlawful activity was identified by an audit under s 33 during the year [s 31(1)(d)] 4

2.5 Any other information relating to authorities and assumed identities and the administration of this Act that the Minister considers appropriate [s 31(1)(e)]4

2.6 Any information which should be excluded from the report [s 31(2)] 4

3. Reports about authorities for assumed identities – Independent Broad-based Anti-corruption Commission 4

3.1 The number of authorities granted during the year [s 31(1)(a)] 4

3.2 General description of the activities undertaken by authorised persons when using assumed identities [s 31(1)(b)] 4

3.3 The number of applications for authorities that were refused during the year [s 31(1)(c)] 5

3.4 Whether or not any fraud or other unlawful activity was identified by an audit under s 33 during the year [s 31(1)(d)] 5

3.5 Any other information relating to authorities and assumed identities and the administration of this Act that the Minister considers appropriate [s 31(1)(e)]5

3.6 Any information which should be excluded from the report [s 31(2)] 5

1. Introduction

Section 31 of the *Crimes (Assumed Identities) Act 2004* (Vic) (the Act) provides that as soon as practicable after the end of each financial year, the chief officer of a law enforcement agency must submit a report to the Minister setting out the details required by section 31 of the Act in relation to authorities for assumed identities.

Section 37(5) of the Act provides that if, before the Independent Broad-based Anti-corruption Commission (IBAC) commenced, the former Director Office of Police Integrity (OPI) had not prepared the report required by section 31 for the financial year ending before IBAC commenced, the IBAC Commissioner must prepare that report.

IBAC became a 'law enforcement agency' on 10 February 2013 as a result of amendments to the Act. Transitional provisions relevant to the Act can be found at section 37 of the Act.

This report relates to the financial year 1 July 2012 to 30 June 2013 and has been divided into two reporting periods as follows:

- the period 1 July 2012 to 9 February 2013 (OPI reporting period) for the purposes of OPI;
- the period 10 February 2013 to 30 June 2013 (IBAC reporting period) for the purposes of IBAC.

For the purposes of the Act:

- The Director Police Integrity, OPI (Director) is a 'chief officer'
- The IBAC Commissioner, (Commissioner) is a 'chief officer'
- OPI is a 'law enforcement agency'
- IBAC is a 'law enforcement agency'.

The following information is supplied in accordance with the requirements of the Act.

2. Reports about authorities for assumed identities - Office of Police Integrity

2.1 The number of authorities granted during the year [s 31(1)(a)]

In the OPI reporting period, there were a total number of six assumed identity authorities granted by the former Director Police Integrity or his delegate, for the acquisition and use of assumed identities by various OPI law enforcement officers.

Within the OPI reporting period, nine assumed identity authorities were cancelled. The cancelled authorisations pertain to assumed identities that were granted in prior reporting periods.

2.2 General description of the activities undertaken by authorised persons when using assumed identities [s 31(1)(b)]

In the OPI reporting period, the authorised persons used the assumed identities in the performance of their covert operational duties as required in relation to investigations, intelligence-gathering and other related activities, as well as to provide support services to

covert operational duties. These activities formed part of the OPI role to ensure that police corruption and serious misconduct were detected, investigated and prevented.

2.3 The number of applications for authorities that were refused during the year [s 31(1)(c)]

In the OPI reporting period, the former Director Police Integrity or his delegate did not refuse any applications for authorities to use or acquire an assumed identity.

2.4 Whether or not any fraud or other unlawful activity was identified by an audit under s 33 during the year [s 31(1)(d)]

IBAC conducted two audits in accordance with s 33 of the Act, covering the period 1 July 2012 to 30 June 2013. The audits covered both the IBAC reporting period and OPI reporting period (as required by the transitional provisions of the Act) and did not identify any fraud or other unlawful activity.

2.5 Any other information relating to authorities and assumed identities and the administration of this Act that the Minister considers appropriate [s 31(1)(e)]

No other information has been requested.

2.6 Any information which should be excluded from the report [s 31(2)]

The chief officer must advise the Minister of any information which should be excluded from the report before it is laid before Parliament because the information, if made public, could reasonably be expected to:

- endanger a person's safety
- prejudice an investigation or prosecution
- compromise any law enforcement agency's operational activities or methodologies.

In my opinion, there is no information contained in this report that should be excluded for any of the above reasons.

3. Reports about authorities for assumed identities – Independent Broad-based Anti-corruption Commission

3.1 The number of authorities granted during the year [s 31(1)(a)]

In the IBAC reporting period, there were four assumed identity authorities granted by the IBAC Commissioner, or his delegate, for the acquisition and use of assumed identities by various IBAC law enforcement officers.

No authorities were cancelled during the IBAC reporting period.

3.2 General description of the activities undertaken by authorised persons when using assumed identities [s 31(1)(b)]

In the IBAC reporting period, the authorised persons used the assumed identities in the performance of their covert operational duties as required in relation to investigations, intelligence-gathering and other related activities, as well as to provide support services to covert operational duties. These activities formed part of the IBAC role to ensure that serious

corrupt conduct/corrupt conduct and police personnel misconduct is identified, investigated, exposed and prevented.

3.3 The number of applications for authorities that were refused during the year [s 31(1)(c)]

In the IBAC reporting period, the IBAC Commissioner or his delegate did not refuse any applications for authorities to use or acquire an assumed identity.

3.4 Whether or not any fraud or other unlawful activity was identified by an audit under s 33 during the year [s 31(1)(d)]

IBAC conducted two audits in accordance with s 33 of the Act, covering the period 1 July 2012 to 30 June 2013. The audits covered both the IBAC reporting period and OPI reporting period (as required by the transitional provisions of the Act) and did not identify any fraud or other unlawful activity.

3.5 Any other information relating to authorities and assumed identities and the administration of this Act that the Minister considers appropriate [s 31(1)(e)]

No other information has been requested.

3.6 Any information which should be excluded from the report [s 31(2)]

The chief officer must advise the Minister of any information which should be excluded from the report before it is laid before Parliament because the information, if made public, could reasonably be expected to:

- endanger a person's safety
- prejudice an investigation or prosecution
- compromise any law enforcement agency's operational activities or methodologies.

In my opinion, there is no information contained in this report that should be excluded for any of the above reasons.

Stephen O'Bryan

Stephen O'Bryan S.C.
Commissioner

Date: 29 November 2013

About the Independent Broad-based Anti-corruption Commission (IBAC)

IBAC is Victoria's first anti-corruption body with responsibility for identifying and preventing serious corrupt conduct across the whole public sector, including members of Parliament, the judiciary and state and local government. IBAC also has a broad oversight role in relation to police personnel misconduct and an important education function to proactively assist public sector agencies to improve their systems and processes to prevent corrupt conduct.

To report corruption, phone 1300 735 135 or visit www.ibac.vic.gov.au

Street address: Level 1, North Tower, 459 Collins Street, Melbourne, VIC 3000
Postal address: GPO Box 24234, Melbourne, VIC 3001
Telephone: 1300 735 135
Fax: (03) 8635 6444
Website: www.ibac.vic.gov.au