

## REPORT SNAPSHOT

# 2021-22 Report to the Attorney-General on agencies' compliance with the *Crimes Act 1914*

*Part IAB (Controlled Operations), Part IAAA (Delayed Notification Search Warrants) and Part IAAC (Account Takeover Warrants)*

### Key concepts



A controlled operation permits participants to engage in certain conduct that would otherwise be unlawful for the purpose of investigating a serious offence.



A delayed notification search warrant (DNSW) allows a covert search of premises to investigate certain terrorism offences, with the occupier of the premises being notified later.



An account takeover warrant (ATW) allows law enforcement to take control of an online account when investigating a serious offence.

### Findings

We made 13 suggestions and 13 better practice suggestions from our inspections and reviews:

- 7 suggestions and 2 better practice suggestions in relation to use of controlled operations
- 6 suggestions and 6 better practice suggestions in relation to use of DNSW powers
- 5 better practice suggestions in relation to agency preparedness to use ATW powers

We made no formal recommendations for remedial action.

### Key messages from this report

- ❖ We made fewer suggestions and better practice suggestions regarding use of controlled operations in 2021-22 compared with 2020-21, demonstrating ongoing improvement in compliance.
- ❖ We conducted our first inspection of the Australian Federal Police's (AFP) use of DNSW powers. The AFP undertook substantial compliance preparation work. We did not identify any serious or systemic non-compliance but found insufficient record keeping impacted the AFP's ability to demonstrate compliance.
- ❖ We conducted ATW health check reviews of the AFP and Australian Criminal Intelligence Commission (ACIC) to determine readiness to use the new powers. Both agencies undertook substantial work to prepare to use these new powers and we did not identify any significant compliance issues.

