

**Report under Section 49(1) of the
Surveillance Devices Act 2007
for the period ending
30 June 2013**

December 2013

Surveillance Devices Report Errata for period ending December 2012

Table 4 of the Surveillance Devices Report for period ending December 2012 had the wrong data.

Instead of the following:

**Table 4. Emergency use of surveillance devices
1 July 2012 - 31 December 2012**

	Number of warrants issued
NSW Police Force	397
NSW Crime Commission	90
Independent Commission Against Corruption	2
Police Integrity Commission	3
	492

Below is the information which should have appeared in Table 4.

**Table 4. Emergency use of surveillance devices
1 July 2012 - 31 December 2012**

	No. of emergency uses of surveillance devices
NSW Police Force	0
NSW Crime Commission	0
Independent Commission Against Corruption	0
Police Integrity Commission	0
	0

Yours sincerely



Bruce Barbour
NSW Ombudsman

**Report under Section 49(1) of the
Surveillance Devices Act 2007
for the period ending
30 June 2013**

December 2013

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Introduction

The *Surveillance Devices Act 2007* (NSW) (the Act) allows for the use of surveillance devices to investigate crime and to enable evidence to be obtained of the commission of such crime or the identity or location of the offender(s). The Act covers the installation, use and maintenance of listening, optical, tracking, and data surveillance devices and restricts the communication and publication of private conversations, surveillance activities, and information obtained from their use.

The Act also establishes an accountability regime. Reporting and record keeping obligations are imposed on the law enforcement agencies eligible to use surveillance devices as are provisions for the safe keeping and destruction of information obtained from the use of surveillance devices.

The Act also requires the NSW Ombudsman to conduct inspections of the surveillance device records of law enforcement agencies to determine the extent of compliance by those agencies and their officers with the Act.

Four law enforcement agencies¹ are currently the subject of these inspections:

- NSW Police Force
- NSW Crime Commission
- The Police Integrity Commission
- The Independent Commission Against Corruption.

Legislative Changes

The Act provides an exception to the requirement to obtain a warrant for the use of a listening device in certain defined circumstances involving an authorised controlled operation by a law enforcement agency. *The Law Enforcement (Controlled Operations) Amendment Act 2013 No. 16* amended the Act in relation to the circumstances where it is permissible for a listening device to be used without a warrant by a participant in an authorised controlled operation to record or monitor a private conversation, where that participant is a party to the conversation. A participant in an authorised controlled operation includes civilian participants and law enforcement officers, including those using an assumed name or identity.²

Reporting requirements

The Ombudsman is required by section 49(1) of the Act to report to the Minister at 6-monthly intervals on the results of inspections. The Minister is required by section 49(2) to lay the report or cause the report to be laid before both Houses of Parliament within 15 days after receiving the report.

This report is for the period 1 January 2013 to 30 June 2013.

Scope of the inspection

The aim of the Act is to enable law enforcement agencies to utilise surveillance devices to assist in the successful investigation and prosecution of certain offences. Such use is, of course, subject to meeting certain procedural and record keeping requirements. The inspection and monitoring by the Ombudsman aims to foster agency compliance with the Act and to provide public accountability through regular reporting to the Minister and Parliament. The approach taken in the inspections conducted by the Ombudsman is to examine the records of each agency for compliance with the record and document keeping requirements while at the same time considering such other aspects of compliance as can be determined from those records and from questions asked of relevant officers.

Inspections focus on compliance outlined in three main areas of the Act.

- Part 3 dealing with warrants and emergency authorisations.
- Part 5 covering compliance and monitoring, including dealing with records obtained by use of surveillance devices, the use, communication or publication of protected information and reporting and record keeping.
- Part 6 requiring notification to the Attorney about warrants sought, as well as notification to the subject of surveillance if directed by the eligible Judge.

¹ Note: The Act also empowers the use of surveillance devices by the Australian Crime Commission but the inspection and reporting of that agency's use of surveillance devices is carried out by the Commonwealth Ombudsman.

² Section 7 (4)

Surveillance device warrants are issued by eligible Judges of the Supreme Court or eligible Magistrates in the case of a surveillance device warrant authorising the use of a tracking device only or a retrieval warrant in respect of a tracking device. Applications are required to include certain information and generally must be accompanied by an affidavit setting out the grounds on which the warrant is sought. While the inspection of the records includes an examination of the matters required to be specified it does not examine the sufficiency or otherwise of the information provided in support of the application. That is a matter for the relevant judicial officer to determine.

The Ombudsman inspects each individual surveillance device warrant file at each agency. The inspection involves an examination of the application, warrant, notice to the Attorney General and the report to the issuing judicial officer and the Attorney General, and any other information contained on the file.

The inspection involves checking that:

- the application is made to an eligible Judge or in appropriate cases, an eligible Magistrate
- the application includes the name of the applicant and the nature and duration of the warrant including the kind of device sought and is supported by an affidavit
- the warrant contains the information required by s.20
- any extension or variation to the warrant complies with s.22
- the revocation of a warrant complies with s.23
- the appropriate law enforcement officer notifies the chief officer immediately they are satisfied the use of the warrant is no longer necessary, and the chief officer takes steps to discontinue the use of the device or devices as soon as practicable
- where a warrant has been revoked the use of the device is discontinued immediately
- the s.51 notice contains the required information and has been provided to the Attorney General before the warrant has been issued and that the Attorney General has been given an opportunity to be heard on the application if so desired
- the report under s.44 has been provided to the eligible judge and the Attorney General within the time specified in the warrant
- the report complies with the requirements of s.41
- the application for continued use of an authorised surveillance device in an emergency situation complies with ss.31-32
- where a surveillance device is used without a warrant, that an application for approval is made within two business days to an eligible judge and that such approval complies with s.33
- the register of warrants and emergency applications contains the information required by s.47
- that any directions under s.52 have been complied with.

The inspection also includes examining records relating to the use of protected information obtained by the use of surveillance devices and the security of those records at various locations.

Overview of records inspected

During the period 1 January 2013 to 30 June 2013 we conducted inspections across the four NSW law enforcement agencies over 15 days. The following tables set out the total number of warrants issued, warrants reports received, warrants revoked, emergency uses of devices and retrieval warrants issued.

**Table 1. Surveillance device warrants issued
1 January 2013 - 30 June 2013**

	Number of warrants issued
NSW Police Force	453
NSW Crime Commission	82
Independent Commission Against Corruption	0
Police Integrity Commission	6
	541

**Table 2. Surveillance device warrant reports received
1 January 2013 - 30 June 2013**

	Number of warrants reports received
NSW Police Force	308
NSW Crime Commission	89
Independent Commission Against Corruption	1
Police Integrity Commission	1
	399

**Table 3. Surveillance device warrants revoked
1 January 2013 - 30 June 2013**

	Number of warrants revoked
NSW Police Force	58
NSW Crime Commission	17
Independent Commission Against Corruption	0
Police Integrity Commission	0
	75

**Table 4. Emergency use of surveillance devices
1 January 2013 - 30 June 2013**

	Number of emergency uses of surveillance devices
NSW Police Force	1
NSW Crime Commission	0
Independent Commission Against Corruption	0
Police Integrity Commission	0
	1

**Table 5. Retrieval warrants issued
1 January 2013 - 30 June 2013**

	Number of retrieval warrants issued
NSW Police Force	1
NSW Crime Commission	0
Independent Commission Against Corruption	0
Police Integrity Commission	0
	1

NSW Police Force

During the reporting period 453 surveillance device warrants were issued, one retrieval warrant was also issued. There was one emergency use of a surveillance device.

The majority of records are located at Police Prosecutions, Covert Applications Unit. These include applications, warrants, s.51 notices and s.44 reports. In relation to the protected information received as a result of surveillance device warrants this information is kept with the officer responsible for the warrants at particular operational commands or local area commands as the case may be. The law enforcement officer responsible for the warrant is responsible for recording the use, communication or publication of protected information obtained under their warrant.

Any exceptions we have identified with the NSW Police Force's compliance with the Act are detailed below.

Warrant requirements

Section 17 Applications for a surveillance device warrant

All applications were made to eligible Judges. No applications were made to eligible Magistrates in the case of applications for a surveillance device authorising the use of a tracking device only.

Section 18 Remote Application

There were 14 remote applications made.

All applications were notified to the Attorney General and affidavits were provided to the issuing judicial officer within the legislative timeframe.

Section 22 Extension and variation of surveillance device warrant

Eighteen warrants were varied and/or extended during the reporting period.

Section 23 Revocation of surveillance device warrant

There were 58 revocations during the reporting period.

Section 24 Discontinuance of use of surveillance device under warrant

Section 24 (2)(a) requires that a surveillance device which is no longer needed is to be discontinued as soon as practicable. The NSW Police Force uses a Notification of Discontinuation form to record such action. Section 24 (2)(b) further requires that when an application for discontinuation is made, an application is also made for the revocation of the warrant under section 23.

While the Act requires that a surveillance device be discontinued as soon as practical after the chief officer of the law enforcement agency is satisfied that the use of the device is no longer necessary, there is no time limit specified for making an application for revocation of the warrant. As an application for a revocation warrant can take several days to process, we hold the view that it is not unreasonable that an application for revocation is not made for any warrant which will in any case expire within 5 days of the use of the surveillance device being discontinued.

Our inspections identified the following warrant which did not comply with the above because the warrant had not been revoked:

- SD13/0166: The warrant was due to expire on 4 June 2013 but the section 44 report was provided to the Attorney General on 28 May 2013, indicating that the use of the device was no longer required. The device was last used on 7 April 2013. The use of the device was not discontinued and the warrant was not revoked.

We raised this exception with the Commissioner following the inspection and we were advised this instance was a marked exception to the compliance practices of the Covert Applications Unit, highlighted by the fact it was the only instance in 509 files in which this occurred.

Section 25 Application for retrieval warrant

One application was made for a retrieval warrant and was granted..

Section 26 Remote application

No remote applications were made for retrieval warrants.

Section 30 Revocation of retrieval warrant

No retrieval warrants were revoked.

Emergency authorisations requirements**Section 31 Emergency use of surveillance devices – threat of serious personal violence or substantial property damage**

There was no emergency use of surveillance device warrants under this section.

Section 32 Emergency authorisation - continued use of surveillance devices in participating jurisdiction

There was no emergency use of surveillance device warrants in participating jurisdictions.

Section 33 Application for approval after use of surveillance device without warrant or under emergency authorisation

There was one emergency use of a surveillance device warrant under this section.

Compliance and monitoring requirements

The law enforcement officer responsible for the warrant is responsible for recording the use, communication or publication of protected information obtained under their warrant.

Section 40 Prohibition on use, communication or publication of protected information

During this reporting period additional inspections were carried out at Albury, Wagga Wagga and Monaro Local Area Commands. Inspections were also conducted at State Crime Command operational squads: Firearms and Organised Crime Squad, Robbery and Serious Crime Squad, and Organised Crime (Targeting) Squad. Staff at these locations used the Protected Information Registers and protected information was securely stored. Where protected information was obtained under controlled operations by law enforcement participants operating under assumed names this information was also recorded and stored securely.

Section 41 Dealing with records obtained by use of surveillance devices

NSW Police Force personnel use the protected information registers to record any dealing with protected information. Senior officers at each Local Area Command are also tasked with inspecting these records in addition to our inspections. During our inspections at the above locations we noted the registers were kept in accordance with the Act.

The following issue arose in relation to dealing with records obtained by the use of surveillance devices.

- The section 44 report for Warrant SD13/0175 described the period during which the surveillance device was used as follows:

The tracking device was installed and activated at 12.40am on 3 April 2013 and deactivated and removed at 11pm on 12 June 2013. The warrant expired at 4.15pm on 10 June 2013. The device was not able to be retrieved immediately after the expiry of the warrant due to operational reasons and was therefore retrieved at the earliest opportunity, being 12 June.

The information in the s.44 report for this warrant indicates that data was still being received from the device between the expiry of the warrant at 4.15pm on 10 June and its deactivation at 11pm on 12 June. Also, it indicates the tracking device was used to determine its geographical location after the expiry of the warrant to enable the deactivation and retrieval to occur

Information gathered from a device is stored in electronic files and a technical coordinator checks the stored information against the terms (period) of the warrant before releasing the information to operational police. Technical operatives only release information collected within the period of the warrant. However, data from a device may be used to determine its geographical location to enable retrieval of the device.

We understand the situation which arose in relation to this warrant may reflect standard practice used by the NSW Police Force technical operatives and if so would breach Section 9 of the *Surveillance Devices Act 2007*. While a device may be retrieved beyond the expiry date of the warrant it is not appropriate for data to continue to be recorded beyond that time.

Section 21 (4) of the Act states:

If a surveillance device remains on or in premises or a vehicle after the expiry of the surveillance device warrant authorising its installation, use and maintenance, the warrant is taken also to authorise, for the period of 10 days after that expiry, any action to be taken in respect of the retrieval of the device that would be authorised if the surveillance device warrant were a retrieval warrant. Section 29 specifies the action that is authorised to be taken by a retrieval warrant.

Section 29 (2) in respect of what a retrieval warrant authorises states:

The warrant also authorises the use of the surveillance device and any enhancement equipment in relation to the device solely for the purposes of the location and retrieval of the device or equipment.

We asked the Commissioner for further information about this issue and he outlined the circumstances in which it may not be possible to remotely deactivate a device which means it continues recording past the expiry of the warrant. The Commissioner also advised that any information inadvertently recorded outside the terms of a warrant, because either a device could not be remotely deactivated, or was used in order to locate it, is not provided to the LEO (Investigator) and is destroyed.

The practical issues associated with deactivation and retrieval of surveillance devices are clear and the Act has made provision for certain circumstances by authorising a 10 day window period for retrieval, and for the use of retrieval warrants. Nevertheless the practice outlined in the Commissioner’s response breaches the legislative provisions for retrieval of devices. If for some reason it is not possible to retrieve a device within the warrant time, or the period of 10 days thereafter, then a retrieval warrant should be sought on all occasions. The use of a surveillance device beyond the expiry of the warrant, within the 10 day period or by virtue of a retrieval warrant, may be used solely for the purposes of location and retrieval of the device or equipment.

Section 44 Reports to eligible Judge or eligible Magistrate and Attorney General

Section 44 of the Act requires a report to be furnished to the eligible Judge, or eligible Magistrate, as the case may be, and to the Attorney General within the time frame specified in the warrant. The maximum penalty for failure to comply with Sections 44 (1),(2) and (6) is 20 penalty units or imprisonment for a term of 12 months, or both.

In our six monthly report for the inspection period ending December 2012 we noted the significant number of warrant files which did not contain copies of s.44 reports. New procedures were introduced by the NSW Police Force to address this issue and staff from the Covert Applications Section has made a concerted effort to follow up overdue reports. This has resulted in most of these reports being provided to the Attorney-General and eligible Judge. However, in the first half of this current reporting period the provision of reports to both the Attorney General and the Eligible Judge remained problematic. Based on the improvements noted to date, we anticipate the procedures adopted by NSW Police Force in response to our December 2012 report will see this addressed across the upcoming inspection period, which we will report on after December 2013. In relation to this inspection period, however, we still identified the following exceptions in relation to s.44 reports.

- According to the warrant files, the following two warrants had been reported to the eligible Judge but had not been reported to the Attorney General.

Warrant Number	Expiry	Attorney General	Eligible Judge
SD13/0010	14-Apr-13		13-Jun-13
SD13/0187	12-Apr-13		13-Jun-13

- The following four warrants issued during the reporting period had been reported to the Attorney General but had not been reported to the eligible Judge.

Warrant Number	Expiry	Attorney General	Eligible Judge
SD12/0703	15-Jan-13	13-Jun-13	
SD13/0027	09-Apr-13	13-Jun-13	
SD13/0051	22-Apr-13	13-Jun-13	
SD13/0079	23-Mar-13	28-Feb-13	

- Seventy two (72) warrants had not been reported to either the eligible Judge or the Attorney General following the expiry of the warrant, as required (see Appendix 1 for list of warrants). This number has decreased from 276 exceptions identified in our last report.
- Seventy seven (77) warrants had not been reported to either the eligible Judge and the Attorney General or both, following the expiry of the warrant as required. The standard number of days is 60 days (see Appendix 2 for list of warrants).

While there have been some improvements in relation to reporting to the Attorney General and Eligible Judge, the number of exceptions identified in this report remains unacceptably high. Accordingly the Commissioner must better ensure all relevant officers provide their reports in accordance with the Act and within the statutory timeframe.

Section 47 Register of warrants and emergency authorisations

The Act requires the chief officer of the law enforcement agency to keep a register of warrants and emergency authorisations. The register is required to specify certain particulars. The NSWPF register contained the required particulars.

Evidentiary Certificates

Section 50 Provision for the issue of evidentiary certificates

No evidentiary certificates were issued during this reporting period.

Notifications to the Attorney General

In general the NSWPF was compliant in this regard, with the exception of some minor typographical errors. These errors were drawn to the attention of relevant staff during our inspections.

The following exceptions were also identified and notified to the NSWPF at inspection:

- Warrant file **SD13/0292** did not contain a section 51 notice on the file.
- Warrant file **SD13/0008** did not contain a receipt to indicate that the notice had been provided to the Attorney General.
- The section 51 notice on warrant file **SD13/0140** indicated that no previous warrant had been sought or issued for the same relevant offence. In fact **SD13/0131** had been issued and appeared to be for the same relevant offence.
- The section 51 notice for **SD13/0220** indicated an intention to apply for four surveillance devices, the warrant was in fact subsequently issued for seven surveillance devices.
- The section 51 notices on the following warrant files did not address section 51 (e) of the Act in so far as they did not indicate whether any attempt had been made to obtain by alternate means the evidence so and if so the result of any attempt. The section 51 notices also did not address section 51 (f) in that they did not indicate whether any other alternative means of obtaining the evidence or information sought to be obtained.

SD13/0029, SD13/0057, SD13/0079, SD13/0100, SD13/0128, SD13/0211 and SD13/0267.

Section 52 Requirement to inform subject of surveillance

No orders were made requiring the subject of the surveillance to be informed.

Concluding Comments

The NSW Police Force was generally compliant with the requirements of the Act during this reporting period apart from the exceptions outlined above. As noted earlier in this chapter, we anticipate the delays in providing s.44 reports as required under the Act should be addressed in the next inspection period with the adoption of the procedures introduced following our December 2012 inspection report.

Recommendations

- 1. The current practice of the NSW Police Force recording information outside the terms of a warrant cease immediately. The use of a surveillance device after expiry of the warrant be used solely for the purposes of location and retrieval of the device or equipment. If the device cannot be located and retrieved within the warrant period or the window period of days after the expiry of the warrant, then a retrieval warrant must be sought to enable the use of the device to determine its location.**
- 2. The Commissioner continue to have staff address the failure of officers to provide s.44 reports to the Attorney General and/or Eligible Judge as required by the Act and within the statutory timeframe.**

NSW Crime Commission

During the reporting period 82 surveillance device files were inspected, all applications for warrants were granted.

We were satisfied that the NSW Crime Commission had complied with its obligations under the Act with only one exception identified, as outlined below.

Warrant requirements

Section 17 Applications for a surveillance device warrant

All 82 applications were made to eligible Judges. No applications were made to eligible Magistrates in the case of applications for a surveillance device authorising the use of a tracking device only.

Section 18 Remote Application

There were no remote applications made.

Section 22 Extension and variation of surveillance device warrant

13 warrants were varied or extended.

Section 23 Revocation of surveillance device warrant

There were 17 revocations during the reporting period.

Section 24 Discontinuance of use of surveillance device under warrant

Section 24 of the Act requires the use of a surveillance device to be discontinued as soon as practicable after the chief officer of the law enforcement agency is satisfied that the use of the device is no longer necessary.

All warrants which had been used were discontinued in a timely manner. Some warrants were never used and were subsequently revoked.

Section 25 Application for retrieval warrant

There were no applications for a retrieval warrant.

Section 26 Remote application

There were no applications for a retrieval warrant.

Section 30 Revocation of retrieval warrant

There were no applications for a retrieval warrant.

Emergency authorisations requirements

Section 31 Emergency use of surveillance devices – threat of serious personal violence or substantial property damage

There was no emergency use of a surveillance device during the reporting period.

Section 32 Emergency authorisation - continued use of surveillance devices in participating jurisdiction

There was no emergency use of surveillance device warrants in participating jurisdictions.

Section 33 Application for approval after use of surveillance device without warrant or under emergency authorisation

There were no applications for approval after use of a surveillance device.

Compliance and monitoring requirements

Section 40 Prohibition on use, communication or publication of protected information

While protected information was obtained through the use of surveillance devices, the information may be used in the future and the records of each use, communication and publication will be inspected in the future.

Section 41 Dealing with records obtained by use of surveillance devices

The Commission has established guidelines for dealing with protected information. Protected information is stored in the Commission premises with those officers authorised to deal with it.

There were no destructions carried out of protected information at the time of these inspections.

Section 44 Reports to eligible Judge or eligible Magistrate and Attorney General

Reports were generally provided to the eligible Judge and Attorney General within the time specified in the warrant and the reports contained all the required information. One exception was identified at inspection:

- The report provided in relation to **SD13/0115** appeared to be incorrect as the details related to a previous warrant issued on the same terms being **SD13/055**.

This was corrected by the Commission and a correct report was forwarded within the legislative time frame.

Section 47 Register of warrants and emergency authorisations

The Act requires the chief officer of the law enforcement agency to keep a register of warrants and emergency authorisations. The register is required to specify certain particulars.

The register of warrants at the NSWCC contained all the particulars required and was accurate.

Evidentiary Certificates

Section 50 Provision for the issue of evidentiary certificates

No evidentiary certificates were issued during this reporting period.

Notifications to the Attorney General

Section 51 Particulars of warrants sought under Part 3 to be notified to the Attorney General

Section 51 notifications were provided in relation to all warrant applications. The notifications contained the relevant information required.

Section 52 Requirement to inform subject of surveillance

No orders were made requiring the subject of the surveillance to be informed.

Concluding Comments

For the reporting period the NSW Crime Commission was compliant with the Act.

Recommendation

No specific recommendations are made.

Independent Commission Against Corruption

During the reporting period the Independent Commission Against Corruption did not apply for any surveillance device warrants.

Police Integrity Commission

During the reporting period six surveillance device warrants were applied for and granted.

We were satisfied that the Police Integrity Commission had complied with its obligations under the Act with only one exception identified, as outlined below.

Warrants requirements

Section 17 Applications for a surveillance device warrant

All applications were made to eligible Judges. No applications were made to eligible Magistrates in the case of applications for a surveillance device authorising the use of a tracking device only.

One exception was identified, and raised with PIC at the time of inspection. We were advised the error was an oversight:

- The application for surveillance device warrant SD13/004 stated that no previous warrant in relation to the same offence had been applied for. However surveillance device warrants PIC13/001 to PIC13/003 had been issued prior and related to the same investigation.

Section 18 Remote Application

There were no remote applications made.

Section 22 Extension and variation of surveillance device warrant

None of the warrants issued during this reporting period were extended.

Section 23 Revocation of surveillance device warrant

There were no revocations during the reporting period.

Section 24 Discontinuance of use of surveillance device under warrant

There were no situations where the use of any surveillance device was discontinued during the reporting period and therefore no requirement to seek revocations of any warrants.

Section 25 Application for retrieval warrant

No applications were made for retrieval warrants.

Section 26 Remote application

No remote applications were made for retrieval warrants.

Section 30 Revocation of retrieval warrant

No retrieval warrants were issued and consequently none were revoked.

Emergency authorisations requirements

Section 31 Emergency use of surveillance devices – threat of serious personal violence or substantial property damage

There were no emergency uses of surveillance devices.

Section 32 Emergency authorisation - continued use of surveillance devices in participating jurisdiction

There was no emergency use of surveillance device warrants in participating jurisdictions.

Section 33 Application for approval after use of surveillance device without warrant or under emergency authorisation

There were no emergency uses of surveillance devices.

Compliance and monitoring requirements

Section 40 Prohibition on use, communication or publication of protected information

While protected information was obtained through the use of surveillance devices, the records of each use, communication and publication are contained in a register for this purpose.

Section 41 Dealing with records obtained by use of surveillance devices

The Commissioner has established guidelines for dealing with protected information. The protected information is stored on the Commission premises and restricted to those authorised to deal with it.

There were no destructions carried out of protected information at the time of these inspections.

Section 44 Reports to eligible Judge or eligible Magistrate and Attorney General

There were no reports due to be provided to the Attorney General or Eligible Judge during the reporting period.

Section 47 Register of warrants and emergency authorisations

The Act requires the chief officer of the law enforcement agency to keep a register of warrants and emergency authorisations. The register is required to specify certain particulars.

The register of warrants contained all the particulars required and was accurate.

Evidentiary Certificates

Section 50 Provision for the issue of evidentiary certificates

No evidentiary certificates were issued during this reporting period.

Notifications to the Attorney General

Section 51 Particulars of warrants sought under Part 3 to be notified to the Attorney General

All notifications were provided to the Attorney General in relation to each application and contained all the required particulars, with the following exception.

- The section 51 notice on warrant file **SD13/004** indicated that no previous warrant had been sought or issued for the same relevant offence. In fact **SD13/001**, **SD13/002** and **SD13/003** had been issued for the same relevant offence. This was an oversight and it was noted the Attorney General was provided with a copy of the affidavit at the same time as the notice. The affidavit did note that the previous warrants had been issued.

Section 52 Requirement to inform subject of surveillance

No orders were made requiring the subject of the surveillance to be informed.

Concluding Comments

For the reporting period the Police Integrity Commission was compliant with the Act.

Recommendation

No specific recommendations are made.

Appendix 1: – s.51 reports not provided to either Attorney General or Eligible Judge following expiry of Warrant


Warrant Number	Expiry
SD12/0449	06-Jan-13
SD12/0463	17-Mar-13
SD12/0492	07-Jan-13
SD12/0601	22-Jan-13
SD12/0632	02-Jan-13
SD12/0637	14-Jan-13
SD12/0662	06-Jan-13
SD12/0666	12-Jan-13
SD12/0667	16-Jan-13
SD12/0674	09-Jan-13
SD12/0675	08-Jan-13
SD12/0676	04-Feb-13
SD12/0679	19-Jan-13
SD12/0689	12-Jan-13
SD12/0704	15-Jan-13
SD12/0708	22-Jan-13
SD12/0710	15-Jan-13
SD12/0713	20-Jan-13
SD12/0714	23-Jan-13
SD12/0722	06-Feb-13
SD12/0729	29-Jan-13
SD12/0730	12-Feb-13
SD12/0731	01-Feb-13
SD12/0732	31-Jan-13
SD12/0733	03-Feb-13
SD12/0735	06-Feb-13
SD12/0740	10-Feb-13
SD12/0743	31-Jan-13
SD12/0744	10-Feb-13
SD12/0752	06-Jan-13
SD12/0757	22-Jan-13
SD12/0762	10-Feb-13
SD12/0765	12-Feb-13
SD12/0772	12-Feb-13
SD12/0778	24-Feb-13
SD12/0779	15-Feb-13

Warrant Number	Expiry
SD12/0781	19-Feb-13
SD12/0784	17-Feb-13
SD12/0789	19-Feb-13
SD12/0791	21-Feb-13
SD12/0796	21-Feb-13
SD12/0799	18-Jan-13
SD12/0800	23-Jan-13
SD12/0807	26-Feb-13
SD12/0809	28-Feb-13
SD12/0810	27-Feb-13
SD12/0811	01-Mar-13
SD12/0825	01-Feb-13
SD12/0828	18-Jan-13
SD12/0830	04-Mar-13
SD12/0845	13-Mar-13
SD12/0846	20-Mar-13
SD12/0850	08-Apr-13
SD12/0851	16-Mar-13
SD12/0852	13-Jan-13
SD12/0859	18-Mar-13
SD12/0860	18-Feb-13
SD12/0869	27-Jan-13
SD13/0001	06-Feb-13
SD13/0006	07-Apr-13
SD13/0008	17-Feb-13
SD13/0009	04-Feb-13
SD13/0011	23-Apr-13
SD13/0015	20-Feb-13
SD13/0048	17-Feb-13
SD13/0068	21-Feb-13
SD13/0091	09-Mar-13
SD13/0104	05-Mar-13
SD13/0113	17-Mar-13
SD13/0205	25-Mar-13
SD13/0240	26-Apr-13

Appendix 2: – s.51 reports provided to Attorney General and Eligible Judge outside of standard 60 days

Warrant Number	Expiry	Attorney General	Days	Eligible Judge	Days
SD12/0643	12-Jan-13	06-Feb-13	24	18-Apr-13	96
SD12/0653	04-Jan-13	12-Mar-13	68	18-Apr-13	104
SD12/0654	09-Jan-13	26-Feb-13	47	18-Apr-13	99
SD12/0656	02-Jan-13	26-Feb-13	54	18-Apr-13	106
SD12/0657	02-Jan-13	12-Feb-13	40	18-Apr-13	106
SD12/0658	04-Feb-13	07-Feb-13	3	18-Apr-13	74
SD12/0665	04-Feb-13	13-Jun-13	129	18-Jun-13	134
SD12/0671	08-Jan-13	13-Mar-13	65	18-Apr-13	100
SD12/0673	07-Jan-13	06-Feb-13	29	08-Apr-13	91
SD12/0686	18-Apr-13	12-Jun-13	54	13-Jun-13	55
SD12/0688	04-Feb-13	21-Feb-13	17	18-Apr-13	74
SD12/0690	13-Jan-13	04-Jun-13	141	13-Jun-13	150
SD12/0692	12-Jan-13	13-Jan-13	1	18-Apr-13	96
SD12/0694	13-Jan-13	07-Feb-13	24	18-Apr-13	95
SD12/0700	15-Jan-13	26-Feb-13	41	18-Apr-13	93
SD12/0706	20-Jan-13	13-Mar-13	53	18-Apr-13	88
SD12/0707	21-Jan-13	21-Feb-13	30	18-Apr-13	87
SD12/0715	21-Jan-13	21-Feb-13	30	18-May-13	117
SD12/0718	05-Jan-13	26-Feb-13	51	18-Apr-13	103
SD12/0723	04-Feb-13	19-Jun-13	135	20-Jun-13	136
SD12/0737	31-Jan-13	14-May-13	104	13-Jun-13	133
SD12/0741	04-Feb-13	09-Apr-13	65	18-Apr-13	74
SD12/0747	07-Feb-13	13-Feb-13	6	18-Apr-13	71
SD12/0748	11-Apr-13	24-Jun-13	73	25-Jun-13	74
SD12/0753	26-Jan-13	29-Jan-13	3	18-Apr-13	82
SD12/0756	05-Feb-13	12-Feb-13	7	18-Apr-13	73
SD12/0759	05-Feb-13	21-Feb-13	16	18-Apr-13	73
SD12/0771	07-Jan-13	06-Feb-13	29	18-Apr-13	101
SD12/0773	13-Jan-13	17-Jun-13	154	18-Jun-13	155
SD12/0785	04-Jan-13	13-Mar-13	69	18-Apr-13	104
SD12/0787	24-Feb-13	16-May-13	82	13-Jun-13	109
SD12/0798	11-Jan-13	05-Feb-13	24	18-Apr-13	97
SD12/0802	23-Feb-13	27-Jun-13	124	02-Jul-13	129
SD12/0804	11-Mar-13	18-Jun-13	97	18-Jun-13	97
SD12/0806	05-Mar-13	18-Jun-13	103	20-Jun-13	105
SD12/0813	03-Mar-13	05-Jun-13	92	13-Jun-13	100
SD12/0815	24-Mar-13	04-Jun-13	70	13-Jun-13	79

Warrant Number	Expiry	Attorney General	Days	Eligible Judge	Days
SD12/0816	11-Mar-13	15-Jul-13	124	16-Jul-13	125
SD12/0818	03-Mar-13	17-Jun-13	104	18-Jun-13	105
SD12/0821	02-Feb-13	09-Apr-13	67	18-Apr-13	76
SD12/0823	02-Feb-13	09-Apr-13	67	18-Apr-13	76
SD12/0824	03-Mar-13	27-Jun-13	114	27-Jun-13	114
SD12/0826	19-Jan-13	19-Jun-13	150	20-Jun-13	151
SD12/0829	03-Mar-13	13-Jun-13	100	18-Jun-13	105
SD12/0831	11-Mar-13	08-Jul-13	117	09-Jul-13	118
SD12/0834	12-Mar-13	08-May-13	56	13-Jun-13	91
SD12/0835	04-Mar-13	06-Jun-13	92	13-Jun-13	99
SD12/0836	10-Mar-13	17-Jun-13	97	18-Jun-13	98
SD12/0839	16-Jan-13	07-Feb-13	21	18-Apr-13	92
SD12/0840	13-Mar-13	28-Jun-13	105	02-Jul-13	109
SD12/0843	27-Jan-13	20-Mar-13	53	18-Apr-13	81
SD12/0847	13-Mar-13	18-Jun-13	95	18-Jun-13	95
SD12/0848	13-Mar-13	28-May-13	75	13-Jun-13	90
SD12/0854	18-Mar-13	15-May-13	57	13-Jun-13	85
SD12/0855	14-Feb-13	15-May-13	91	13-Jun-13	119
SD12/0856	18-Mar-13	03-Jul-13	105	04-Jul-13	106
SD12/0858	18-Jan-13	18-Apr-13	90	18-Apr-13	90
SD12/0862	19-Mar-13	15-May-13	56	13-Jun-13	84
SD12/0867	07-Apr-13	04-Jul-13	87	04-Jul-13	87
SD12/0870	02-Apr-13	26-Jun-13	84	27-Jun-13	85
SD13/0002	30-Mar-13	11-Jun-13	71	13-Jun-13	73
SD13/0014	06-Feb-13	21-Feb-13	15	18-Apr-13	72
SD13/0022	09-Feb-13	18-Jun-13	129	18-Jun-13	129
SD13/0024	10-Feb-13	17-Jun-13	127	18-Jun-13	128
SD13/0025	14-Apr-13	02-Jul-13	78	02-Jul-13	78
SD13/0038	19-Mar-13	15-May-13	56	13-Jun-13	84
SD13/0041	23-Jan-13	20-Feb-13	27	18-Apr-13	85
SD13/0049	20-Feb-13	04-Jun-13	104	13-Jun-13	113
SD13/0061	23-Feb-13	12-Jun-13	109	13-Jun-13	110
SD13/0065	04-Feb-13	11-Jun-13	127	13-Jun-13	129
SD13/0077	03-Mar-13	15-May-13	72	13-Jun-13	100
SD13/0086	05-Apr-13	18-Jun-13	73	20-Jun-13	75
SD13/0088	29-Mar-13	04-Jun-13	65	13-Jun-13	74
SD13/0092	23-Feb-13	06-Jun-13	103	13-Jun-13	110
SD13/0100	12-Mar-13	06-Jun-13	84	13-Jun-13	91
SD13/0169	05-Apr-13	18-Jun-13	73	20-Jun-13	75
SD13/0193	11-Apr-13	27-Jun-13	76	27-Jun-13	76



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