ibac independent broad-based anti-corruption commission
Victoria

# Chief officer report to the Minister

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

---

**Independent Broad-based Anti-corruption Commission**

**1 July 2013 to 30 June 2014**

# Table of contents


1. **Introduction** 3

2. **Report** 4

# 1. 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 Commissioner, IBAC as 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 ss 30L(1) and (2) of the Act.

This report is for the period 1 July 2013 to 30 June 2014.

## 2. Report

The following table sets out the information as required by sub-sections 30L(1)(a)-(g) for the period 1 July 2013 to 30 June 2014.

| Act subsection | | Number |
|---|---|---|
| 30L(1)(a) | Applications for warrants by IBAC law enforcement officers | 8 |
| | Warrants issued to IBAC law enforcement officers | 8 |
| 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 | 0 |
| 30L(1)(e) | Applications for extensions of warrants by IBAC law enforcement officers | 2 |
| | Extensions of warrants granted and reasons as specified below | 2 |
| | Extensions of warrants refused | 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 | 0 |
| | Of the above prosecutions, the number in which a person was found guilty | 0 |

The two warrants for which extensions were obtained related to an IBAC investigation that had not concluded prior to the expiry of the two warrants. The extensions granted by the Supreme Court were supported by affidavits setting out the reasons for applying for the continued use of devices under 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 eight warrants issued to IBAC law enforcement officers for the period 1 July 2013 to 30 June 2014 I report as follows:

| Type of device | Number of warrants authorising the device |
|---|---|
| Listening device | 7 |
| Optical surveillance device | 5 |
| Data surveillance device | 3 |
| Tracking device | 6 |
| Combination of listening/optical device | 1 |
| Combination of listening/tracking device | 1 |
| A device that is a combination of any two listening/ optical/ tracking device | 1 |
| A device that is a combination of any two of data/ listening/ optical/ tracking device | 3 |

**Stephen O'Bryan QC**
Commissioner

Date: 5 August 2014