

# Publication of the Commonwealth Ombudsman's Report on Controlled Operations, Delayed Notification Search Warrants, and Account Takeover Warrants

Today, the Attorney-General tabled the Commonwealth Ombudsman's report summarising his oversight of the following covert powers:

- controlled operations from 1 July 2022 to 30 June 2023
- delayed notification search warrants from 1 January 2022 to 31 December 2022, and
- account takeover warrants from 1 July 2022 to 30 June 2023.

"Each of these powers is used covertly – hidden from view, effectively", Mr Anderson said. "My Office's oversight helps shed light on the use of these powers and supports agencies to continuously strive towards full compliance with legal requirements."

The Office of the Commonwealth Ombudsman made 11 suggestions and 10 better practice suggestions across these three regimes to the Australian Federal Police (AFP), the Australian Criminal Intelligence Commission (ACIC) and the Australian Commission for Law Enforcement Integrity (ACLEI). These agencies were responsive to all key findings and suggestions.

“While we are fiercely independent, we work hard to maintain a constructive rapport with the agencies we oversee”, Mr Anderson stated. “This allows us to deliver meaningful suggestions that effect ongoing improvement in the administration of law enforcement powers in Australia.”

Overall, we saw improvements in agencies’ use of controlled operations. These are covert (undercover) operations carried out to obtain evidence of a serious Commonwealth offence. Controlled operations provide legal protection for authorised participants who engage in conduct that would otherwise be unlawful or lead to civil liability. We made more better practice suggestions for improvement regarding use of controlled operations in 2022–23 compared with the previous inspection year.

“Importantly, this report covers my Office’s first formal inspection of the AFP’s use of account take over warrants”, Mr Anderson said. “I am heartened that we did not identify any major instances of non-compliance by the AFP in using these warrants for the first time.”

“We found room for improvement in the AFP’s keeping of records to document its compliance with legal requirements and processes in place to revoke warrants when they are no longer required. We are confident the AFP is committed to making improvements.”

“The ACIC has not yet used the ATW powers but we anticipate we will be able to perform an assessment on use of the power in future inspections.”

An account takeover warrant allows law enforcement to take control of an online account when investigating a serious offence. Online accounts include, for example, social media accounts, online banking accounts and accounts associated with online forums.

The report and snapshot can be found on the Commonwealth Ombudsman website [here](#).

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