

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

Report No. 1 for 2016-2017

February 2017

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## List of Abbreviations

CSG Compliance Support Group (within DELWP)

DEDJTR Department of Economic Development, Jobs, Transport and Resources

DELWP Department of Environment, Land, Water and Planning

GMA Game Management Authority

IBAC Independent Broad-based Anti-corruption Commission

PI Protected information

PI register Protected information register

PIM Public Interest Monitor

PSC Professional Standards Command (Victoria Police)

SD Act Surveillance Devices Act 1999 (Vic)

SPU Special Projects Unit (within Intelligence and Covert Operations Support at Victoria

Police)

TPU Technical Projects Unit (within Professional Standards Command at Victoria Police)

## 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 five State law enforcement agencies<sup>1</sup>. Use of surveillance devices in relation to private activity and private conversations is otherwise generally unlawful in Victoria.<sup>2</sup>

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. The Inspectorate inspects agency records, assesses statutory compliance and reports compliance results to Parliament bi-annually. The involvement of the Public Interest Monitor<sup>3</sup> in the warrant application process has added another level of scrutiny to the control and oversight regimes.

In accordance with statutory obligations<sup>4</sup> set out in the SD Act, this report is submitted to the Parliament of Victoria with a copy provided to the Minister responsible for the SD Act, the Attorney-General. This report outlines the results of the Inspectorate's inspections of the records of all relevant agencies between which were conducted between 1 July 2016 and 31 December 2016. The report comments on the level of statutory compliance achieved by each agency and its law enforcement officers for the first half of the 2016-2017 reporting period.

In recent years the VI has submitted a separate report in respect of each agency. However the legislation permits the submitting of a report covering more than one agency, and in the interests of minimising duplication the VI has decided to submit a combined report on this occasion.

<sup>&</sup>lt;sup>1</sup> The *Surveillance Devices Act* 1999 (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).

<sup>&</sup>lt;sup>2</sup> 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).

<sup>&</sup>lt;sup>3</sup> Established by the *Public Interest Monitor Act* 2011.

<sup>&</sup>lt;sup>4</sup> SD Act s. 30Q.

## FEATURES OF THE LEGISLATION

## **OBJECTIVES OF THE SD ACT**

The primary purposes of the SD Act<sup>5</sup> are to:

- regulate the installation, use, maintenance and retrieval of surveillance devices
- restrict the use, communication and publication of information obtained through the use of surveillance devices or otherwise connected with surveillance device operations
- establish procedures for law enforcement officers to obtain warrants or emergency authorisations for the installation, use, maintenance and retrieval of surveillance devices
- create offences relating to the improper installation or use 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
- recognise (subject to the Surveillance Devices Regulations 2006) warrants and emergency authorisations issued in other jurisdictions authorising the installation, use and retrieval of surveillance devices.

## AGENCIES PERMITTED TO USE SURVEILLANCE DEVICES

During the period under review, five state law enforcement agencies<sup>6</sup> were permitted to use surveillance devices under the SD Act:

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

## TYPES OF SURVEILLANCE DEVICES

The SD Act provides for the use of the following surveillance devices:7

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

<sup>&</sup>lt;sup>5</sup> SD Act s. 1.

<sup>&</sup>lt;sup>6</sup> Law enforcement agency is defined in s. 3.

<sup>&</sup>lt;sup>7</sup> Surveillance device is defined in s. 3.

#### WARRANTS AND EMERGENCY AUTHORISATIONS

The SD Act provides for the issue of surveillance device warrants<sup>8</sup> and retrieval warrants<sup>9</sup> and in a limited range of circumstances for emergency authorisation<sup>10</sup> of the use of surveillance devices. A warrant must be sought from a Supreme Court Judge, except in the case of an application for a tracking device only, where the application may be made to a magistrate. An emergency authorisation may only be granted by a senior officer of Victoria Police or the IBAC.<sup>11</sup>

## 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. 12

Each agency is required to report to the judge or magistrate who issued a warrant to it under the Act by a date specified in the warrant. The SD Act prescribes a number of matters that must be included in such reports.<sup>13</sup> The chief officer of each agency is also required to report annually to the Minister<sup>14</sup> in relation to the agency's use of surveillance devices.

#### SECURITY AND DESTRUCTION OF INFORMATION OBTAINED

The SD Act prescribes the obligations of an agency to keep information secure which is obtained by means of a surveillance device, <sup>15</sup> and to destroy such information <sup>16</sup> when it is unlikely to be required for a permitted purpose. <sup>17</sup>

#### PROTECTED INFORMATION REGISTERS

For the purpose of this report, the term 'protected information' (PI) will be used to refer only to information obtained by means of a surveillance device, although the SD Act gives the term a wider definition.<sup>18</sup> The SD Act limits and regulates the use, communication and publication of PI.<sup>19</sup>

Section 30N of the SD Act requires 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 for the purposes of section 30N(c)-(e), although that section does not itself

<sup>&</sup>lt;sup>8</sup> SD Act ss. 15 to 20.

 $<sup>^{9}</sup>$  Ibid ss. 20C to 20G.

 $<sup>^{10}</sup>$  Ibid ss. 25 to 30.

<sup>&</sup>lt;sup>11</sup> Ibid ss. 25 and 26.

<sup>&</sup>lt;sup>12</sup> Ibid ss. 30M, 30N and 30O.

<sup>&</sup>lt;sup>13</sup> Ibid s. 30K.

<sup>&</sup>lt;sup>14</sup> Ibid s. 30L.

<sup>&</sup>lt;sup>15</sup> Ibid s. 30H(1)(a).

<sup>&</sup>lt;sup>16</sup> Ibid s. 30H(1)(b).

<sup>&</sup>lt;sup>17</sup> Defined in SD Act ss. 30F and 30G.

<sup>&</sup>lt;sup>18</sup> SD Act s. 30D.

<sup>&</sup>lt;sup>19</sup> Ibid s. 30E.

require a 'register'. The agency PI registers referred to in this report should not be confused with the required register of warrants and emergency authorisations maintained by each agency pursuant to section 300. The two are quite different documents.

## THE VICTORIAN INSPECTORATE

## **ROLE OF THE VI**

The Inspectorate must, from time to time, inspect the records of Victorian law enforcement agencies with authority to use surveillance devices under a warrant or emergency authorisation to determine the extent of compliance with the Act.<sup>20</sup> The SD Act requires the Inspectorate to report to Parliament at six-monthly intervals (after 1 January and 1 July each year) on the results of each inspection under section 30P and to give a copy of each report to the Minister at the same time as it is transmitted to the Parliament.<sup>21</sup>

#### THE POWERS OF THE VI UNDER THE SD ACT

For the purpose of an inspection pursuant to the SD Act the Inspectorate is provided with certain powers<sup>22</sup> to access agency premises, records and information and to require members of staff of the agency to provide information in their possession that the Inspectorate considers necessary and relevant to the inspection.

## INSPECTION OF AGENCY RECORDS

## **METHODOLOGY**

This report addresses the results of inspections undertaken by the Inspectorate from 1 July 2016 to 31 December 2016. The agencies inspected were Victoria Police, the IBAC, DELWP, DEDJTR and GMA, and each inspection included examination of the various documents, 23 records, 24 reports, 25 registers 26 and other relevant material held by the relevant agency. All records relating to all warrants were inspected; there was no sampling of records.

The Inspectorate has an established process for inspections whereby a warrant file relating to Victoria Police or the IBAC is not inspected until reporting requirements under section 30K of the SD Act for the warrant have been completed. This practice means that there is no need for the Inspectorate's 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. DELWP, DEDJTR and GMA records, on the other hand, are inspected even if the warrant remains extant or reports have not been completed, as these agencies make only occasional use of the provisions of the SD Act.

<sup>&</sup>lt;sup>20</sup> Ibid s. 30P(1).

<sup>&</sup>lt;sup>21</sup> Ibid s. 30Q.

<sup>&</sup>lt;sup>22</sup> Ibid s. 30P(2).

<sup>&</sup>lt;sup>23</sup> Ibid s. 30M.

<sup>&</sup>lt;sup>24</sup> Ibid s. 30N.

<sup>&</sup>lt;sup>25</sup> Ibid s. 30K.

<sup>&</sup>lt;sup>26</sup> Ibid ss. 30N and 30O.

In 2016-2017 each agency will have their warrant files and related investigator records inspected once in each half of the year.

#### **ASSESSING COMPLIANCE**

Section 30P(1) of the SD Act requires the Inspectorate to inspect the records of each law enforcement agency to determine the extent of the agency's compliance with the Act. Where appropriate, further information may be sought from relevant law enforcement officers. 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 information obtained by a surveillance device warrant
- · the reports that must be made
- 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, however, when a compliance issue has been identified or when there is some other particular reason to include it.

## **INSPECTION RESULTS**

The following sections of this report cover the results of the inspections carried out by the Inspectorate. Each agency is reported on separately.

# DEPARTMENT OF ENVIRONMENT, LAND, WATER AND PLANNING

## **COMPLIANCE SUPPORT GROUP**

The Compliance Support Group (CSG) is the division within DELWP that uses the powers under the SD Act. During the period under report two warrant files were inspected at the CSG. This was the first inspection of one file that has been extended and is still current, and a follow up on the other that had previously been inspected with errors that had now been corrected.

#### WARRANT FILE RECORDS

The inspection of two warrant files was conducted in the first round of inspections for 2016-17 in November 2016. This inspection did not identify any issues of non-compliance. All documents were present on the files and no deficiencies were noted.

#### REPORT TO JUDGE OR MAGISTRATE

Section 30K of the SD Act 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. A section 30K report must contain certain prescribed information, and its accuracy is important in providing judges and magistrates with evidence of the value of the use of surveillance devices. One of the requirements is that the report should contain details of the use made or to be made of PI obtained by use of the surveillance device.

The section 30K report for the finalised warrant was amended to correct the errors identified and reported at the round one inspection for the 2015-2016 period. This report was put forward for inspection and no issues of non-compliance were noted. In regards to the second file, the inspection was carried out prior to the extended date on which the report was required to be submitted to the issuing Magistrate.

## **INVESTIGATOR RECORDS (PI REGISTERS)**

Section 30N(c)-(e) requires a record to be kept containing the details of each use, communication and giving in evidence of PI obtained by use of a surveillance device. The register included all required information and no compliance matters were detected at inspection

#### REGISTER OF WARRANTS AND EMERGENCY AUTHORISATIONS

DELWP maintains a register to meet the requirements of section 30O. This register also incorporates prescribed information required under sections 30N (a) and 30N (b). The register included all required information and no compliance matters were detected at inspection.

# ANNUAL REPORT TO THE MINISTER

DELWP is required by section 30L of the SD Act to provide an annual report to the Minister by 30 September 2016.

# DEPARTMENT OF ECONOMIC DEVELOPMENT, JOBS, TRANSPORT AND RESOURCES

## **FISHERIES VICTORIA**

The VI is obliged under the SD Act to inspect the records of Fisheries Victoria from time to time to determine Fisheries Victoria's level of compliance with the SD Act.

## **WARRANT FILES**

In October 2016, VI compliance officers conducted an inspection of the one SD warrant that was still in operation. The file was compliant to the date of inspection.

#### REGISTER OF WARRANTS - S 30O

Fisheries Victoria maintains a register to capture the information required by s.30O. Fisheries Victoria was considered by the VI to be fully compliant with the requirements of that section.

#### ANNUAL REPORT TO THE MINISTER- S 30L

The Inspectorate established that DEDJTR was compliant with s30L, the annual report to the Minister covering the 2015 -2016 year having been made within the specified time frame.

## **GAME MANAGEMENT AUTHORITY**

The VI is obliged under the SD Act to inspect the records of the GMA from time to time to determine GMA's level of compliance with the SD Act. The GMA began operations on 1 July 2014 and is yet to use the provisions under the SD Act, and therefore no files were inspected by the VI during the reporting period. However VI Compliance Officers visited the GMA in October 2016 to discuss changes to the *Wildlife Act* 1975 that were enacted in 2016, the effect of which will be to enable the GMA to conduct operations involving the use of SDs during close season periods. Informal discussions were held in which GMA officers outlined the current status of the GMA in relation to implementing the new changes, which will come into effect in March 2017.

It is anticipated that once the GMA uses the provisions under the SD Act, the VI will apply the same inspection methodology as that used for DELWP and DEDJTR. This process includes examining the various documents,<sup>27</sup> records,<sup>28</sup> reports,<sup>29</sup> registers<sup>30</sup> and other relevant material held by GMA.

<sup>&</sup>lt;sup>27</sup> Ibid s. 30M.

<sup>&</sup>lt;sup>28</sup> Ibid s. 30N.

<sup>&</sup>lt;sup>29</sup> Ibid s. 30K.

<sup>30</sup> Ibid ss. 30N and 30O.

## INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

The first inspection of IBAC records for the 2016-2017 year took place in October 2016. The inspection was scheduled to view warrant files for surveillance device warrants that had ceased to be in force in the period 1 January to 30 June 2016. No surveillance device warrants were presented relating to this period, however a file was presented that related to the period 1 July 2015-31 December 2015 that had not been made available for inspection previously.

During this inspection IBAC officers provided the Inspectorate with a copy of their updated procedures relating to SD warrants. This demonstrates the IBAC's commitment to continuous improvement in regards to its processes.

#### **INSPECTION RESULTS**

#### WARRANT FILE RECORDS

Section 30M of the SD Act requires that certain documents connected with warrants and emergency authorisations are kept on the warrant file. The file of the one surveillance device warrant presented that ceased to be in force in the second half of 2015 was inspected in October 2016.

No matters of non-compliance were noted in respect of the warrant file with all documentation required to be kept, being held on file.

The Evidentiary Certificate relating to another previously inspected SD warrant was sighted and noted.

#### **OPERATIONAL REGISTERS**

The SD Act prescribes the circumstances in which PI can be used, communicated or published<sup>31</sup> and particular additional circumstances in which it is not an offence to use, communicate or publish PI.<sup>32</sup> Section 30N(c)-(e) requires the details of each use and communication of PI and each occasion on which PI is given in evidence to be recorded and kept. The IBAC maintains a register for each operation and during this inspection period the register for the file contained all required details.

#### 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 certain prescribed information; the accuracy of this information is important in providing judges and magistrates with evidence of the value of the use of surveillance devices.

<sup>&</sup>lt;sup>31</sup> Ibid ss. 30F(1) and 30G(1).

<sup>&</sup>lt;sup>32</sup> Ibid s. 30E(4).

The report inspected, was assessed as compliant, the report was made on time and contained all the prescribed information.

#### **DESTRUCTION OF PI**

Inspection of IBAC records concerning the destruction of surveillance device material obtained under three warrants for two operations was undertaken and no matters of non-compliance were identified.

#### REGISTER OF WARRANTS AND EMERGENCY AUTHORISATIONS

The IBAC maintains a register to capture the information required by section 30O. This register also incorporates the requirements under sections 30N(a) and 30N(b). The register included all required information and no compliance matters were detected.

## ANNUAL REPORT TO THE MINISTER

The Inspectorate established that the IBAC was compliant with section 30L of the SD Act, with an annual report by the Commissioner to the Minister covering the 2015-2016 year having been made within the specified time.

## **SUMMARY**

The IBAC has shown a clear understanding of its obligations under the SD Act and maintains a very good process for managing surveillance device warrants files and operational registers. That no errors were detected in the warrant files or section 30K reports highlights the effectiveness of the continuous improvement processes that the IBAC has established.

## **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.

#### INSPECTIONS CONDUCTED

In 2016-2017 the Inspectorate is undertaking two inspections of Victoria Police surveillance device warrant files at SPU and TPU, and two field inspections of PI Registers. This report discusses statutory compliance issues identified during the first round of warrant file inspections conducted in September 2016 and the PI Register inspections conducted in October, November and December 2016. The second inspection of warrant files and PI Registers will be conducted in the first half of 2017. The Inspectorate's final report pursuant to the SD Act for the 2016-2017 year, due after 1 July 2017, will include a more detailed analysis of compliance covering the entire 2016-2017 year.

#### INSPECTIONS CONDUCTED

In 2016-2017 the Inspectorate is undertaking two inspections of Victoria Police surveillance device warrant files at SPU and TPU, and two field inspections of PI Registers. This report discusses statutory compliance issues identified during the first round of warrant file inspections conducted in September 2016 and the PI Register inspections conducted in October, November and December 2016. The second inspection of warrant files and PI Registers will be conducted in the first half of 2017. The Inspectorate's final report pursuant to the SD Act for the 2016-2017 year, due after 1 July 2017, will include a more detailed analysis of compliance covering the entire 2016-2017 year.

#### **INSPECTION RESULTS**

Thirty five surveillance device warrant files were assessed during the inspections undertaken at SPU and TPU in September 2016. No retrieval warrants ceased to be in force during the period under inspection. The files inspected relate to warrants that ceased to be in force between 1 January and 30 June 2016.

Thirty-two PI Registers were inspected during the field inspections conducted in October, November and December 2016. Of the 32, three were PI Registers that had previously been inspected, and contained errors at the previous inspection. The purpose of the reinspections was primarily to check that the errors had been rectified, however any subsequent entries were also inspected. Inspections of PI Registers for warrants administered by SPU were conducted on-site at investigation unit locations throughout metropolitan Melbourne and regional Victoria. As TPU has implemented electronic PI

Registers for warrants administered by that unit, inspection of the PI Registers took place at TPU. Compliance issues identified during warrant file and PI Register inspections are reported below. From 1 July 2016 SPU will be implementing electronic registers so future inspections of regional and Melbourne metropolitan units will be inspected at the offices of SPU.

#### WARRANT FILE RECORDS

Inspection of warrant files for the surveillance device warrants that ceased to be in force in the period under review revealed no matters of non-compliance. Victoria Police has an effective process to manage warrant files, with all required documents kept.

#### REPORT TO JUDGE OR MAGISTRATE

Section 30K requires the law enforcement officer to whom a surveillance device or retrieval 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.<sup>33</sup> The report must contain certain prescribed information; the accuracy of this information is important in providing judges and magistrates with evidence of the value of the use of surveillance devices.

Thirty five section 30K reports were inspected, two of which were deficient due to a failure to include the prescribed content. The following matters were identified:

- One deficiency was detected, being the installation of an optical device which was not documented as maintained or retrieved - one report.
- In respect of one other report, the initial section 30K report to the judge did not include covert use. However the error had been detected by SPU prior to the VI inspection and the error had been rectified by an amended report having been sent to the judge prior to the VI inspection - one report.

Victoria Police has implemented the practice of submitting an amended report to the issuing judge or magistrate when an error is identified in the original report. The errors identified have been raised with the Victoria Police registries concerned, which will be reinspected at the VI's next inspection.

The error rate for the first half of the reporting year is just over 5% and has decreased when compared to the rate for the whole of 2015-2016 year (62 reports, nine of which were erroneous, error rate of a little over 14.5%). Generally Victoria Police has established an effective reporting process and members are receptive to feedback provided by the Inspectorate, as is reflected in the decreased percentage of errors.

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<sup>&</sup>lt;sup>33</sup> There is no corresponding reporting requirement for emergency authorisations.

## **INVESTIGATOR RECORDS (PI REGISTERS)**

The SD Act prescribes the circumstances in which PI can be used, communicated or published<sup>34</sup> and particular additional circumstances in which it is not an offence to use, communicate or publish PI.<sup>35</sup> The details of each use and communication of PI and each occasion on which PI is given in evidence must be recorded and kept by Victoria Police pursuant to section 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 Inspectorate undertakes two inspections of PI Registers in each financial year to determine compliance with these requirements.

Table 1 below provides data on the first inspection of PI Registers undertaken for the 2016-2017 reporting period.

Table 1: PI Register inspection results

New PI registers inspected	29
PI registers reinspected due to previous errors	3
Total number of PI registers inspected	32
Number of PI registers containing an error at this inspection	3

Table 1 shows that of the 32 PI registers inspected three contained at least one error.

The errors identified at the inspection include:

- omitting uses of PI in applications for search warrants and to manage covert aspects of the investigation
- discrepancy between the PI register and section 30K report to the judge.

Victoria Police has been advised of these errors.

Of the three registers reinspected due to previous errors, all but one had been rectified and no further issues were identified in respect of these registers. The non-compliant registers will be reinspected at the next VI inspection.

Victoria Police has implemented an effective process, including liaison with investigators, to ensure that the PI registers contain the necessary information. The effectiveness of this process is demonstrated by the inspection results. The errors identified were of a minor nature and assessed to be due to administrative oversight rather than any systemic weakness.

<sup>&</sup>lt;sup>34</sup> Ibid ss. 30F(1) and 30G(1).

<sup>35</sup> Ibid s. 30E(4).

#### REGISTER OF WARRANTS AND EMERGENCY AUTHORISATIONS

Victoria Police maintains a register to capture the information required by section 30O and this register also incorporates the requirements under sections 30N(a) and 30N(b). The register is well maintained and contains all of the prescribed information. While four very minor errors were identified (such as a date discrepancy) these are not considered significant. Given the volume of information that Victoria Police must record in this register, the Inspectorate anticipates that a level of human error will occur. Victoria Police was advised of these matters following the inspection. Victoria Police personnel clearly understand their obligations in relation to recording the required information.

#### **EVIDENTIARY CERTIFICATES**

The SD Act requires that a copy of each evidentiary certificate issued pursuant to the provisions of section 36 be kept. For the period under review the Inspectorate requested the certificate pertaining to one warrant and a copy of the certificate was made available at inspection.

#### ANNUAL REPORT TO THE MINISTER

The Inspectorate established that Victoria Police was compliant with section 30L of the SD Act, with an annual report by the Chief Commissioner of Police to the Minister covering the 2015-2016 year being made within the time allowed.

## **SUMMARY**

Victoria Police has a well-established process for warrant file administration. It is pleasing to report that no matters of concern were identified during the warrant file inspection and this further highlights the effectiveness of the warrant file administration processes followed.

The increased focus on PI register compliance is also reflected in the inspection results where few errors were detected for the first half of the reporting period.

Reporting errors have decreased for the first six months of the reporting year. Victoria Police has been advised of the identified compliance errors and are receptive to the feedback that the Inspectorate provides. The Inspectorate is confident that these errors will be rectified.

Overall Victoria Police demonstrates a very good level of compliance with the SD Act. Victoria Police personnel demonstrate a clear understanding of their obligations under the Act and readily address areas of non-compliance.

# ACKNOWLEDGEMENT OF AGENCY COOPERATION

The VI acknowledges the full cooperation of the all agency Chief Officers and in particular the staff within the units inspected who made records available for inspection and provided the answers to questions asked.

# **NEXT REPORT ON ALL AGENCIES**

As required under the SD Act the next report or reports covering all agencies using the provisions of the SD Act will be made after 1 July 2017.

Robin Brett QC Inspector

Victorian Inspectorate