

Ombudsman's Report on the Oversight of Covert Electronic Surveillance

Today the Commonwealth Ombudsman, Iain Anderson, published his report on how Commonwealth (and some State and Territory) law enforcement and integrity agencies are complying with safeguards when using stored communication, telecommunication data and industry assistance powers.

The report covers our findings from inspections we conducted between 1 July 2022 to 30 June 2023.

This is also our first report on agencies' readiness to use International Production Orders.

We made fewer findings of non-compliance compared to the 2021-2022 inspection period. Mr Anderson stated, *'Responsible management of covert law enforcement operations relies on a mature culture of compliance. While most agencies have improved their policies and procedures to manage their use of these powers, I remain concerned about the consistency with which these are applied in practice.'*

We observed several common issues across the regimes that pose risks an agency will not comply with the legislation:

- the inability to demonstrate what an authorising officer had considered when deciding whether to approve the use of a power,
- insufficient guidance or training to staff particularly in agencies with high usage of powers, and
- despite having good frameworks, staff not adhering to these frameworks or a lax approach to use of the powers.

[Read the full report.](#)

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