

## Media Release

### **15 June 2022: Publication of the Commonwealth Ombudsman’s Report on agencies’ compliance with the *Surveillance Devices Act 2004*.**

Yesterday, the Attorney-General tabled the Commonwealth Ombudsman’s report summarising his oversight of agencies’ use of powers under the *Surveillance Devices Act 2004*.

This report summarises inspections conducted from 1 July to 31 December 2022 at the Law Enforcement Conduct Commission (LECC) in NSW and the Western Australia Police Force (WA Police). The Office of the Commonwealth Ombudsman reviewed these agencies’ use of surveillance devices and collection of information from computers under warrant.

Commonwealth Ombudsman Iain Anderson made one formal recommendation to the LECC to establish a fit-for-purpose governance framework for use of Commonwealth surveillance device powers under the Act. The LECC has significant experience and expertise in using NSW surveillance device legislation, the requirements of which differ in some key respects compared to the Commonwealth Act.

“My Office appreciates the complexities for agencies which manage differing Commonwealth and state or territory requirements for the use of surveillance devices”, said Mr Anderson. “Nevertheless, all agencies using the Commonwealth surveillance devices framework have an obligation to comply with the requirements imposed by the Commonwealth Parliament.”

“My Office will continue to work with all agencies to support compliance and best practice in the use of Commonwealth powers to use surveillance devices.”

The Ombudsman also made 10 suggestions and 7 better practice suggestions across the LECC and WA Police on matters including compliance with legislative requirements when receiving technical assistance from another agency, agency internal warrant authorisation instruments, and accuracy in agency reporting to the Commonwealth Attorney-General.

“I thank the LECC and WA Police for their open and frank engagement with my Office during our inspections, and for their considered responses to our inspection findings”, said Mr Anderson.

The [report](#) and [snapshot](#) can be found on the Commonwealth Ombudsman [website](#).