

Report to the Attorney-General on agencies' compliance with the *Surveillance Devices Act 2004* (Cth): Inspections conducted 1 July to 31 December 2022

OUR REPORT – AT A GLANCE

Key concepts



A **surveillance device warrant** permits law enforcement to use surveillance devices in circumstances including criminal investigations or to locate and safely recover a child to whom recovery orders relate.



There are **four types of surveillance devices**: tracking devices, optical surveillance devices, listening devices and data surveillance devices. Some devices are a combination of two or more of the above devices.



A **computer access warrant** permits law enforcement to collect information from a computer to obtain evidence for a criminal investigation or to locate and safely recover a child to whom recovery orders relate.

Findings

We made **1 formal recommendation** for remedial action.

We made **10 suggestions** and **7 better practice suggestions**.

Our findings related to topics including:

- the overall governance framework for using powers under the *Surveillance Devices Act 2004* (the Act)
- execution of warrants
- privacy considerations
- reporting to the Minister
- record keeping, destruction and storage requirements.

Key messages from this report

- ❖ We conducted inspections of the New South Wales Law Enforcement Conduct Commission (LECC) and Western Australia Police Force (WA Police) during the period 1 July to 31 December 2022.
- ❖ We found the LECC's governance and compliance framework was not sufficient to support compliance with the Act, as it focused on requirements in state legislation (which differs from the Act).
- ❖ We also explored issues demonstrating compliance with the Act when WA Police received technical assistance from a Commonwealth agency to execute its warrants.