



**Victorian Inspectorate Report to the Parliament of
Victoria pursuant to
s. 30Q of the *Surveillance Devices Act* 1999**

Report No. 1 for 2013-2014

28 February 2014

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List of Abbreviations

CCP	Chief Commissioner of Police
DEPI	Department of Environment and Primary Industries
IBAC	Independent Broad-based Anti-corruption Commission
PI	Protected information
PIM	Public Interest Monitor
PIM Act	<i>Public Interest Monitor Act 2011 (Vic)</i>
PI Register	Protected information register
PSC	Professional Standards Command (Victoria Police)
SD Act	<i>Surveillance Devices Act 1999 (Vic)</i>
SPU	Special Projects Unit (within Intelligence and Covert Operations Support)
TPU	Technical Projects Unit (within Professional Standards Command)
VI	Victorian Inspectorate

INTRODUCTION

The *Surveillance Devices Act* 1999 (SD Act) regulates the use of surveillance devices in the State of Victoria. The SD Act makes provision for warrants and emergency authorisations permitting the installation, use, maintenance and retrieval of surveillance devices by three State law enforcement agencies.¹ Use of surveillance devices in relation to private activity and private conversations is otherwise generally unlawful in Victoria.²

The SD Act imposes a regime of strict controls relating to the use of surveillance devices, including a requirement for agencies to make and keep records and documents and to destroy certain material when it is not likely to be further required for an authorised purpose. It also provides for the independent inspection of agency records and documents by the Victorian Inspectorate (VI). The VI inspects agency records, assessing statutory compliance and reporting compliance results to Parliament bi-annually. The introduction of the Public Interest Monitor³ (PIM) in February 2013 to the process by which warrants are applied for has added another level of scrutiny to the control and oversight regimes.

In accordance with statutory obligations set out in s. 30Q of the SD Act, this report is submitted to the Parliament of Victoria and to the Minister responsible for the SD Act, the Attorney-General. This report outlines the results of VI inspections conducted of agency records between 1 July 2013 and 31 December 2013. The report comments on the level of statutory compliance achieved by each agency and its law enforcement officers.

FEATURES OF THE LEGISLATION

OBJECTIVES OF THE SD ACT

The primary objectives of the SD Act⁴ are to:

- regulate the installation, use, maintenance and retrieval of surveillance devices
- establish procedures for law enforcement officers to obtain warrants or emergency authorisations for the installation, use, maintenance and retrieval of surveillance devices
- impose requirements for the secure storage and destruction of records and for the making of reports to judges, magistrates and to Parliament in connection with surveillance device operations

¹ The SD Act also permits the Australian Crime Commission (ACC) to use the provisions of the Act. Inspection of ACC records and documents is conducted by the Commonwealth Ombudsman pursuant to s. 55(2) of the *Surveillance Devices Act* 2004 (Cth).

² The SD Act provides for certain exceptions at ss. 5, 6(2), 7(2), 8(2), 9(2), 9B(2)(b) and (c), 9C(2).

³ Established by the *Public Interest Monitor Act* 2011.

⁴ Section 1 of the *Surveillance Devices Act* 1999.

- recognise (subject to the *Surveillance Devices Regulations 2006*) warrants and emergency authorisations issued in another jurisdiction authorising the installation, use and retrieval of surveillance devices.

AGENCIES PERMITTED TO USE SURVEILLANCE DEVICES

Three state law enforcement agencies are permitted to use surveillance devices under the SD Act:

- Victoria Police
- Independent Broad-based Anti-corruption Commission (IBAC)
- Department of Environment and Primary Industries (DEPI).

Within the DEPI, there are two divisions that may use surveillance devices, those being the Compliance Support Group⁵ and Fisheries.

TYPES OF SURVEILLANCE DEVICES

The SD Act provides for the use of the following surveillance devices:

- data surveillance devices
- listening devices
- optical devices
- tracking devices.

WARRANTS AND EMERGENCY AUTHORISATIONS

The SD Act provides for the issue of surveillance device warrants⁶, retrieval warrants⁷ and in a limited range of circumstances for emergency authorisation⁸ of the use of surveillance devices. A warrant must be sought from a Supreme Court Judge, except that in the case of an application for a tracking device only, the application may be made to a magistrate.

RECORDS, DOCUMENTS AND REPORTS REQUIRED BY THE SD ACT

The SD Act requires each agency to retain certain documents and to make certain records in connection with the use of surveillance devices. These requirements are set out fully in the Act.⁹

Each agency is required to report to the judge or magistrate who issued a warrant under the Act by a date specified in the warrant. The SD Act prescribes a number of matters that must be included in such

⁵ The Compliance Support Group was the unit of the Department of Sustainability and Environment which dealt with offences under various legislation including the *Wildlife Act 1975* and was referred to in previous reports as Wildlife.

⁶ Sections 15 to 20.

⁷ Sections 20C to 20G.

⁸ Sections 25 to 30.

⁹ Sections 30M, 30N and 30O.

reports.¹⁰ The chief officer of each agency is also required to report annually to the Minister¹¹ in relation to the agency's use of surveillance devices.

SECURITY AND DESTRUCTION OF INFORMATION OBTAINED

The SD Act prescribes agency obligations to keep information obtained by means of a surveillance device secure¹² and to undertake the destruction of such information when it is unlikely to be required for a permitted purpose.¹³

PROTECTED INFORMATION AND SECURITY

For the purpose of this report, the use of the term 'protected information' (PI) will (unless otherwise specified) refer only to information obtained by means of a surveillance device, although in s. 30D of the SD Act the term is given a wider definition. The SD Act limits and regulates the use, communication and publication of PI.¹⁴

The SD Act also requires (in s. 30N) records to be kept of a number of matters relating to the use and communication of PI. Somewhat confusingly, the term 'register' is used by all agencies for the records (**PI registers**) kept by them pursuant to s. 30N, although that section does not itself use the word 'register'. The PI registers referred to in this report should not be confused with the register maintained by each agency pursuant to s. 30O. The two are quite different documents.

RECENT AMENDMENTS TO THE SD ACT

The establishment of a PIM¹⁵ in Victoria resulted in a number of new provisions being inserted into the SD Act. These took effect on 10 February 2013. In summary, the requirements imposed by the new provisions are as follows:

- Each agency must provide to the PIM a copy of each application for a warrant (including affidavits in support of the application) and each request for the approval of the issue of an emergency authorisation that is to be made to a judge or magistrate pursuant to the SD Act.
- Where a judge or magistrate who issued a surveillance device warrant issues a notice of revocation pursuant to s. 20A in respect of that warrant, notice of that revocation must be given to a PIM.
- Where a chief officer of an agency, or the judge or magistrate who issued a retrieval warrant, issues a notice pursuant to s. 20H revoking a retrieval warrant, notice of the revocation must be given to a PIM.

¹⁰ Section 30K.

¹¹ Section 30L

¹² Section 30H(1)(a).

¹³ Defined in sections 30F and 30G.

¹⁴ Sections 30E

¹⁵ *Public Interest Monitor Act* 2011.

The VI notes in relation to s. 20A of the SD Act that if a surveillance device warrant is revoked pursuant to that section by an agency chief officer, rather than by a judge or magistrate, there is no provision requiring the PIM to be notified.

THE VICTORIAN INSPECTORATE

ROLE OF THE VI

Pursuant to s. 30(P)(1) of the SD Act the VI must, from time to time, inspect the records of Victorian law enforcement agencies that have authority to use surveillance devices under a warrant or emergency authorisation to determine the extent of compliance with the Act. Section 30Q of the SD Act requires the VI report to Parliament at six-monthly intervals (after 1 January and 1 July each year) on the results of each inspection under s. 30P and to give a copy of each report to the Minister at the same time as it is transmitted to the Parliament.

THE POWERS OF THE VI UNDER THE SD ACT

For the purpose of an inspection pursuant to s. 30P of the SD Act the VI is provided with certain powers¹⁶ to access agency premises, records and information and to require members of staff of the agency to provide information in their possession that the VI considers necessary and relevant to the inspection.

INSPECTION OF AGENCY RECORDS

INSPECTION OF WARRANT FILES AND OTHER RECORDS

This report addresses the results of inspections undertaken by the VI from 1 July 2013 to 31 December 2013. Inspections undertaken included examination of the various documents, records, reports, registers and other relevant material held by Victoria Police, IBAC and DEPI.

The VI follows the practice established by the Special Investigations Monitor¹⁷ whereby a warrant file relating to Victoria Police or the IBAC is not inspected until reporting requirements under s. 30K of the SD Act for the warrant have been completed. This practice negates the need for VI officers to return to warrant files on multiple occasions and enables a better assessment to be made of the level of statutory compliance achieved in respect of each warrant. DEPI records, on the other hand, are inspected even

¹⁶ Section 30P(2)

¹⁷ Report of the Special Investigations Monitor to the Parliament of Victoria Pursuant to the *Surveillance Devices Act 1999* - Report No. 1 of 2009-2010, available at www.vicinspectorate.vic.gov.au.

if the warrant remains extant or reports have not been completed, as DEPI has a much smaller number of warrants than Victoria Police and the IBAC.

All records relating to all warrants are inspected; there is no sampling of records.

In 2013-2014 Victoria Police warrant files will be inspected three times by the VI. Related records made or held by Victoria Police investigators but not held on individual warrant files will be inspected bi-annually (once in each half of the financial year). IBAC and DEPI will have their warrant files and related investigator records inspected on a bi-annual basis.

ASSESSING COMPLIANCE

Section 30P(1) of the SD Act requires the VI to inspect the records of each law enforcement agency from time to time to determine the extent of the agency's compliance with that Act. Where appropriate, further information may be sought from relevant law enforcement officers by asking questions. The records and documents inspected for each warrant are considered against all of the agency's statutory obligations to the extent relevant to the particular warrant. Compliance obligations include requirements relating to:

- the process for obtaining warrants
- the use of authorised surveillance devices
- the keeping of required records and documents
- restrictions on the use, communication and publication of PI
- restrictions on reporting of information obtained by a surveillance device warrant
- the reports that must be made; and
- the security and destruction of PI obtained by means of a surveillance device.

In reporting the results of each inspection in the following sections of this report, it is not practicable to include comment on every compliance requirement under the SD Act. Comment is made when a compliance issue has been identified or when there is some other particular reason to include comment.

INSPECTION RESULTS

DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRIES

There are two divisions within DEPI that use the provisions of the SD Act to assist in their investigation of offences, those being the Compliance Support Group (CSG) and Fisheries Victoria. The two divisions operate independently of each other, conducting separate investigations under different legislation and separately maintaining the records and registers that are required under the SD Act. CSG and Fisheries Victoria are therefore inspected separately and the results are reported separately.

The first of two VI inspections planned for the 2013-2014 year for each division was conducted in December 2013. The VI acknowledges the full cooperation of DEPI staff from both divisions both in making records available and in relation to compliance and other issues that were identified.

COMPLIANCE SUPPORT GROUP

During the period under report one completed warrant file was inspected at the CSG. This was the second inspection of the file, as the warrant had still been in force at the time of the VI's previous inspection and records were still then being made.

Two minor issues were identified by the VI at the inspection in December 2013. The first related to the records kept for the purposes of section 30N of the SD Act, which requires a number of matters to be recorded in relation to protected information. In relation to each warrant that is issued, those matters are recorded in a document called a PI register. There is a separate PI register for each warrant. In the case in question, the relevant entry on the PI register did not include a record of the communication of PI to the Magistrates Court and to the PIM, which constituted a failure to comply fully with the requirements of s. 30N(c) and (d). The second issue was a date discrepancy in the register kept pursuant to s. 30O of the SD Act, whereby the date recorded was different from the date on the warrant documentation - a simple clerical mistake. The VI has advised the CSG of these issues and has been assured by CSG staff that they will be rectified.

All other relevant statutory obligations were met including the requirement to report pursuant to s. 30K of the SD Act.

During the previous inspection in June 2013 three specific compliance issues had been noted and recommendations in relation to these were included in the VI's final surveillance device report for 2012-2013 year.¹⁸ The recommendations made were to:

- include on the s. 30O register a statement of the outcome of a warrant, extension, variation or revocation, this being a record required to be kept by s. 30N(a) of the SD Act
- develop a PI register for recording use and communication of PI pursuant to ss. 30N(c)-(e)
- develop a s. 30O Register that provides for all of the information fields that may be required.

¹⁸ Report of the Victorian Inspectorate to the Parliament of Victoria in respect of the Department of Sustainability and Environment Pursuant to the *Surveillance Devices Act* 1999, Report No. 2 of 2012-2013, www.vicinspectorate.vic.gov.au.

One practice issue was also identified relating to a lack of documentation recording the period during which the device was used and the names of the persons involved in the execution of the warrant.

The VI is pleased to report that each recommendation has been addressed, with new registers developed to capture the information required by s. 30N(a) and (c)-(e) and documentation regarding details of the execution of the warrant added to the file.

It was noted by the VI that officers of CSG were receptive to information provided following the VI inspection and were striving to achieve statutory compliance. While two compliance matters were identified during the most recent inspection the VI is confident that these will be addressed and that CSG officers will continue to seek advice when necessary.

Obligations in relation to providing documents to the PIM were met.

The second inspection of CSG records for the 2013-2014 year will be undertaken in the first half of 2014.

FISHERIES VICTORIA

During the current reporting period one inspection was undertaken of Fisheries Victoria records in December 2013. One completed surveillance device warrant file was inspected. This was the second inspection for this warrant file as the warrant had been issued during the previous reporting period.

No compliance issues were identified and all required records had been made. The report to the magistrate who had issued the warrant pursuant to s. 30K had been delivered on time and contained the required information. The security of records and the destruction of PI was compliant with s. 30H of the SD Act.

Fisheries staff have an awareness of the new legislative obligations arising from the introduction of the PIM on 10 February 2013 and these obligations had been met.

The second inspection of Fisheries records for the 2013-2014 year will occur in the first half of 2014.

DEPI REPORT TO THE MINISTER

The VI established that the DEPI was compliant with s. 30L, with an annual report by chief officer to the Minister covering the 2012-2013 year having been made within the specified time.

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

USE OF SURVEILLANCE DEVICES

The VI has commenced undertaking bi-annual inspections at IBAC. The first inspection for 2013-2014 was undertaken in October 2013. At this time IBAC did not have any completed warrant files, and consequently only a small number of compliance obligations under the SD Act required the attention of the VI. The VI was informed that one new surveillance device warrant had been obtained. The relevant records relating to this will be inspected in the first half of calendar 2014.

INSPECTION RESULTS

Register of warrants and emergency authorisations

An inspection of the register required to be kept under s. 30O of the SD Act was undertaken. It was established that the register is capable of recording all the information that may be required by s. 30O, including information required to be kept in relation to an emergency authorisation.

Destruction of PI

Inspection of IBAC records concerning recent destruction of surveillance device material from three surveillance device warrants was undertaken. The material destroyed was from the records of the former Office of Police Integrity. The documentation was compliant with the requirement of s. 30N(f) of the SD Act to record details of the destruction of records or reports under s. 30H(1)(b). It is positive to see that IBAC continues to review older material pursuant to s. 30H(1)(b) of the SD Act and to destroy it when it is not likely to be required for a purpose specified in ss. 30E(4), 30F(1) or 30G(1) of the SD Act.

Security of PI

At the time of the VI inspection (October 2013) IBAC staff provided the VI with a briefing on surveillance device security procedures implemented at IBAC. The VI can report that, as required by s. 30H(1)(a), PI is held securely and is not accessible by unauthorised persons.

Notifications to the PIM

The VI established that the IBAC is aware of its obligation to provide the PIM with copies of certain documents.

Annual report to Minister

The VI established that the IBAC was compliant with s. 30L, with an annual report by chief officer to the Minister covering the 2012-2013 year having been made within the specified time.

SUMMARY

IBAC has a well organised regime in place to manage the use of surveillance devices and to maintain the records and documents required. All relevant compliance obligations were met. The VI acknowledges the ready assistance and cooperation given by IBAC staff during the inspection and the willingness to have the VI review its surveillance device procedure documents. IBAC surveillance device records will be inspected again in the first half of 2014.

VICTORIA POLICE

INTRODUCTION

Two units within Victoria Police administer surveillance device and retrieval warrants obtained under the SD Act. They are the Special Projects Unit (SPU) and the Technical Projects Unit (TPU). SPU manages the majority of warrants for the Crime Command, Regional Criminal Investigation Units and Response Units. TPU is situated within the Professional Standards Command (PSC) and administers a smaller number of warrants, mainly for PSC investigations.

Warrant file administration is centralised at SPU and TPU and warrant files are physically located in those units. The practical management of surveillance devices, including the storage, use and destruction of information obtained from a surveillance device, is the responsibility of the investigators, and the PI register relating to a particular warrant (recording the matters required by ss. 30M and 30N of the SD Act) is therefore kept in the custody of, and managed by, the relevant investigator. The matters required to be recorded in the PI register include each use and communication of PI and each occasion in a proceeding where PI is given in evidence. The PI register also serves to meet agency requirements for the secure management of information obtained by a surveillance device.

INSPECTIONS CONDUCTED

In 2013-2014 the VI is undertaking three inspections of Victoria Police surveillance device warrant files at SPU and TPU, and two field inspections of PI registers. (The PI Register for each warrant is kept in the custody of the relevant investigators, who are responsible for keeping it up to date.) This report discusses statutory compliance issues identified during warrant file inspections conducted in August 2013 and December 2013, and one PI register inspection conducted in October and November 2013. The third surveillance device warrant inspection and the second PI register inspection will be conducted in the first half of 2014. The VI's final surveillance device report for the 2013-2014 year, due after 1 July 2014, will include a more detailed analysis of compliance covering the entire 2013-2014 year.

INSPECTION RESULTS

Forty-five surveillance device warrant files and one retrieval warrant file were inspected during the two warrant file inspections undertaken in August 2013 (28 warrant files) and December 2013 (18 warrant files). These numbers include warrant files from both SPU and TPU and cover the warrants that ceased to be in force in the period 1 January to 31 August 2013. A number of warrants had not been executed for operational reasons and no PI registers had been issued for them. In the case of a warrant authorising data surveillance no PI register was required by the investigators as the management of data surveillance was automated and handled by Victoria Police technical specialists.

Forty-four PI registers were inspected during the field inspection conducted in October and November 2013. Eighteen of them were PI registers that had previously been inspected and found to contain errors; the purpose of the reinspections was to check that the errors had been rectified. Of the remaining

26 PI registers inspected, some were new and the remainder had been in existence at the time of the previous inspection but were expected to contain new entries. Inspections of PI registers were conducted on-site at investigation unit locations throughout metropolitan Melbourne and regional Victoria. Compliance issues identified during warrant file inspections and PI register inspections are reported below.

Warrant file records

It is pleasing to report that the inspection of surveillance device warrant and retrieval warrant files identified very few issues.

There was documentary evidence on warrant files showing that Victoria Police had provided copies of various documents to a PIM as it has been required to do from 10 February 2013. The SD Act does not require any particular records or documents to be kept in relation to this obligation, but Victoria Police have adopted the practice of retaining the receipt issued by the PIM for documents received or confirming receipt of a hearing time and place on the warrant file. The VI commends this practice.

s. 30K - Report to judge or magistrate

Section 30K requires the law enforcement officer to whom a warrant is issued or who is primarily responsible for the execution of a warrant to make a report to the issuing judge or magistrate before a date specified in the warrant. The report must contain information prescribed in s. 30K. In practice the vast majority of reports are prepared within SPU. Forty-six reports were inspected during warrant file inspections conducted in August 2013 and December 2013. Report accuracy is important so that judges and magistrates see the real value of the use of surveillance devices to an agency investigation.

Four reports contained minor errors, such as date discrepancies, which were pointed out to Victoria Police.

Four s. 30K reports omitted information that should have been reported; for example, a use of PI had been recorded in a PI register in an entry dated prior to the s. 30K report date, but that use was not included in the report made pursuant to s. 30K. One of these four reports also had the date error referred to in the previous paragraph.

Two further s. 30K reports included information for which there was no entry in the corresponding PI register, which meant that either the s. 30K report or the PI register was inaccurate, although from the records inspected the VI was unable to determine which was which.

These matters concerning s. 30K reports were advised to the relevant registries (SPU and TPU). Little can be done to rectify a report so long after it was made, but the VI draws them all to the attention of the agency as part of a process of continuous improvement in compliance levels.

Section 30K reports relating to warrants administered by SPU are prepared within SPU in reliance on information provided by investigators. For the s. 30K report to be accurate the necessary information must be transmitted accurately by investigators. The need for accuracy has been discussed with Victoria

Police in the past. Some errors continue to occur, but Victoria Police have actively addressed the matter by ensuring that SPU staff members now contact investigators to confirm and clarify the information provided to them by the investigators before drafting the s. 30K report. It was apparent from written file notes seen on warrant files during the inspection that this process of clarification is occurring, and the benefit of it is evident from the fact that the incidence of errors and omissions of information from reports has been significantly reduced in the more recent s. 30K reports prepared within SPU.

One issue that was identified during inspections in the 2012-2013 year was that some s. 30K reports were addressed to the associate of the judge or magistrate who issued the warrant or, even more broadly, to the court in which the warrant was issued. The legislation provides at s. 30K(1) that the report is to be made to the judge or magistrate who issued the warrant, and it is the view of the VI that the reports should therefore be addressed directly to the particular judge or magistrate. Out of 28 warrant files inspected in August 2013, 21 reports were not addressed to the particular judge or magistrate. It was pleasing to see that out of 18 reports inspected in December 2013 all but one were addressed to the judge or magistrate, indicating that Victoria Police has attended to this practice issue.

Investigator Records (PI registers)

Sections 30F(1) and 30G(1) of the SD Act prescribe the circumstances in which PI can be used, communicated or published. There are also provisions at s. 30E(4) relating to special circumstances in which it is not an offence to use, communicate or publish PI. The details of each use and communication of PI must be recorded and kept by Victoria Police pursuant to s. 30N(c)-(e). Investigators are issued with PI registers in which all uses and communications of PI are recorded, and it is the investigator's responsibility to ensure the PI Register is updated and completed. The VI undertakes two inspections of PI registers in each financial year to determine compliance with the requirements of s. 30N.

Table 1 below provides data on the first inspection of PI registers undertaken for the 2013-2014 reporting period. The table below omits reference to entries that had been identified at a previous inspection and found to be erroneous; as stated above, all those erroneous entries had been corrected at the time of the inspection being reported on. Reinspected registers that did not contain new entries or errors have also been omitted from table 1.

Table 1: PI register Inspection Results

PI registers inspected ¹⁹	24
PI registers with entries ²⁰	15
PI registers with no entries (none yet required) ²¹	9
PI registers without errors	5
PI registers with one or more errors ²²	10

Table 1 shows that a high proportion (two-thirds) of the PI registers kept by Victoria Police in relation to SD warrants contained errors. Despite this, the VI considers that Victoria Police generally administer warrants well and that there was generally a good level of compliance with the SD Act requirements. It must be remembered that some PI registers have multiple entries; and in opinion of the VI the errors identified were minor. Errors identified included:

- omitting communication to the Melbourne Magistrates Court or the PIM
- recording information in the wrong PI register
- entries being undated or containing date discrepancies; and
- not recording the associated use and communication for the service of PI within a brief of evidence.

The VI continues to provide Victoria Police with a full list of inspection results soon after each inspection. These results are discussed with SPU and TPU staff so that early intervention can occur if required. Information concerning the PI registers is also made available to squads and investigators so that mistakes are understood and corrections or additional entries can be made in PI registers.

Further efforts to improve investigator records in the PI registers have been made internally, with SPU advising the VI of a review of the registers and of the example entries provided within these for the assistance of investigators.

Annual report to Minister

The VI established that Victoria Police was compliant with s. 30L, with an annual report by chief officer to the Minister covering the 2012-2013 year being made within the time allowed.

¹⁹ This category includes new registers not previously inspected, and re-inspected registers that contained, or were expected to contain, new entries.

²⁰ Registers that had new entries or required entries to have been made since the previous inspection.

²¹ PI registers that did not contain any entries because none were required to have been made.

²² 'Errors' detected at current inspection,

SUMMARY FOR VICTORIA POLICE

Victoria Police administration and use of surveillance devices is generally compliant with the requirements of the SD Act. The issues identified by the VI were relatively few in comparison with the total number of records made by Victoria Police officers. None of the errors identified were considered to have been deliberate; all were evidently the result of inadvertence or insufficient attention to detail. All were considered to be minor.

The compliance issues reported have been previously raised by the VI and it is noted that the number of issues is generally trending downward (despite the figures in Table 1 and discussed above). Even allowing for the lower number of surveillance device warrant files obtained by Victoria Police in 2013-2014 in comparison to the numbers for previous years, the agency effort to reduce the frequency of compliance failures has clearly been beneficial. In particular, the process whereby SPU contacts investigators to confirm specific uses and communication of PI prior to the completion of the s. 30K report has led to fewer inaccuracies and omissions in the reports.

Victoria Police have an awareness of legislative obligations introduced consequential to the PIM Act and have complied with all relevant obligations.

Victoria Police continue to be receptive to post-inspection information provided by the VI. It is pleasing to see that there is an ongoing effort to minimise compliance failures and that a good working relationship with the VI is an integral part of this process.

The VI acknowledges the excellent cooperation given by Victoria Police staff in facilitating VI inspections. In particular, the staff at SPU and TPU are acknowledged.

NEXT REPORT ON ALL AGENCIES

As required under the SD Act the next report covering the three agencies using the provisions of the SD Act will be made after 1 July 2014.

A handwritten signature in blue ink that reads "Robin Brett". The signature is written in a cursive, flowing style.

Robin Brett QC
Inspector
Victorian Inspectorate