

THIRTEENTH ANNUAL REPORT OF  
THE PUBLIC INTEREST MONITOR

DELIVERED PURSUANT TO  
*THE POLICE POWERS AND RESPONSIBILITIES  
ACT 2000*  
AND  
*THE CRIME AND MISCONDUCT ACT 2001*

REPORTING PERIOD  
1 JULY 2009 – 30 JUNE 2010

## **INTRODUCTION**

This is the 13<sup>th</sup> annual report of the Public Interest Monitor (“the PIM”), and the fifth for which I have been responsible. It covers the twelve month period from 1 July 2009 to 30 June 2010. This report encompasses the annual report that is required pursuant to section 743 of the *Police Powers and Responsibilities Act 2000* (the *PPRA*), the sixth of six monthly reports that are required pursuant to section 363 (1) of the *PPRA* and the annual report that is required pursuant to section 328 of the *Crime and Misconduct Act 2001* (the *CMA*).

During the reporting period the Queensland Police Service (“the QPS”) and the Crime and Misconduct Commission (“the CMC”) made 46 and 13 applications respectively to the Supreme Court and Magistrates Court for warrants (including variations and extensions to warrants already issued) pursuant to the covert surveillance and covert search provisions of the *PPRA*. These are described in more detail below in this report.

Once again, for yet another year, there were no applications for control orders pursuant to the provisions of the *Criminal Code Act 1995* (Cth) in which the PIM was required to be involved. Similarly, there were no applications for preventative detention orders pursuant to the State’s *Terrorism (Preventative Detention) Act 2005* in which the PIM was required to be involved. I can say again, thankfully, there have been no such applications in this State since those pieces of anti-terrorism legislation were introduced.

I carried out inspections of the QPS covert warrant application records on 18 September 2009, 29 April 2010, 27 September 2010 and 26 October 2010. Over the course of those inspections, I examined each covert warrant application file opened by the QPS between 1 July 2009 and 30 June 2010. In my six monthly report delivered on the 29<sup>th</sup> April this year, I

outlined breaches of warrant conditions I had noted had occurred on two files in the first six months of this full year reporting period. In the second six months of this full year reporting period, I noted no breaches of warrant conditions on any files. I must say that this is a very pleasing development as the number of breaches noted has fallen from 8 in the 2008 year to 4 in the 2009 year and now to 2 in the 2010 year, with none in the last six months.

I carried out an inspection of the CMC covert warrant application records on 26 October, 2010, examining each covert warrant application opened by the CMC between 1 July 2009 and 30 June, 2010. I noted no breach of warrant conditions on any files.

Telecommunications interception powers, introduced in 2009, began to be used by the QPS and the CMC in August 2009. I provided my annual report in respect of my inspection functions pursuant to the telecommunications interception legislative regime to the Minister in September 2010. The use of those powers has been taken up well by the QPS and the CMC resulting in a consequent significant drop in the number of applications made for warrants under the covert surveillance device legislative regime. I expect that to continue. In fact, I have been advised by the QPS that their capacity to utilize telecommunications interception powers is soon to significantly increase. Accordingly, the front-end monitoring role of the PIM's office will increase commensurately. I consider that more Deputy Public Interest Monitors will need to be appointed in such circumstances.

### **PUBLIC INTEREST MONITOR'S FUNCTIONS**

Pursuant to section 742 of the *PPRA* the PIM's functions are:-

- (a) to monitor compliance by police officers with chapter 9 in relation to matters concerning applications for covert search warrants; and

- (b) to monitor compliance by law enforcement officers with chapter 13 in relation to matters concerning applications for surveillance device warrants, retrieval warrants and approvals of the use of surveillance devices under emergency authorisations; and
- (c) to appear at any hearing of an application to a Supreme Court judge for a warrant or approval mentioned in paragraph (a) or (b), or to a magistrate for a warrant mentioned in paragraph (b), to test the validity of the application, and for that purpose at the hearing, to--
  - (i) present questions for the applicant to answer and examine or cross-examine any witness; and
  - (ii) make submissions on the appropriateness of granting the application; and
- (d) to appear at a consideration of a report made to a Supreme Court judge or a magistrate or given to the monitor and referred to a judge or magistrate under section 357 of the *PPRA*; and
- (e) to gather statistical information about the use and effectiveness of covert search warrants and surveillance device warrants; and
- (f) to report as required by the *PPRA* on any matter about which the *PPRA* expressly requires the public interest monitor to report; and
- (g) whenever the public interest monitor considers it appropriate--
  - (i) to give to the commissioner a report on noncompliance by police officers with chapter 9 of the *PPRA*; or
  - (ii) to give to the chief executive officer of a law enforcement agency a report on noncompliance by law enforcement officers of the law enforcement agency with chapter 13 of the *PPRA*.

Also, the Public Interest Monitor has the following functions--

- (a) under the Criminal Code of the Commonwealth, to exercise the power conferred on the monitor under the following sections--
  - section 104.12 (Service, explanation and notification of an interim control order)
  - section 104.14 (Confirming an interim control order)
  - section 104.18 (Application by the person for a revocation or variation of a control order)
  - section 104.19 (Application by the AFP Commissioner for a revocation or variation of a control order)
  - section 104.23 (Application by the AFP Commissioner for addition of obligations, prohibitions or restrictions);
- (b) under the *Terrorism (Preventative Detention) Act 2005*, to exercise the power conferred on the monitor under the following sections--
  - section 14 (General provisions that apply if the PIM must be notified about an application to an issuing authority)
  - section 73 (Supreme Court hearing and decision);
- (c) to gather statistical information about the use and effectiveness of control orders and preventative detention orders under the Acts mentioned in paragraphs (a) and (b);
- (d) whenever the public interest monitor considers it appropriate--to give to the commissioner a report on noncompliance by police officers with the *Terrorism (Preventative Detention) Act 2005*.

The PIM's functions set out in section 326 of the *CMA*, in so far as the CMC is concerned, effectively mirror those set out in section 742 of the *PPRA*. However, the PIM is not the inspection and reporting entity for the CMC, that task being the responsibility of the

Parliamentary Crime & Misconduct Commissioner pursuant to sections 322, 362 and 363 of the *PPRA*.

That which I have said in each of my Annual Reports about the discharge of the PIM's functions is worth repeating again. That is:-

- "8. Discharge of the Public Interest Monitor's functions requires a delicate balancing of two competing facets of public interest. The first is the public interest in ensuring that serious criminal conduct is detected, prevented and made the subject of successful prosecution by our law enforcement and prosecutorial authorities, particularly during a time of rapid technological change. The second, and no less important, is that fundamental rights of individual members of our community, such as the right to privacy, are respected and interfered with as little as possible in the process of detecting, preventing and punishing that serious criminal conduct. In addition, a commitment to the principle that independent accountability of our law enforcement agencies strengthens the fabric of our democratic society and aids the rule of law has been central to the creation of the office and the discharge of its functions.*
- 9. Applications for warrants authorizing the covert use of surveillance devices or covert searches are made to a Supreme Court judge or, in the case of a vehicular tracking device, a Magistrate. The Applicant, who is represented by a legal officer of the relevant law enforcement agency, must be a police officer of at least the rank of Inspector. During the relevant reporting period, the judges and magistrates who determined the applications were required by law to:-*
  - (i) be mindful of the highly intrusive nature of the warrant;*
  - (ii) consider the nature and seriousness of the suspected offence;*
  - (iii) consider the likely interference with the privacy of the target person or any other occupant of the target place;*
  - (iv) consider the extent to which issuing the warrant would help prevent, detect or provide evidence of the offence;*
  - (v) consider the benefits derived from the issue of any previous surveillance warrants in relation to the target person or place;*
  - (vi) consider the extent to which police officers investigating the offence have used or can use conventional ways of investigation;*
  - (vii) consider how much the use of conventional ways of investigation would be likely to help in the investigation of the offence;*
  - (viii) consider how much the use of conventional ways of investigation would prejudice the investigation of the offence because of delay or for another reason;*

- (ix) consider any submissions made by the Public Interest Monitor or Deputy Public Interest Monitor.
10. *Mindful that these are the matters that the issuing judge or magistrate has to consider, these are generally the matters that exercise the mind of the Public Interest Monitor or the Deputy who is involved in each application from the moment of initial contact by the relevant law enforcement agency. Telephone contact is made with the Public Interest Monitor or one of the Deputies if the Monitor is not available by phone. The Monitor or one of the Deputies is allocated to the application depending on their availability at the expected time of hearing or their previous involvement in an application in the particular investigative operation if it is ongoing. The legal officer of the relevant agency then advises what the application is about and fields any questions from the Monitor about relevant matters. Draft affidavits and warrants are then delivered to the Monitor or Deputy as early as is practicably possible for his or her consideration. This is the point where the Monitor or Deputy then asks more specific questions, makes particular recommendations, makes targeted suggestions and might express some initial views about the application and matters relevant to it. The Monitor or Deputy makes his or her support, conditional support, neutral position or opposition to the application known. Not infrequently, the law enforcement agencies adopt a modified stance to the application having heard the Monitor's views. Sometimes they even drop the notion of proceeding with the application at all. Often, additional evidence is provided with a view to satisfying concerns expressed by the Monitor.*
11. *At the hearing of the applications, generally, a written outline of submissions is handed to the judge or magistrate by the Monitor or Deputy. Sometimes, but not often, applicants or other witnesses are required to attend before the judge or magistrate to be questioned by the Monitor or, on occasions, by the judge. This has happened in the period covered by this report on a number of occasions. Oral submissions are also made and sometimes, having heard comments from the judge or magistrate during the hearing of the application, the Monitor and the representative of the applicant agree on a modified position."*

Pursuant to section 330 of the *PPRA*, when determining warrant applications the judges and magistrates have to consider:-

- (i) the highly intrusive nature of a surveillance device warrant;
- (ii) the nature and gravity of the relevant offence for which the warrant is sought;
- (iii) the extent to which the privacy of any person is likely to be affected;

- (iv) the existence of alternative ways of obtaining the evidence or information sought to be obtained and the extent to which those ways may help or prejudice the investigation;
- (v) the evidentiary or intelligence value of any information sought to be obtained;
- (vi) any previous warrant of a similar kind sought or issued under the *PPRA*, the *CMA* or a corresponding law, if known, in connection with the same offence;
- (vii) any submissions made by a monitor.

Co-operative relationships between the PIM and DPIMS and the QPS and CMC legal officers during this reporting period have resulted in applications for warrants being made where little opposition is offered by the PIM or DPIMs. Any issues I or my DPIMs have had with the proposed warrants have been raised with the legal officers before they make the applications and have been most often resolved prior to the application being made. On a few applications, submissions have been made proposing different terms than sought by the applicants and some of those submissions have been accepted by the issuing judicial officers.

Again, there were no instances in this reporting period where an applicant or other witness has been cross-examined at the time the application was heard. Requests for provision of additional information and/or additional sworn evidence in the supporting affidavit material that have been made by the PIM before the applications are heard are still always met by the representatives of the QPS and the CMC in a co-operative manner. I maintain my strongly held view, that the existence of the right to cross-examine applicants remains critically important though. As I have said in previous reports:-

*"It is considered that the continued existence of this right in conjunction with the integrity of those senior officers at the QPS and the CMC who make the applications and the professionalism of the legal officers who draft the supporting affidavit material contributes significantly to*

*circumstances that generally do not require applicants to be cross-examined, thus freeing up valuable judicial and police time and resources that would otherwise be occupied if cross-examination was a regular practice in these applications."*

### **COMPLIANCE BREACHES**

In my six monthly report delivered on the 29<sup>th</sup> April this year, I noted that I had reported breaches on two files in the first six months of the reporting period to the Police Commissioner. I have since received a reply from him which, in my opinion, suitably addressed the concerns raised by those breaches, including the steps taken to ensure the same type of breaches do not happen again. As noted, there were no further breaches in the second half of the reporting period.

### **DETAIL OF APPLICATIONS DURING REPORTING PERIOD**

#### **Queensland Police Service Applications**

There were 46 applications brought by the QPS during this annual reporting period. That is down on the 61 that were brought in 2008/2009, 84 in 2007/2008, 64 in 2006/2007 and 70 in 2005/2006.

Of the 46 applications, 8 were for Retrieval warrants authorizing the retrieval of devices after the expiration of the original warrant that authorized their use. 7 were for variations to terms or extension of previous warrants. 2 were covert search warrants.

QPS records reveal that during the reporting period many people were arrested and charged (including 47 people in respect of one operation alone) as a result of operations utilizing

covert surveillance undertaken pursuant to covert surveillance warrants obtained by the QPS under the *PPRA*.

Various branches of the QPS throughout all regions of the State continue to use the covert surveillance warrant powers available to them. As might be expected, drug related operations and murder investigations continue to be the principal areas of operational use of the powers.

#### **Details - Attached schedule A**

##### **QPS Covert Searches**

There were two covert search warrants obtained by the QPS during the reporting period. They were both issued by Justice Anne Lyons in the Supreme Court at Brisbane, one on 8 March 2010 and one on 7 May 2010. They were both issued for periods of 30 days on the application of an officer in Task Force Hydra. The covert searches were both carried out on the day after the respective warrants were issued and the searches were videotaped. The first covert search was very effective and the second one was not effective at all.

##### **Crime and Misconduct Commission Applications**

There were no applications by the CMC in the context of its misconduct investigation functions during the annual reporting period. There were 13 applications by the CMC in the context of its crime investigation functions during the reporting period. This was 12 less than in the previous reporting period. Three of these applications were for covert search warrants. Five of the applications were for Retrieval warrants.

#### **Details – Attached marked Schedule B**

### **CMC Covert Searches.**

All three covert search warrants issued on the application of the CMC were issued by Justice Peter Lyons of the Supreme Court. One covert search warrant was issued by Justice Lyons on 24 July 2009. It was executed on the same day and was very effective. A second was issued by Justice Peter Lyons on 19 August 2009, was executed soon after issue but was not effective. The third was issued by Justice Lyons on 4 March 2010 and executed on the same day. It was very effective.

### **THIRD PARTY PROPERTY RIGHTS**

In the reporting year, again I noted interference with third parties' property rights on 6 QPS warrant files. As in previous years, each instance of interference involved simply crossing or going through a third party's property in order to gain ingress and egress to and from target properties. I noted no interference with third parties' property rights on any CMC warrant files.

### **CONCLUSIONS**

I have said in previous annual reports :-

*"Although the use of covert surveillance devices is often ineffective, due to technical, operational or other reasons, the properly targeted, careful use of the covert surveillance warrant powers can prove very effective in detecting perpetrators of serious crime in this State, particularly in connection with the production and distribution of illicit drugs. At the same time it is my view that the balancing act mentioned earlier in this report with respect to public interest considerations is being appropriately addressed. Charges and prosecutions arising from covert police investigative operations continue to increase."*

*The QPS has complied with its obligations pursuant to the PPRA in the manner in which it maintains its records and its records contain all the information and documentation required by the PPRA. Those records are maintained and kept in secure facilities with effective procedures in place controlling access."*

I repeat the sentiment previously expressed.

Further, I confirm, as was expected, that the introduction of telecommunications interception powers in Queensland has led to a marked reduction in the use of covert surveillance warrants and a commensurate reduction in the use of methods that generally interfere with the privacy of individuals far more than telecommunications interception does.

### **OTHER MATTERS**

During the reporting period:-

- I met with Assistant Commissioner Ross Barnett and Detective Chief Superintendent Mike Condon of the QPS and had discussions about procedural issues.
- I met with staff of the office of the Minister for Police and Corrective Services to deliver and discuss my six monthly report.

Finally, once again I express my appreciation for the professionalism with which the legal officers at the QPS and the legal officers at the CMC discharge their duties in relation to the covert surveillance and covert search provisions of the *PPRA*. I again thank my two Deputies, Mr. Peter Lyons and Ms. Karen Carmody, for their continued assistance during the last twelve months and the manner in which they have discharged their responsibilities, particularly in the context of the significant increase in workload that they have borne since the introduction of the telecommunications interception powers.

**COLIN FORREST  
PUBLIC INTEREST MONITOR  
28 OCTOBER 2010**

**SCHEDULE A – QUEENSLAND POLICE SERVICE APPLICATIONS**

## Operation A

1. Court: Supreme Court  
Judge: Justice Margaret White  
Monitor: Peter Lyons  
Department: Metro North Region  
Date made: 15 July 2009  
Application: 2 listening devices in premises – 4 day warrant  
Outcome: Nil effectiveness as not activated
  
2. Court: Supreme Court  
Judge: Justice Margaret White  
Monitor: Peter Lyons  
Department: Metro North Region  
Date made: 15 July 2009  
Application: 1 listening device in a motor vehicle – 4 day warrant  
Outcome: Effective

## Operation B

1. Court: Supreme Court  
Judge: Justice Byrne  
Monitor: Karen Carmody  
Department: State Drug Investigation Unit  
Date made: 21 July 2009  
Application: 4 optical surveillance devices at premises – warrant issued for 30 days  
Outcome: Very effective
  
2. Court: Supreme Court  
Judge: Justice Margaret White  
Monitor: Colin Forrest  
Department: State Drug Investigation Unit  
Date made: 30 September 2009

Application: 4 optical surveillance devices on a property – issued for 30 days – discontinued on 14 October 2009

Outcome: Very effective

3. Court: Supreme Court

Judge: Justice Margaret White

Monitor: Colin Forrest

Department: State Drug Investigation Unit

Date made: 30 September 2009

Application: 4 optical devices on a property – warrant issued for 30 days – discontinued on 14 October 2009

Outcome: Very effective

#### Operation C

1. Court: Magistrates Court

Judge: Magistrate Springer

Monitor: Peter Lyons

Department: Taskforce Hydra

Date made: 17 August 2009

Application: 1 tracking device for a motor vehicle – issued for 45 days – device only monitored for 17 days

Outcome: Effective

2. Court: Magistrates Court

Judge: Magistrate Cornack

Monitor: Peter Lyons

Department: Taskforce Hydra

Date made: 20 October 2009

Application: Retrieval warrant – 60 days

Outcome: Device successfully removed

#### Operation D

1. Court: Supreme Court

Judge: Justice Douglas

Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 2 September 2009  
Application: 1 tracking device in a motor vehicle – issued for 45 days  
Outcome: Effective

2. Court: Supreme Court  
Judge: Justice Daubney  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 16 October 2009  
Application: Extension of previously issued warrant for another 45 days - granted  
Outcome: Effective
3. Court: Supreme Court  
Judge: Justice Douglas  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 14 December 2009  
Application: Retrieval warrant – issued for 30 days  
Outcome: Device successfully removed
4. Court: Supreme Court  
Judge: Justice Douglas  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 16 December 2009  
Application: Second retrieval warrant with different registration number  
Outcome: Device successfully removed

#### Operation E

1. Court: Supreme Court  
Judge: Chief Justice de Jersey  
Monitor: Peter Lyons

Department: Far Northern Region  
 Date made: 8 September 2009  
 Application: 2 optical surveillance devices and 2 listening devices in premises – warrant issued for 30 days, discontinued after 22 September  
 Outcome: Very effective

#### Operation F

1. Court: Supreme Court  
 Judge: Chief Justice de Jersey  
 Monitor: Colin Forrest  
 Department: Far Northern Region  
 Date made: 17 September 2009  
 Application: 8 optical devices – warrant issued for 30 days  
 Outcome: Very effective

#### Operation G

1. Court: Supreme Court  
 Judge: Justice Ann Lyons  
 Monitor: Peter Lyons  
 Department: Taskforce Hydra  
 Date made: 1 October 2009  
 Application: 1 optical surveillance device and 2 listening devices for a premises – warrant issued for 60 days  
 Outcome: Ineffective

2. Court: Supreme Court  
 Judge: Justice Ann Lyons  
 Monitor: Peter Lyons  
 Department: Taskforce Hydra  
 Date made: 27 November 2009  
 Application: Variation of original warrant by extending for further 60 days – warrant issued  
 Outcome: Ineffective – devices never installed

3. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 1 October 2009  
Application: 1 listening device and 1 tracking device in a motor vehicle – warrant issued for 60 days  
Outcome: Effective
4. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 27 September 2009  
Application: Extend previous warrant by further 60 days  
Outcome: Effective
5. Court: Supreme Court  
Judge: Justice Glenn Martin  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 25 February 2010  
Application: Retrieval warrant – issued for 30 days  
Outcome: Effective
6. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 8 March 2010  
Application: 1 listening device and 1 optical surveillance device on premises - issued for 45 days  
Outcome: Very effective

7. Court: Supreme Court  
Judge: Justice Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 8 March 2010  
Application: 1 combination tracking and listening device for a motor vehicle – warrant issued for 45 days  
Outcome: Nil effectiveness
8. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 8 March 2010  
Application: Covert search warrant – issued for 30 days  
Outcome: Very effective
9. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 10 March 2010  
Application: variation of original warrant – so as to authorise use of 3 listening devices – warrant varied  
Outcome: Very effective
10. Court: Supreme Court  
Judge: Justice Ann Lyons  
Monitor: Peter Lyons  
Department: Taskforce Hydra  
Date made: 16 April 2010  
Application: 1 tracking device in a motor vehicle – warrant issued for 30 days  
Outcome: Nil effectiveness as device was not installed, as targets previously arrested

11. Court: Supreme Court  
 Judge: Justice Ann Lyons  
 Monitor: Peter Lyons  
 Department: Taskforce Hydra  
 Date made: 21 April 2010  
 Application: 4 listening devices and 3 visual surveillance devices in premises – warrant issued for 45 days  
 Outcome: Very effective
12. Court: Supreme Court  
 Judge: Justice Applegarth  
 Monitor: Peter Lyons  
 Department: Far Northern Region  
 Date made: 7 May 2010  
 Application: 2 listening devices and 2 visual devices and 1 combined listening and visual device – warrant issued for 7 days – discontinued 7 May  
 Outcome: Nil effectiveness
13. Court: Supreme Court  
 Judge: Justice Ann Lyons  
 Monitor: Peter Lyons  
 Department: Taskforce Hydra  
 Date made: 7 May 2010  
 Application: Cover search warrant – issued for 30 days  
 Outcome: Nil effectiveness

#### Operation H

1. Court: Supreme Court  
 Judge: Justice Daubney  
 Monitor: Colin Forrest  
 Department: Organised Crime Investigation Unit  
 Date made: 14 October 2009  
 Application: 1 listening device in a premises – warrant issued for 10 days – discontinued on 22 October 2009

Outcome: Not very effective

#### Operation I

1. Court: Supreme Court  
Judge: Justice Daubney  
Monitor: Peter Lyons  
Department: Logan District CIB  
Date made: 20 October 2009  
Application: 2 listening devices in a house interstate – discontinued 11 November 2009  
Outcome: Effective
  
2. Court: Supreme Court  
Judge: Justice Daubney  
Monitor: Peter Lyons  
Department: Logan District CIB  
Date made: 20 October 2010  
Application: 1 listening device and 1 tracking device in a motor vehicle interstate – issued for 30 days – discontinued 11 November 2009  
Outcome: Effective

#### Operation J

1. Court: Magistrates Court  
Judge: Magistrate John Costello  
Monitor: Peter Lyons  
Department: Homicide Squad  
Date made: 20 October 2009  
Application: 1 tracking device for a motor vehicle – issued for 30 days – discontinued on 2 November 2009  
Outcome: Very effective

#### Operation K

1. Court: Supreme Court  
Judge: Justice Atkinson

Monitor: Colin Forrest  
 Department: Far Northern Region  
 Date made: 3 November 2009  
 Application: 1 tracking device and 2 listening devices in a motor vehicle – issued for 30 days – discontinued 11 November 2009  
 Outcome: Somewhat effective

2. Court: Supreme Court
 

Judge: Justice Phillipides  
 Monitor: Peter Lyons  
 Department: Logan District CIB  
 Date made: 16 November 2009  
 Application: 1 listening device for a motor vehicle – warrant issued for 5 days – discontinued 18 November 2009  
 Outcome: Effective

#### Operation L

1. Court: Supreme Court
 

Judge: Justice Byrne  
 Monitor: Peter Lyons  
 Department: Homicide Squad  
 Date made: 2 December 2009  
 Application: 3 listening devices on premises – issued for 45 days  
 Outcome: Somewhat effective
2. Court: Supreme Court
 

Judge: Justice Byrne  
 Monitor: Peter Lyons  
 Department: Homicide Squad  
 Date made: 21 January 2009  
 Application: Retrieval warrant – issued for 30 days  
 Outcome: Effective, as device removed
3. Court: Supreme Court

Judge: Justice Byrne  
 Monitor: Peter Lyons  
 Department: Homicide Squad  
 Date made: 24 February 2010  
 Application: 2 listening devices in premises – issued for 4 days  
 Outcome: Nil effectiveness

4. Court: Supreme Court  
 Judge: Chief Justice de Jersey  
 Monitor: Peter Lyons  
 Department: Homicide Squad  
 Date made: 1 April 2010  
 Application: 2 listening devices in premises – warrant issued for 4 days  
 Outcome: Limited effectiveness

#### Operation M

1. Court: Magistrates Court  
 Judge: Magistrate Hall  
 Monitor: Karen Carmody  
 Department: Northern Region  
 Date made: 24 December 2009  
 Application: Tracking device for a motor vehicle - issued for 30 days – discontinued  
 on 13 January 2010  
 Outcome: Very effective

#### Operation N

1. Court: Supreme Court  
 Judge: Justice Daubney  
 Monitor: Peter Lyons  
 Department: Metro South Region  
 Date made: 7 January 2010  
 Application: 2 listening devices in a house – warrant issued for 30 days but with  
 only an 11 day window of use  
 Outcome: Not every effective

### Operation O

1. Court: Supreme Court
- Judge: Justice Philippides
- Monitor: Peter Lyons
- Department: Gold Coast CIB
- Date made: 12 March 2010
- Application: 1 tracking device for a motor vehicle – warrant issued for 30 days
- Outcome: Reasonably effective

### Operation P

1. Court: Supreme Court
- Judge: Justice Philippides
- Monitor: Peter Lyons
- Department: Northern Region
- Date made: 12 March 2010
- Application: 1 optical device and 2 listening devices for a residence – issued for 60 days but with a 45 day use period – discontinued 7 April 2010
- Outcome: Nil effectiveness
  
2. Court: Supreme Court
- Judge: Justice Philippides
- Monitor: Peter Lyons
- Department: North Region
- Date made: 24 May 2010
- Application: Retrieval warrant - issued for 30 days
- Outcome: Effective as device removed

### Operation Q

1. Court: Supreme Court
- Judge: Justice White
- Monitor: Peter Lyons
- Department: Far Northern Region
- Date made: 16 March 2010

Application: 12 optical devices - warrant issued for 30 days

Outcome: Effective

2. Court: Supreme Court

Judge: Justice White

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 30 March 2010

Application: Variation of original warrant by including 2 new addresses

Outcome: Effective

3. Court: Supreme Court

Judge: Justice White

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 19 March 2010

Application: 1 tracking device in a vehicle for 60 days

Outcome: Ineffective

4. Court: Supreme Court

Judge: Justice White

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 19 March 2010

Application: 1 optical device and 2 listening devices in a premises – warrant issued for 60 days

Outcome: Very effective

5. Court: Supreme Court

Judge: Justice White

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 30 March 2010

Application: Variation of previous warrant by including 2 new addresses – warrant varied

Outcome: Not relevant

6. Court: Supreme Court

Judge: Chief Justice de Jersey

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 7 April 2010

Application: Application to vary original warrant by adding new addresses – warrant varied

Outcome: Not relevant

7. Court: Supreme Court

Judge: Justice White

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 18 May 2010

Application: Retrieval warrant - issued

Outcome: Very effective

#### Operation R

1. Court: Supreme Court

Judge: Justice Douglas

Monitor: Peter Lyons

Department: Far Northern Region

Date made: 22 March 2010

Application: 1 tracking device in a car – warrant issued for 50 days

Outcome: Effective

#### Operation S

1. Court: Supreme Court

Judge: Justice Applegarth

Monitor: Peter Lyons

Department: Drug and Property Crime Group  
 Date made: 7 May 2010  
 Application: 2 listening devices and 2 tracking devices and 2 combined listening and tracking devices in respect of a stated person warrant – warrant issued for 21 days – discontinued 21 May 2010  
 Outcome: Nil effectiveness

#### Operation T

1. Court: Supreme Court  
 Judge: Justice Atkinson  
 Monitor: Karen Carmody  
 Department: North Coast Region  
 Date made: 11 June 2010  
 Application: 20 optical devices to be used at a property – warrant issued for 30 days – discontinued 16 June 2010  
 Outcome: Very effective

#### Operation U

1. Court: Magistrates Court  
 Judge: Magistrate Barbeler  
 Monitor: Peter Lyons  
 Department: Far Northern Region  
 Date made: 15 June 2010  
 Application: 1 tracking device in a motor vehicle – warrant issued for 30 days  
 Outcome: Nil effectiveness

2. Court: Supreme Court  
 Judge: Justice Peter Lyons  
 Monitor: Peter Lyons  
 Department: Metro South Region  
 Date made: 28 June 2010  
 Application: 1 combined listening and visual device and 1 combined listening and tracking device in a car – issued for 25 days – discontinued on 20 July 2010

Outcome: Very effective

**SCHEDULE B – QUEENSLAND CRIME AND MISCONDUCT COMMISSION APPLICATIONS**

**Operation A**

1. Court: Supreme Court  
Judge: Justice Douglas  
Monitor: Colin Forrest  
Date made: 29 July 2009  
Application: Retrieval warrant – issued for 30 days  
Outcome: Effective
  
2. Court: Supreme Court  
Judge: Justice Douglas  
Monitor: Colin Forrest  
Date made: 21 October 2009  
Application: Retrieval warrant – issued for 30 days  
Outcome: Effective

**Operation B**

1. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Colin Forrest  
Date made: 24 July 2009  
Application: Covert search warrant – issued for 30 days  
Outcome: Very effective
  
2. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Colin Forrest  
Date made: 30 July 2009  
Application: Variation of existing warrant issued in previous year to include additional use of 1 listening device and 1 optical device

- Outcome: Effective
3. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Colin Forrest  
Date made: 19 August 2009  
Application: Covert search warrant – issued for 30 days  
Outcome: Nil effectiveness
4. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Peter Lyons  
Date made: 17 September 2009  
Application: Variation to extend warrant for additional 90 days - application granted  
Outcome: Effective
5. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Colin Forrest  
Date made: 4 December 2009  
Application: Extension of previous issued warrant for a further 90 days – warrant varied as sought  
Outcome: Effective
6. Court: Supreme Court  
Judge: Justice Peter Lyons  
Monitor: Colin Forrest  
Date made: 15 December 2009  
Application: 2 listening devices and 1 tracking device in a motor vehicle – warrant issued for 30 days  
Outcome: Nil effectiveness
7. Court: Magistrates Court  
Judge: Magistrate Wendy Cull

Monitor: Peter Lyons  
 Date made: 14 January 2010  
 Application: Tracking device for a motor vehicle – issued for 60 days – discontinued on 3 March 2010  
 Outcome: Effective

8. Court: Supreme Court  
 Judge: Justice Peter Lyons  
 Monitor: Peter Lyons  
 Date made: 4 March 2010  
 Application: Covert search warrant – issued for 7 days  
 Outcome: Very effective

9. Court: Supreme Court  
 Judge: Justice Applegarth  
 Monitor: Peter Lyons  
 Date made: 28 April 2010  
 Application: Retrieval warrant issued for 30 days  
 Outcome: Effective

#### Operation C

1. Court: Supreme Court  
 Judge: Justice Phil McMurdo  
 Monitor: Peter Lyons  
 Date made: 18 September 2009  
 Application: Retrieval warrant – issued for 60 days  
 Outcome: Effective

2. Court: Supreme Court  
 Judge: Justice Phil McMurdo  
 Monitor: Peter Lyons  
 Date made: 18 September 2009  
 Application: Retrieval warrant – issued for 60 days  
 Outcome: Effective