



Victorian Inspectorate Report to the Parliament of Victoria

pursuant to:

- **Section 39 of the *Crimes (Controlled Operations) Act* 2004,**
- **Section 131T of the *Fisheries Act* 1995, and**
- **Section 74P of the *Wildlife Act* 1975**

2016-17

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List of Abbreviations

CCO Act	<i>Crimes (Controlled Operations) Act 2004</i>
CCP	Chief Commissioner of Police
COR	Controlled Operations Registry
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DELWP	Department of Environment, Land, Water and Planning
Fisheries Act	<i>Fisheries Act 1995</i>
GMA	Game Management Authority
IBAC	Independent Broad-based Anti-corruption Commission
IIU	Intelligence and Investigations Unit
PLEO	Principal Law enforcement officer (in respect of a controlled operation)
TPU	Technical Projects Unit (Professional Standards Command)
VFA	Victorian Fisheries Authority
VI	Victorian Inspectorate
Wildlife Act	<i>Wildlife Act 1975</i>

Inspection Outcomes Relating to Controlled Operation Records Held by Authorised Victorian Government Agencies During 2016-2017.

Introduction

In Victoria 5 State Government agencies are authorised to conduct controlled operations. They are:

- Department of Economic Development, Jobs, Transport and Resources (DEDJTR) – Fisheries Victoria (now the Victorian Fisheries Authority)
- Department of Environment, Land, Water and Planning (DELWP)
- Game Management Authority (GMA)
- Independent Broad-based Anti-corruption Commission (IBAC) and
- Victoria Police.

The legislation governing the above agencies requires that the Victorian Inspectorate (VI) inspect the records of the agencies in order to determine the level of statutory compliance achieved by them and their law enforcement officers. The VI prepares an annual report of the work and activities of the agencies during the year. A copy of the report is provided to the Chief Officer of each agency and the Minister and is tabled in the Parliament of Victoria.

Executive Summary

The VI conducted two rounds of inspections that related to the records of the agencies authorised to conduct controlled operations during the 2016-17 financial year.

In summary the outcomes of those inspections are as follows:

DEDJR/VFA

DEDJR/VFA conducted one controlled operation during the inspection period. With the exception of an unsigned cancellation form all other statutory requirements were met, including those of the statutory reporting requirements of the Chief Executive Officer.

DELWP

During the current period there were no controlled operations conducted by the Intelligence and Investigations Unit of DELWP and as a result no records were inspected.

The statutory reporting requirements of the Chief Executive Officer were not met; both reports were received outside the due date.

GMA

During the current period there were no controlled operations conducted by GMA.

The biannual Chief Executive Officer reports were received on time and were fully compliant.

IBAC

Having inspected the relevant documentation and considered the statutory reports provided to it, the VI is satisfied that IBAC and its law enforcement officers fully complied with the requirements of the CCO Act.

The reports of the Chief Executive Officer were submitted on time and were fully compliant.

VICTORIA POLICE

Of all the agencies Victoria Police undertake the highest number of controlled operations. During the 2016-2017 reporting year, while the majority of controlled operations files inspected by the VI were fully compliant, there were some that were not. In some instances, the errors had already been identified by Controlled Operations Registry. Those that had not been previously noted have been raised with Victoria Police who are receptive to the advice the VI provides.

Victoria Police understands its legislative compliance obligations and, notwithstanding that some compliance issues were identified during this reporting period, overall there was a good level of compliance, particularly given the high volume of operations.

The reports of the Chief Executive Officer were submitted on time. Some minor errors were identified and corrected. Overall both reports were assessed as satisfactory.

Acknowledgement

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

Reporting

The VI's next report dealing with the work and activities of each of the five agencies is due as soon as practicable after 30 June 2018 following receipt of the Chief Officers second chief officer report (due no later than 31 August 2018).



Eamonn Moran PSM QC

Inspector

Victorian Inspectorate

Features Of The Legislation

Victoria Police and IBAC are authorised to undertake controlled operations under the *Crimes (Controlled Operations) Act 2004* (CCO Act). DEDJTR/VFA may undertake controlled operations under the *Fisheries Act 1995* (Fisheries Act), while DELWP and GMA are authorised to undertake controlled operations under the *Wildlife Act 1975* (Wildlife Act).

The provisions of these Acts are generally similar, although the Fisheries Act and the Wildlife Act contain specific provisions limiting the types of offences that may be investigated and the operational scope of a controlled operation.

A controlled operation as an operation that:

- (a) is conducted, or is intended to be conducted, for the purpose of obtaining evidence that may lead to the prosecution of a person for a relevant offence; and
- (b) involves, or may involve, controlled conduct.¹

Controlled operations authorise participants to engage in 'controlled conduct' being an act for which he or she would be criminal liable. However the legislation contains an immunity provision which grants a participant immunity from criminal liability for 'controlled conduct' engaged in by him or her during the course of the operation.²

The legislation allows a law enforcement officer of an authorised agency to apply for an authority to conduct the controlled operation and outlines the processes for the application and the authority to allow the conduct to be engaged in.³ In particular the application should:

- state how the application has been made (formal or urgent)⁴
- be in writing⁵
- contain sufficient information to enable the authorising officer to decide whether or not to grant the application⁶
- advise whether there is a link to a previous operation application.⁷

In addition, the application (and any authority issued) must establish a nexus between the purpose of the controlled operation (to obtain evidence⁸) and the controlled conduct to be engaged in.

The authority is granted by the appropriately delegated officer⁹ of the authorised agency and must contain all the legislated requirements including the signature of an authorising officer¹⁰

¹ Section 6, *Crimes (Controlled Operations) Act 2004* (CCO Act), section 131A *Fisheries Act 1995* (fisheries Act), section 71 of the *Wildlife Act 1975* (Wildlife Act).

² Sections 28 and 35 CCO Act, section 131A Fisheries Act, section 74H Wildlife Act

³ Division 2 of Part 2 of the CCO Act; Division 2 of Part 7A of the Fisheries Act; Division 2 of Part IX of the Wildlife Act.

⁴ Section 12(2) of the CCO Act; section 131C(2)(a) of the Fisheries Act; section 73(2)(a) of the Wildlife Act. **Note:** Only Victoria Police and IBAC may make an urgent application.

⁵ Section 12(3)-(4) of the CCO Act; section 131C(2)(b)-(c) of the Fisheries Act; section 73(2)(b)-(c) of the Wildlife Act.

⁶ Section 12(4) CCO Act; section 131C(2)(b)-(c) of the Fisheries Act; section 73(2)(b)-(c) of the Wildlife Act.

⁷ Sections 14-17 of the CCO Act; section 131E of the Fisheries Act; section 74A of the Wildlife Act.

⁸ Section 6 of the CCO Act; section 131A of the Fisheries Act; section 71 of the Wildlife Act.

All agencies must keep the following documents:¹¹

- each application for a controlled operation
- each authority granted for a controlled operation
- all written notes made in connection with the authorisation of a controlled operation on an urgent application¹²
- each application for a variation of an authority to conduct a controlled operation
- each variation of authority granted
- all written notes made in connection with the granting of a variation to an authority¹³
- each order cancelling an authority
- each PLEO report.

The Chief Officer is also responsible for keeping a general register which records certain information referable to applications for and granting of authorities and variations, and certain details about the outcome of each controlled operation.¹⁴

Chief Officers of each agency must report to the VI as soon as practicable, but no more than two months, after 31 December and 30 June of each year¹⁵, setting out specific details about the activities of the agency under the relevant governing legislation.

During 2016-2017, two Chief Executive Officer reports were required to be made under this legislation:

- the first report of operations during 2016-2017, due no later than 28 February 2017
- the second report of operations during 2016-2017, due no later than 31 August 2017.

⁹ Sections 44 -45 of the CCO Act, section 131X of the Fisheries Act, section 74T of the Wildlife Act

¹⁰Section 18 of the CCO Act, section 131F of the Fisheries Act, section 74B

¹¹ Section 40 of the CCO Act; section 131U of the Fisheries Act; section 74Q of the Wildlife Act.

¹² Urgent applications may only be made by law enforcement officers of Victoria Police and IBAC.

¹³ Applicable only to Victoria Police and IBAC.

¹⁴ Section 41 of the CCO Act; section 131V of the Fisheries Act; sections 74R and 74RA of the Wildlife Act.

¹⁵ Section 39(2) of the CCO Act, section 131S(2) Fisheries Act and sections 74O(2) and 74OA(2) of the Wildlife Act

The Victorian Inspectorate

The VI provides independent oversight of the use made by the authorised agencies of controlled operations. The VI is required to inspect the records of the agencies in order to determine the level of statutory compliance achieved by each agency and its law enforcement officers.¹⁶ To ensure an accurate assessment, the VI has established processes which involve reviewing applications, authorities, reports and other documents. This enables the VI to assess whether the authority for a controlled operation was properly issued and conducted in compliance with the CCO Act.

As required by the CCO Act, the VI prepares an annual report of the work and activities of the agency during the year. A copy of the report is provided to the Chief Officer of each agency and the Minister and is tabled in the Parliament of Victoria.¹⁷

Inspection

The VI must inspect the records of each agency from time to time but at least once every 12 months for the purpose of assessing the level of statutory compliance achieved. The established practice of the VI is to schedule two inspections each year.

Reporting

The annual report of the VI must be tabled as soon as practicable after receipt of the chief officer's second report to the VI for that reporting period.¹⁸ The report prepared by the VI includes the following information:

- the results of inspections undertaken at each agency
- an assessment of the level of compliance with the legislation applicable to the agency
- an overview of the work and activities of agency officers carried out under the provisions of the relevant Act
- an assessment of the comprehensiveness and adequacy of the reports provided to the Chief Officer.

The VI's report must not include information that enables the identification of a participant in an operation. The Chief Officer must also advise the VI of any information that should be excluded from the VI's report if in his or her opinion the information may:

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

¹⁶ Section 42(1) CCO Act.

¹⁷ Section 39 CCO Act.

¹⁸ Ibid sections 38 - 39. The second chief officer report is due as soon as practicable after 30 June of each year but no more than two months after this date.

Assessing Compliance

At each inspection the VI examines relevant documents, records, reports and registers to assess and determine the level of statutory compliance achieved by the agency under the applicable Act.

Each inspection includes an examination of the following:

- all documents and records relating to completed authorised operations and which are required to be kept by the agency; and
- the general register.

The content of each document is inspected to determine:

- whether each included the information required
- whether the information that had accompanied or formed part of each application was sufficient to enable the approving officer to properly determine whether to grant or refuse the application; and
- whether the operation for which authority was sought was consistent with a controlled operation as defined in the legislation.

In addition to assessing the reports to determine compliance with required statutory content, the VI must also consider whether the reports of the chief officer were received within the requisite legislative timeframe.

Inspection Results – DEDJTR / VFA

In accordance with the VI's obligations under the Fisheries Act, the VI inspected Fisheries Victoria records to determine the level of compliance with the Act.

Work and Activities Of Fisheries Victoria

The VI scheduled visits to Fisheries Victoria in October 2016 and April 2017 to inspect records and other documents relating to controlled operations.

At the beginning of an inspection, it is the practice for Fisheries and VI officers to meet and to discuss any changes or issues arising. At the April inspection, VI officers were advised that as of 1 July 2017, Fisheries Victoria would become an Authority. This would require amendments to be made to the Fisheries Act and result in the establishment of a Board, the membership of which would be drawn from those with a background in industry, science and or investigation/law enforcement. At this time, however, no changes to existing practices were flagged by Fisheries Victoria.

Only one controlled operation was conducted during the inspection period.

Except for one matter, VI officers assessed the recording and documentation as being legislatively-compliant. The exception concerned documentation relating to the cancellation of the operation, which although having ceased at the time requested by the PLEO and also being on file, was found not to have been signed by the Secretary.

Secretary/ Chief Executive Officer's Reports

Secretary/ Chief Executive Officer's reports made by the due date – section 131S

With both reports having been received by the due date, DEDJTR /VFA was found to have complied with the time frames as set out in section 131S.

Comprehensiveness and adequacy of Secretary/ Chief Executive Officer's reports – sections 131S and 131T

The contents of the 2016-2017 reports to the VI were assessed for comprehensiveness and adequacy. In this regard, both reports were found by the VI to be compliant.

Summary

The use by Fisheries Victoria of the controlled operations provisions under the Fisheries Act is occasional, with only one having been undertaken during the 2016-2017 reporting period. With the one exception noted above (relating to the unsigned cancellation documentation), Fisheries Victoria demonstrated its understanding of the requirements of the controlled operation provisions of the governing legislation.

Inspection Results - DELWP

In accordance with the VI's obligations under the Wildlife Act, the VI scheduled two inspections during the 2016-2017 year for the purpose of inspecting relevant DELWP records to determine the level of compliance with the Wildlife Act. The Intelligence and Investigations Unit (IIU) is the division within DELWP that uses powers under the Wildlife Act to conduct controlled operations.

Work and Activities of IIU

Prior to attending the IIU for the purpose of conducting inspections under the Wildlife Act, the VI was informed that no controlled operations authorities had been applied for, granted or completed during the 2016-2017 year.

In these circumstances, the VI's attention was drawn to the statutory obligation of the Secretary of DELWP, to report to the VI as soon as practicable after each 31 December and 30 June, but not more than two months after that date, regarding the work and activities of IIU. The Secretary must report to the VI even if the provisions under the Wildlife Act have not been used during the reporting period.

Secretary Reports

Secretary reports not made by the due date – section 74O.

The VI notes that although both reports were received outside the due date, each contained the requisite information declaring no controlled operations had been undertaken during the relevant period. In this regard while DELWP was found to be non-compliant with section 74O, VI Inspection Officers were satisfied that the IIU officers understood their obligations under section 74O and that the delay in submitting the reports was most likely the result of administrative issues associated with the change of Departmental Secretary and other personnel during this time.

Comprehensiveness and adequacy of secretary reports – sections 74O and 74P

The contents of the Secretary's 2016-2017 reports to the VI were assessed to determine comprehensiveness and adequacy.

However, as no controlled operations powers under the Wildlife Act were exercised during the reporting period, there was no issue of comprehensiveness or adequacy for the VI to consider.

Summary

During the reporting period, DELWP did not make use of the controlled operations provisions under the Wildlife Act. The Secretary's statutory obligation to provide the VI with time sensitive biannual reports was not met; the VI accepts that this was, as noted above, most likely the result of the extenuating circumstances.

Inspection Results – GMA

As the GMA has not conducted any controlled operations, the VI's consideration of the agency's compliance with the Wildlife Act is limited to an assessment of the biannual reports provided to the VI in accordance with s 74OA.

GMA REPORTS

GMA reports made by the due date – section 74OA

With both reports having been received by the due date, GMA was found to have complied with the time frames as set out in section 74OA.

Both reports advised that:

*“Recently, the Wildlife Act 1975 definition of “relevant offence” in relation to the conduct of controlled operations was amended to include section 44(1) - the hunting, taking or destroying game during a **close** season. This precludes the GMA from conducting a controlled operation on species for which there is no closed season, such as deer (excluding hog deer). It also precludes a controlled operation being conducted during the open season for game species. The GMA is currently working with the Department of Economic Development, Jobs, Transport and Resources on preparing a further amendment to the definition of “relevant offence” to apply to the whole of section 44, which includes section 44(3) – the hunting, taking or destroying game during an **open** season.”*

Therefore, until there is a change in the legislation the GMA will be precluded from conducting controlled operations.

Comprehensiveness and adequacy of secretary reports – sections 74OA and 74P

The GMA reported to the VI that no operations had been undertaken during the period under report and otherwise supplied information that complied fully with the requirements of 74OA.

Other matters

In both reports of operations in the 2016-2017 year, the GMA advised that it is drafting a submission which, if acted upon, would amend the Wildlife Act to include an offence against section 44 (i.e. dealing with hunting, taking or destroying game in both the open and closed season). Such an amendment would allow the GMA to conduct controlled operations relevant to suspected game hunting offences.

Summary

Given the legislative limitations around the definition of ‘relevant offence’, the GMA did not conduct any controlled operations—meaning that the VI's report is therefore limited to consideration of its reporting obligations and with which, as noted, GMA was fully compliant.

Inspection Results - IBAC

In accordance with its obligations under the CCO Act, the VI twice attended IBAC during the 2016-2017 reporting period and there inspected IBAC's records for the purpose of assessing the level of statutory compliance achieved by the agency and its law enforcement officers.

The VI was scheduled to conduct the first inspection of IBAC records in October 2016. However, before that time, the VI was informed by IBAC that no authorised controlled operations had been commenced and concluded during the inspection period.

In May 2017 the VI attended IBAC offices and inspected the records and documents relating to one controlled operation which IBAC had commenced and concluded during the entirety of the 2016-2017 reporting period. It was, therefore, against this background that the VI inspected and assessed one controlled operation. It was assessed to be fully compliant.

Work And Activities Of IBAC

The VI is very aware of the potential risks that even the most general and non-specific reporting on the work and activities of IBAC in conducting activities relating to controlled operations may have. In view of this, the VI does not intend to add any comments in regards to the work and activities of IBAC other than whether statutory obligations have been met.

Chief Officer Reports

Commissioner reports made by the due date – section 38

The VI found that IBAC was fully compliant with the requirements of section 38 of the CCO Act.

Comprehensiveness and adequacy of Commissioner reports – sections 38 and 39

During the 2016-2017 period, the Commissioner provided the VI with two reports regarding IBAC's exercise of controlled operations powers. With only one controlled operation having been authorised and completed during this time, the VI notes that the required details were included in the IBAC Commissioner's second report in respect of the period 1 January to 30 June 2017.

The VI is satisfied with both the comprehensiveness and adequacy of the reports provided by the IBAC Commissioner in respect of the period under report.

Summary

IBAC authorised and concluded one controlled operation during the reporting period. Having inspected the relevant documentation and considered the statutory reports provided to it, the VI is satisfied that IBAC and its law enforcement officers have fully complied with the requirements of the CCO Act.

Inspection Results – Victoria Police

For the purposes of inspecting controlled operations records, the VI attended Victoria Police twice during the 2016-2017 year, in December 2016 and in May/June 2017. The number of records inspected did not directly correlate with the number of applications made or operations completed for the year because when conducting the inspection, the VI officers only considered those operations which had been completed and for which PLEO reports had been submitted.

Inspection Of Agency Records And Documents

During the 2016-2017 reporting period, VI officers inspected a total of 116 controlled operation files, being 48 in December 2016 and 68 in May/June 2017.

Applications for authorities to conduct controlled operations – section 12

All but 4 of the 116 controlled operation applications inspected were formal applications. Only 4 applications were identified as non-compliant. This is consistent with the previous year's reporting and demonstrates a thorough understanding by Victoria Police of the legislative requirements.

The compliance issue in 2 of the applications was a failure to include the nature of the proposed conduct. In both instances, this matter was identified by members of the COR unit. The issue in the other 2 applications was a failure to find any evidence on file that the delegated Police committee had in fact authorised the application, whether in writing or otherwise.

Form of Authority – section 18

Section 18 of the CCO Act sets out the information that must be included in an authority (whether formal or urgent). Three files were found to be non-compliant; 2 had not been signed by the authorising officer and the third failed to state the nature of the criminal activity the subject of the proposed controlled operation.

Duration of an authority – section 19

The effect of sections 18(3)(j) and 19 of the CCO Act is that the authority must state the period of validity for each operation type.

In this regard, only one of the 116 files inspected was found to be non-compliant. Here it had been sought to extend an authority after it had ceased to be in force.

Application for a variation -section 21

Section 21 of the Act provides that an application for variation of an authority may be made for one or more of the following reasons:

- to extend (except for certain controlled operations referred to in section 20(2) of the Act), the period of validity of the authority¹⁹
- to authorise additional or alternative persons to engage in controlled conduct
- to authorise participants to engage in additional or alternative conduct
- to identify additional suspects (to the extent known).

Of the 116 files inspected, 53 had one or more variations. The majority of variations were to extend the period for which the authority was in force.

Three variation authorities had errors as a result of either typing mistakes or oversight. One was invalid because the initial application and authority failed to state the conduct to be engaged in. Another 2 were assessed as being non-compliant because the authorising officer's signature did not appear on the initial application making the variation invalid under section 18(1)(a).

Principal Law Enforcement Officer's Report – section 37

Section 37 of the CCO Act not only sets out the timeframe within which the PLEO report is due, but also specifies the information which must be included in the report. A PLEO report is required for every controlled operation. In this regard, 6 PLEO reports were assessed as being non-compliant.

Four of the 6 reports had been noted and corrected by COR prior to the VI inspection. Mistakes included:

- incorrect weight/amount of illegal goods purchased
- incorrect commencement date of the operation
- the number of times that persons were involved in the controlled conduct
- conduct listed in the report was not listed in the application for the controlled operation and was, therefore, not authorised.

In those matters in which COR identified an error, it requested an amended report. Otherwise, in circumstances in which the conduct engaged in was not authorised conduct, COR advised the units that any evidence that may have been obtained could not be used during any court proceedings.

In addition to the above, VI inspection officers found 2 reports were made outside the required time frame.

¹⁹ Section 20(2) proscribes extending the period of validity when an authority is urgent or local minor. In such circumstances a fresh application for a new controlled operation authority is required.

Chief Officer Reports

Chief Officer Reports made by the due date – section 38

Victoria Police satisfied the requirement of section 28 of COO as both reports were received by the required date.

Comprehensiveness and adequacy of chief officer reports – sections 38 - 39

Under section 39 of the CCO Act the VI must comment on the comprehensiveness and adequacy of the chief officer reports provided to it under section 38 of the Act.

The two reports submitted to the VI for 2016-2017 were assessed as satisfactory. The reported information contained some minor inaccuracies, but once identified were promptly addressed by the COR. It is pleasing to note that when issues of concern were raised, these were reviewed and quickly addressed.

The governing legislation requires the Chief Officer to report on the number of formal authorities granted, varied and refused.

In the second report for 2017, the number of authorities reported as having been granted included 19 from the previous reporting period and nine yet to be concluded.

Work And Activities Of Victoria Police

The level of detail reported

Whilst the VI's report must cover the work and activities of the agency, it must also take account of sections 39(2)-(4), and exclude from its reports any matters of a 'sensitive' nature. Acknowledging this means that the intent of the VI's report is to provide an overview of the work and activities undertaken by Victoria Police.

Victoria Police utilises the controlled operations provisions more than any other Victorian agency.

Victoria Police granted a total of 141 formal authorities during 2016-2017²⁰ which figure represented a slight increase on the previous reporting period (Table 1).

Table 1: Comparison of number of authorities issued over 4 year period

Year	2013-2014	2014-2015	2015-2016	2016-2017
Number of authorities issued	100	106	131	141

²⁰ These are the figures reported by Victoria Police in section 38 Chief Officer Reports as the number of authorities listed in each financial year. They are not the same as the number of completed authorities inspected by the Inspectorate in those periods.

The VI notes that by the time a Victoria Police application to engage in controlled conduct is submitted for final approval, it has already been the subject of a series of sound drafting and vetting processes and procedures. The VI draws confidence from this now well established practice. This is further demonstrated by considering the small number of compliance issues noted by the VI during 2016-2017 and in previous years against the significantly large number of files inspected.

Authorised controlled operations to be conducted wholly within Victoria are categorised as either local minor or local major. Local minor operations target offending which is punishable by less than three years' imprisonment, while local major operations target offending punishable by 3 years' imprisonment or more. In 2016-2017, 10 local minor and 128 local major operations were authorised by Victoria Police.

The VI notes that only by exception will Victoria Police authorise a local major operation for the permitted maximum period of 3 months. Rather, it will usually be seen to initially authorise for a shorter period and, then, if circumstances so require, vary the authority. The VI continues to support this approach, particularly when civilian participants are authorised to engage in controlled conduct.

Of the 137 authorised controlled operations which ceased (expired or cancelled) during the reporting period, 85 were varied on 129 occasions. Consistent with previous years, the majority of variations were to extend the period of validity. However variations to add additional suspects or participants and to authorise alternate or additional conduct were also made during the reporting period.

The CCO Act permits the authorisation of controlled conduct in jurisdictions other than Victoria, provided that other jurisdiction is a 'participating jurisdiction' as defined in the CCO Act. During 2016-2017, 4 cross border operations were granted, which is the same as that in 2015-2016.

The fact that Victoria Police grants and cancels authorities for a period less than the maximum permitted highlights the tight control it exercises over the use of controlled operations powers and highlights its commitment to ensuring that an operation does not continue longer than necessary. In 2016-2017, 18 authorities were formally cancelled under section 25 of the CCO Act, (compared with 15 in the previous year). One hundred and nineteen authorities expired during the period under report.

Authorised controlled operations may target multiple types of offending during the one operation and, therefore, the authorised conduct may extend to include multiple offence types. As has been the case previously, there are a number of operations in which no conduct was engaged in by the authorised participants. This can occur for different reasons, such as situations where evidence was obtained by other means or when it was considered unsafe to deploy authorised participants.

Victoria Police continues to adhere to a rigorous application process which is well complemented by close monitoring. Such a process not only enables serious offending to be targeted, but also ensures community interests are protected.

Summary

Victoria Police has continued to undertake a high number of controlled operations during the 2016-2017 reporting year. While the majority of controlled operations files inspected by the VI were fully compliant, that some were not, could have potential implications.²¹ In some instances, the errors had already been identified by COR. Those that had not been previously noted have been raised with Victoria Police who are receptive to the information the VI provides.

In some instances, the errors had already been identified by COR. However, even when this wasn't the case the cooperation received from Victoria Police, particularly its readiness to discuss and to respond to the issue/s raised by VI officers, is gratefully acknowledged.

Although confirming that the Chief Officer's 2016-2017 reports were received on time, some issues were identified with the first report and one in relation to the second. However, in the circumstances both reports were assessed as satisfactory.

Victoria Police well understands its legislative compliance obligations and, notwithstanding that some compliance issues were identified during this reporting period, overall there was a good level of compliance, particularly given the high volume of applications.

As in previous years, Victoria Police not only continued to fully cooperate with and respond to the VI's various requirements and queries, but was very receptive to the constructive feedback offered and for which the VI is most grateful.

²¹ See section 27 of the CCO Act (validity of the authorities) and section 28 (protections offered)