

SURVEILLANCE DEVICES ACT 1998

ANNUAL REPORT - 2008/2009

INTRODUCTION

The *Surveillance Devices Act 1998* was proclaimed on 22 November 1999.

Part 7 of the *Surveillance Devices Act 1998* requires the Commissioner of Police to furnish to the Minister, as soon as practicable after 30 June, but not later than 31 August, in each year, a report in respect of the year ending on that 30 June, containing information relating to applications under the provisions of the *Surveillance Devices Act 1998* for warrants, extensions of warrants and emergency authorisations.

The Minister is required to cause such a report furnished by the Commissioner of Police to be laid before each House of Parliament as soon as practicable.

The following extracts from the *Surveillance Devices Act 1998* and the *Surveillance Devices Regulations 1999* relate to annual reports.

Section 43 of the *Surveillance Devices Act 1998*

Section 43 of the *Surveillance Devices Act 1998* relevantly states in relation to Annual Reports the following:

“(1) The Commissioner of Police must, as soon as practicable after 30 June, but in any event not later than 31 August, in each year, furnish to the Minister a report on behalf of the police force of the State in respect of the year ending on that 30 June, containing information relating to -

(a) applications for warrants and extensions of warrants, including the number of such applications and the orders made in respect of such applications;

(b) applications for emergency authorisations, including the number of such applications and the authorisations issued in respect of such applications; and

(c) such other matters relating to the use of surveillance devices and the administration of this Act as the Minister may direct.

(1a) The Corruption and Crime Commission must, as soon as practicable after 30 June, but in any event not later than 31 August, in each year, furnish to the Attorney General a report on behalf of the Corruption and Crime Commission in respect of the year ending on that 30 June, containing information relating to -

- (a) applications for warrants and extensions of warrants, including the number of such applications and the orders made in respect of such applications;
- (b) applications for emergency authorisations, including the number of such applications and the authorisations issued in respect of such applications; and
- (c) such other matters relating to the use of surveillance devices and the administration of this Act as the Attorney General may direct.

[(2) repealed]

(3) The Chair of the Board of the Australian Crime Commission must, as soon as practicable after 30 June, but in any event not later than 31 August, in each year, furnish to the Minister a report on behalf of the Australian Crime Commission in respect of the year ending on that 30 June, containing information relating to -

- (a) applications for warrants and extensions of warrants, including the number of such applications and the orders made in respect of such applications;
- (b) applications for emergency authorisations, including the number of such applications and the authorisations issued in respect of such applications; and
- (c) such other matters relating to the use of surveillance devices and the administration of this Act as the Minister may direct.

(4) The Minister or the Attorney General, as the case requires, shall cause a report furnished by the Commissioner of Police, the Corruption and Crime Commission or the Chair of the Board of the Australian Crime Commission under this section to be laid before each House of Parliament as soon as practicable."

Section 8 of the *Surveillance Devices Regulations 1999*

Section 8 of the *Surveillance Devices Regulations 1999* relevantly states in relation to Annual Reports the following:

"(1) The information relating to applications for warrants and extensions of warrants required by section 43 of the Act to be contained in an annual report is to include the number of such applications that were -

- (a) withdrawn;
- (b) made by the applicant on behalf of another law enforcement officer; and
- (c) made by means other than filing a written application at the court.

(2) The information relating to applications for emergency authorisations required by section 43 of the Act to be contained in an annual report is to include the number of such applications that were withdrawn."

INFORMATION REQUIRED UNDER SECTION 43 OF THE SURVEILLANCE DEVICES ACT 1998 AND REGULATION 8 OF THE SURVEILLANCE DEVICES REGULATIONS 1999

Section 43(1)(a) and Regulation 8 - Applications For Surveillance Device Warrants

Pursuant to section 43(1)(a) of the *Surveillance Devices Act 1998* and Regulation 8 of the *Surveillance Devices Regulations 1999*, the report must set out the relevant statistics about applications for warrants and extensions of warrants, including the number of such applications and the orders made in respect of such applications.

Responses 1 to 6 in the table below relate to the relevant statistics for applications for warrants.

1. The number of applications for warrants that were made.	82
2. The number of applications for warrants that were refused.	1
3. The number of applications for warrants that were withdrawn.	0
4. The number of warrants that were issued.	81
5. The number of applications for warrants that were made by the applicant on behalf of another law enforcement officer.	15
6. The number of applications for warrants that were made by means other than filing a written application at the court.	0

Section 43(1)(a) and Regulation 8: Applications For Extensions Of Warrants

Pursuant to section 43(1)(a) of the *Surveillance Devices Act 1998* and Regulation 8 of the *Surveillance Devices Regulations 1999*, the report must set out the relevant statistics for extensions of warrants, including the number of such applications and the orders made in respect of those applications.

Responses 7 to 12 in the table below relate to the relevant statistics for applications for extensions of warrants.


7. The number of applications for extensions of warrants that were made.	10
8. The number of applications for extensions of warrants that were refused.	0
9. The number of applications for extensions of warrants that were withdrawn.	0
10. The number of applications for extensions of warrants that were granted.	10
11. The number of applications for extensions of warrants that were made by the applicant on behalf of another law enforcement officer.	0
12. The number of applications for extensions of warrants that were made by means other than filing a written application at the court.	0

Section 43(1)(b) and Regulation 8: Applications For Emergency Authorisations

Pursuant to section 43(1)(b) of the *Surveillance Devices Act 1998* and Regulation 8 of the *Surveillance Devices Regulations 1999*, the report must set out the relevant statistics about applications for emergency authorisations, including the number of such applications and the authorisations issued in respect of those applications and the number of such applications for emergency authorisations that were withdrawn.

Responses 13 to 16 in the table below relate to the relevant statistics for emergency authorisations.

13. The number of applications for emergency authorisations that were made.	0
14. The number of applications for emergency authorisations that were refused.	0
15. The number of applications for emergency authorisations that were withdrawn.	0
16. The number of emergency authorisations that were issued.	0


**KARL J O'CALLAGHAN APM
COMMISSIONER OF POLICE**
August 2009

SURVEILLANCE DEVICES ACT 1998

SDA COMPARISON FOR FINANCIAL YEAR ENDING

30 JUNE 2007, 30 JUNE 2008 and 30 JUNE 2009

<u>FINANCIAL YEAR ENDING 30 JUNE</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
1. The number of applications for warrants that were made.	65	60	82
2. The number of applications for warrants that were refused.	0	0	1
3. The number of applications for warrants that were withdrawn.	0	1	0
4. The number of warrants that were issued.	65	60	81
5. The number of applications for warrants that were made by the applicant on behalf of another law enforcement officer.	0	3	15
6. The number of applications for warrants that were made by means other than filing a written application at the court.	0	0	0
7. The number of applications for extensions of warrants that were made.	8	1	10
8. The number of applications for extensions of warrants that were refused.	0	0	0
9. The number of applications for extensions of warrants that were withdrawn.	0	0	0
10. The number of applications for extensions of warrants that were granted.	13	1	10
11. The number of applications for extensions of warrants that were made by the applicant on behalf of another law enforcement officer.	5	0	0

12. The number of applications for extensions of warrants that were made by means other than filing a written application at the court.	0	0	0
13. The number of applications for emergency authorizations that were made.	0	0	0
14. The number of applications for emergency authorizations that were refused.	0	0	0
15. The number of applications for emergency authorizations that were withdrawn.	0	0	0
16. The number of emergency authorizations that were issued.	0	0	0

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