

# Ombudsman concerned with records justifying use of covert surveillance powers



Today the Commonwealth Ombudsman's report on agencies' compliance with covert electronic surveillance powers under the *Telecommunications (Interception and Access) Act 1979* (TIA Act) and the *Telecommunications Act 1997* was tabled in Parliament.

The Ombudsman inspected 23 agencies' access to telecommunications data, stored communications and, for the first time, International Production Order powers and made 11 recommendations and 74 suggestions.

*'I am concerned with the level of record-keeping by some agencies for telecommunications data powers that are internally authorised and not subject to scrutiny by independent issuing authorities,'* said Iain Anderson, Commonwealth Ombudsman.

Covert electronic surveillance powers are highly intrusive and impact the privacy of individuals who are unaware and do not have the opportunity to challenge or complain about the use of these powers.

The report found that 8 agencies inspected had insufficient records to demonstrate that the legislative requirements were met for the use of telecommunications data powers. These included records kept by New South Wales Police Force for the use of the powers related to the investigation of public order offences, where the Ombudsman is concerned there is a not insignificant risk that a court would find that NSWPF have not used the powers lawfully.

The report also highlights concerns with record-keeping practices at Victoria Police and Queensland Police Service related to telecommunications data powers, which have been the subject of multiple recommendations over previous reporting periods.

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*'I was pleased with the level of compliance demonstrated across the use of stored communications powers, however the report details some concerns with practices at some agencies of destroying information obtained under warrants. Despite this, I am encouraged by steps agencies are taking to improve in this area,'* added Mr Anderson.

The report details that no serious or systemic issues were identified related to agencies' use of stored communications and International Production Order powers under the TIA Act or industry assistance powers under the Telecommunications Act.

The full report is available to read on the [Commonwealth Ombudsman website](#).

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