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Crime and Corruption  
Commission

QUEENSLAND

Our Reference: AD-07-0230 – 18/167086  
Contact Officer: Jen O'Farrell

**PROTECTED**

23 July 2018

**RECEIVED**

23 Jul 2018

PARLIAMENTARY CRIME AND  
CORRUPTION COMMITTEE

Mr Tim Nicholls MP  
Chair  
Parliamentary Crime and Corruption Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Nicholls

**Re: Annual Report – Surveillance Devices: Section 358 of the *Police Powers and Responsibilities Act 2000***

Section 358 of the *Police Powers and Responsibilities Act 2000* (PPRA) requires the Crime and Corruption Commission to report after the end of each financial year to the Committee Chairperson on aspects of surveillance device warrants.

The report covering the period 1 July 2017 to 30 June 2018 is enclosed. Under the PPRA a copy of the report is to be tabled in the Legislative Assembly within 14 sitting days after its receipt by you.

Please contact Ms Jen O'Farrell (Acting Chief Executive Officer) on 3360 6219 or via Jen.O'Farrell@ccc.qld.gov.au should you require any further information on the report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. MacSporran', with a long horizontal line extending to the right.

**A J MacSporran QC**  
**Chairperson**

Encl.



**Crime and Corruption Commission**  
**QUEENSLAND**

July 2018

# Surveillance Device Warrants

Annual Report 2017 – 2018

# Annual Report

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## Overview

This is the annual report under section 358 of the *Police Powers and Responsibilities Act 2000* (the Act). Section 358 (4) of the Act requires the Crime and Corruption Commission (CCC) to provide a report that includes specified information, detailed in subsection (1), concerning the use of warrants issued under Chapter 13 of the Act for each financial year.

This report contains information from 1 July 2017 until 30 June 2018.

The report must not contain information that discloses or may lead to the disclosure or the identity of any person who has been or is being investigated. Further, the report must not indicate that a particular investigation has been, is being or is to be conducted. The report is to be provided to the Chairperson of the Parliamentary Crime and Corruption Committee.

## Section 358(1) of the Act

Section 358(1) of the Act requires the following information to be included in the report:

- a) The number of applications for warrants by and the number of warrants issued to law enforcement officers of the agency during that year;
- b) The number of applications for emergency authorisations by, and the number of emergency authorisations given, to law enforcement officers of the agency during that year;
- c) The number of remote applications for warrants by law enforcement officers of the agency during that year;
- d) The number of applications for warrants or emergency authorisations by law enforcement officers of the agency that were refused during that year, and the reason for refusal, if known;
- e) The number of applications for variations or extension of warrants by law enforcement officers of the agency during that year, the number of variations or extensions granted or refused and, if refused, the reasons for refusal, if known;
- f) The number of arrests made by law enforcement officers of the agency during that year on the basis, entirely or partly, of information obtained by the use of a surveillance device under a warrant or emergency authorisation; and
- g) The number of prosecutions that were started in this jurisdiction during that year in which information obtained by the use of a surveillance device under a warrant or emergency authorisation was given in evidence and the number of those prosecutions in which a person was found guilty.

# Applications for warrants

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Chapter 13 of the Act authorises an officer of a law enforcement agency to apply for two different types of warrants, namely, surveillance device warrants and retrieval warrants.

## Surveillance device warrants

|   | Total Listening Devices | Total Optical Devices | Total Tracking Devices | Total Combination Devices | Total number of applications/warrants issued |
|---|-------------------------|-----------------------|------------------------|---------------------------|--|
| Applications for surveillance device warrants | 55                      | 29                    | 12                     | 25                        | 28   |
| Surveillance device warrants issued           | 55                      | 29                    | 12                     | 25                        | 28   |

Totals for listening, optical, tracking and combination devices are cumulative for all applications.

## Retrieval warrants

In circumstances where the surveillance device is not able to be removed from the place/object it has been installed in prior to the expiration of the surveillance warrant, a law enforcement officer has to apply for a retrieval warrant to lawfully remove the surveillance device from the place/object.

| Applications                                  | Total |
|---|-------|
| Number of applications for retrieval warrants | 0     |
| Number of retrieval warrants issued           | 0     |

## Applications for emergency authorisations

An emergency authorisation allows a law enforcement agency officer to exercise powers ordinarily available under a surveillance device warrant without first making an application to a Supreme Court judge or a magistrate.

If a law enforcement agency officer authorises the emergency use of a surveillance device then that officer must, within 2 business days after giving the authorisation, apply to a Supreme Court judge for approval of the exercise of powers under the emergency authorisation.

| Applications  | Total |
|---|-------|
| Number of applications for emergency authorisations | 0     |
| Number of emergency authorisations issued           | 0     |

## Remote applications for warrants

Remote applications for surveillance device warrants occur where a law enforcement agency officer applies for a warrant by telephone, facsimile, radio, email or another similar facility because of urgent circumstances or other special circumstances including the officer's remote location.

| Applications                               | Total |
|--|-------|
| Number of remote applications for warrants | 0     |

| Applications                                    | Total |
|---|-------|
| Number of refusals of applications for warrants | 0     |
| Number of refusals for emergency authorisations | 0     |

## Applications for variations or extensions to warrants

At any time prior to the expiration of a surveillance device warrant, the law enforcement agency officer who applied for the warrant may apply to extend the warrant or vary any of the other terms of the warrant.

|   |                |   |
|---|----------------|---|
| Number of applications for variations or extensions of warrants | <i>Granted</i> | 5 |
|   | <i>Refused</i> | 0 |

## The number of arrests made by law enforcement officers during the year based entirely or partially upon information obtained from a surveillance device

|                   |   |
|-------------------|---|
| Number of arrests | 3 |
|-------------------|---|

There is often a significant time delay between the use of a surveillance device and the arrest of a person based upon information obtained from the use of the device. Many of the investigations in which surveillance devices were used in the 2017/2018 financial year were still ongoing at the time of preparing this report. The use of a surveillance device in one financial year may not result in the arrest of an offender until a subsequent financial year.

## The number of prosecutions started in this jurisdiction in which information obtained by the use of a surveillance device was given in evidence

|   |   |
|---|---|
| Number of prosecutions                                    | 3 |
| Number of prosecutions in which a person was found guilty | 0 |