



**Report to the Attorney-General on  
agencies' compliance with the  
*Surveillance Devices Act 2004***

**For the period 1 July to 31 December 2016**

**Report by the Acting Commonwealth Ombudsman  
under s 61 of the *Surveillance Devices Act 2004***

**March 2017**



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ISSN 2204-4035

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## ***Introduction***

The *Surveillance Devices Act 2004* (the Act) regulates the use of surveillance devices<sup>1</sup> by law enforcement agencies. Broadly speaking, the Act allows certain surveillance activities to be conducted under a warrant (issued by an eligible Judge or nominated Administrative Appeals Tribunal member), an internally issued authorisation or without formal authority. The Act imposes requirements for the secure storage and destruction of records, and restricts the use, communication and publication of information obtained through the use of surveillance devices.<sup>2</sup> It also imposes reporting obligations on law enforcement agencies to ensure an appropriate level of transparency.

## ***What we do***

The Commonwealth Ombudsman (the Ombudsman) performs the independent oversight mechanism included in the Act. The Ombudsman is required under s 55 of the Act to inspect the records of each law enforcement agency to determine the extent of their compliance with the Act and report to the relevant Minister (the Commonwealth Attorney-General) at six-monthly intervals under s 61 of the Act.

## ***Why we oversee agencies***

The use of surveillance devices is one of the most intrusive covert powers afforded to law enforcement agencies, and part of the Ombudsman's role is to provide the Minister and the public assurance that agencies are using their powers as Parliament intended and, if not, hold the agencies accountable.

## ***Reporting period 1 July to 31 December 2016***

During 1 July to 31 December 2016, my office did not finalise any results from inspections conducted under s 55 of the Act. These results will be included in my next six-monthly report to the Minister.

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<sup>1</sup> Under the Act, a 'surveillance device' means a data surveillance device, a listening device, an optical surveillance device or a tracking device (or a device that is a combination of any two or more of these devices).

<sup>2</sup> This is collectively referred to as 'Protected Information' and is defined under s 44 of the Act.