

Public Statement

USE OF SURVEILLANCE DEVICES

Wednesday, 18 November 2020

Statement by the Hon. Ann Vanstone QC Independent Commissioner Against Corruption

In June 2019 the Independent Commissioner Against Corruption applied to the Supreme Court and was granted a warrant to install a number of surveillance devices in a government department building for the purpose of obtaining evidence in a corruption investigation.

The warrant was issued under the *Surveillance Devices Act 2016*. It was valid for the entire government building for 55 days. A condition of the warrant was that the devices would only record when the person of interest was in the room.

Those devices were installed in a meeting room. Relevant conversations were captured in accordance with the warrant. When it became known that a subsequent meeting would be held in a different meeting room, the ICAC wished to shift those devices to that meeting room.

The ICAC does not have its own surveillance team or device technicians. All surveillance devices are installed for the ICAC by either South Australia Police or an interstate anti-corruption agency. The agency managing the device installation installed devices in the new meeting room. However, due to time pressure the officers did not remove the devices from the first meeting room. They disabled them instead. That meant that more devices than were permitted by the warrant were installed, albeit some were not operating.

Once the ICAC became aware of this a number of things happened very quickly. The surveillance devices were deactivated, the agency managing the surveillance was asked to quarantine the audio recording and not provide it to the ICAC, surveillance notes were quarantined from the investigation, the Supreme Court was notified, and the ICAC reported the error to the ICAC Reviewer.

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A little later a comprehensive brief of the incident was provided to the ICAC Reviewer, the Hon. John Sulan QC. Mr Sulan said in his Annual Report that, “No inappropriate use of surveillance devices occurred during the reporting period”.

Charges have since been laid arising from this investigation and the matter is now before the courts.

For media enquiries please contact 0428 389 493 or media@icac.sa.gov.au.

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