



**VICTORIAN INSPECTORATE REPORT TO THE PARLIAMENT OF VICTORIA
PURSUANT TO SECTION 30Q OF THE *SURVEILLANCE DEVICES ACT* 1999**

REPORT NO. 2 FOR 2017-2018

Inspection Outcomes Relating to Surveillance Device Records Held by Authorised Victorian Government Agencies during the second half of 2017-2018

Introduction

In Victoria 5 State Government agencies are authorised to use surveillance devices (SD) under the *Surveillance Devices Act 1999*(SD Act). They are:

- Department of Environment, Land, Water and Planning (DELWP)
- Game Management Authority (GMA)
- Independent Broad-based Anti-corruption Commission (IBAC)
- Victorian Fisheries Authority (VFA)
- Victoria Police.

Section 30P of the SD Act requires that the Victorian Inspectorate (VI) inspect from time to time the records of those agencies in order to determine the level of statutory compliance achieved by them and their law enforcement officers. The VI prepares a biannual report of the relevant work and activities of the agencies during the preceding 6 months. A copy of the report is provided to the Chief Officer of each agency and to the Minister and is transmitted to each House of Parliament of Victoria in accordance with section 30Q of the SD Act.

In recent years the VI has submitted a separate report in respect of each agency. In the interests of minimising duplication the VI has decided to submit a combined report on this occasion.

This report comments on the level of statutory compliance with Part 5 of the SD Act achieved by each agency and its law enforcement officers for the 2nd half of the 2017-2018 reporting period. Inspections during this period were conducted on records relating to activities on warrants concluded during the period 1 July 2017 to 31 December 2017.

In summary the outcomes of those inspections are as follows:

DELWP

The Intelligence and Investigations Unit of DELWP is the area responsible for the maintenance of records, registers and reports relating to SD warrants enforced by the agency. As no warrants were issued between 1 July and 31 December 2017, an inspection was not conducted.

GMA

As reported in previous years, the GMA is waiting for legislative changes to enable them to conduct operations under the SD Act. As they are yet to use any of their statutory powers under the SD Act no inspections were conducted.

IBAC

The administration of surveillance device (SD) warrants issued to IBAC is undertaken by the Legal Compliance Unit (LCU).

In May 2018 VI compliance officers conducted an inspection of IBAC registers, files and reports relating to 5 SD warrants. Statutory destruction records were also inspected relating to one IBAC operation, and one operation of the former Office of Police Integrity. No compliance errors were identified during this inspection. All records inspected were well maintained and fully compliant with statutory obligations. The VI is satisfied that IBAC has met all its reporting obligations as required under the SD Act. This result of complete compliance with nil errors highlights the excellent degree of knowledge of and compliance with the SD Act by IBAC and its staff.

VFA

In April 2018 the VI completed an inspection of the files and registers relating to one SD warrant that had been issued and finalised during the inspection period. Both the warrant file and registers were found to be compliant with Part 5 of the SD Act. The Register of Warrants was also deemed to be fully compliant.

VICTORIA POLICE

Two units within Victoria Police administer surveillance device and retrieval warrants and emergency authorisations granted under the SD Act. The Special Projects Unit (SPU) manages the majority of warrants for Victoria Police, while a small number of warrants are administered by the Technical Projects Unit (TPU) within Professional Standards Command (PSC), mainly for PSC investigations. These units operate independently of each other.

SPU

VI compliance officers conducted round 2 inspections at SPU in April 2018. Forty six (46) warrant files and associated registers were put forward for inspection. No compliance related errors were identified at this inspection.

The VI is satisfied that SPU has met all its record keeping and reporting obligations as required under the SD Act. This result of complete compliance demonstrates the degree of knowledge of the SD Act by SPU staff and highlights that the processes that it has in place to ensure compliance are working.

TPU

An inspection of 8 SD warrant files, reports and registers conducted at TPU in April 2018 identified 2 errors, one of which required the making of an amendment to the register and the other required the making of a supplementary section 30K report to the Judge who issued the warrant.

As a result of the outcomes of this inspection, new checklists have been developed and these will be implemented to ensure a better standard of file management and maintenance. It is hoped that this will raise the level of compliance in the future to that achieved by SPU.

Acknowledgement

The VI acknowledges the total cooperation of the Chief Officers and staff of the agencies with all aspects of the VI's role in the inspection of their records.

Reporting

The VI's next report dealing with the work and activities of each of the 5 agencies is due as soon as practicable after 1 January 2019.

A handwritten signature in black ink that reads "Eamonn Moran". The signature is written in a cursive style with a large initial 'E' and 'M'.

Eamonn Moran PSM QC

Inspector

Victorian Inspectorate