

# Counter-Terrorism Powers Inspection Report

Report by Integrity Oversight Victoria on its inspection of  
Victoria Police records under the Terrorism (Community  
Protection) Act 2003 in April 2024

**Integrity Oversight Victoria**

Level 8, 565 Bourke Street  
Melbourne VIC 3000

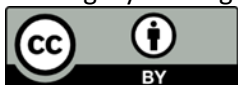
Telephone: 1800 518 197  
[integrityoversight.vic.gov.au](http://integrityoversight.vic.gov.au)

**Acknowledgement**

Integrity Oversight Victoria acknowledges the Traditional Custodians of the lands on which we work and pays respect to Elders past, present and emerging. We recognise and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of Victoria.

Published by order, or under the authority, of the Parliament of Victoria, July 2025.

© Integrity Oversight Victoria 2025



You are free to reuse this work under a Creative Commons Attribution 4.0 Licence provided you credit Integrity Oversight Victoria as author, indicate if changes were made and comply with the other licence terms. The licence does not apply to any third-party material, images or branding including government logos.

Copyright enquiries may be directed to [communications@integrityoversight.vic.gov.au](mailto:communications@integrityoversight.vic.gov.au).

ISSN 2982-3331 (online)  
Published July 2025

If you would like to receive this information in a more accessible format, please call 1800 518 197 or email [communications@integrityoversight.vic.gov.au](mailto:communications@integrityoversight.vic.gov.au). This document is also available at [integrityoversight.vic.gov.au](http://integrityoversight.vic.gov.au).

# Contents

Introduction.....	4
Inspection of Victoria Police records.....	5
Findings: authorisation and use of special powers.....	5
Findings: preparatory activities .....	6
Findings: transparency and cooperation.....	7

# Introduction

This report presents the results of a six-monthly inspection conducted by Integrity Oversight Victoria of Victoria Police records under the *Terrorism (Community Protection) Act 2003* (the TCPA). It acquits our obligation under section 37D of the TCPA to determine the extent of compliance achieved by Victoria Police and its law enforcement officers with Parts 2, 2AA and 3A of the TCPA and report this to Parliament and the Minister (the Attorney-General).

Under the TCPA, we provide independent oversight of Victoria Police's powers to:

- conduct covert searches of premises under the authority of a warrant [Part 2]
- detain and question people, including children, without charge [Part 2AA]
- use special police powers, under the authority of a Supreme Court order or, in certain circumstances, under an interim authorisation [Part 3A].

These powers were given to Victoria Police to assist them to prevent, or respond to, a terrorist act or the threat of a terrorist act. Strict requirements are imposed on Victoria Police in its exercise of powers under these Parts of the TCPA.

At these inspections, we also assess Victoria Police's processes to support compliance in its use of these powers – for example, the development of procedures, training for relevant officers and stakeholder engagement. We also comment on Victoria Police's transparency and cooperativeness in its interactions with us.

This report provides our inspection findings for Victoria Police records during the September 2023 to April 2024 period (the reporting period). In addition to inspecting procedural updates and training records relevant to this period, we also inspected Victoria Police's use of special police powers under section 21B of Part 3A of the TCPA. While Victoria Police was given, by order, an authorisation to use special powers under this part of the TCPA, these powers were not required to be enlivened. We have not raised any compliance concerns from our inspection of operational records.

We engage with Victoria Police's Counter-Terrorism Legal Unit (the CTLU) to inspect records associated with the use of the TCPA powers and to review Victoria Police's processes which support compliance with the requirements of the TCPA. In this report we note the CTLU's cooperative and transparent engagement with us.

In our previous report, we noted that discussions with Victoria Police on the role of the applicant in executing a covert search warrant under Part 2 of the TCPA remained on hold pending the receipt of further information. During the reporting period, we received additional information from Victoria Police that has enabled the closure of the 3 remaining recommendations we made from our inspection of covert search warrants in February 2021 (refer to pages 7-8 of this report for further details).

We have not made any recommendations from our April 2024 inspection.

# Inspection of Victoria Police records

Integrity Oversight Victoria conducted its inspection on 30 April 2024 at the CTLU of Victoria Police. We inspected all available records connected with one application by Victoria Police to use Part 3A special police powers in March 2024. There were no other relevant actions by Victoria Police under the TCPA for us to assess.

Although Part 3A of the TCPA does not explicitly provide for certain records to be kept, the CTLU ensured the records made available for inspection enable us to ascertain the extent to which Victoria Police has complied with its use of these powers.

In addition to inspecting the operational records, we also received briefings from senior CTLU personnel and inspected procedural and training material.

## Findings: authorisation and use of special powers

Was the application for the authorisation (including any extensions) properly made?

In certain circumstances, the Chief Commissioner of Police or a Deputy Commissioner may make an application in writing to the Supreme Court for an order authorising the exercise of special powers to protect persons attending events from a terrorist act; they may only do so with the written approval of the Premier.

We found the application for an order authorising special powers to protect persons attending an event from a terrorist act complied with the requirements of section 21B of the TCPA.

Specifically, we found the application met the following requirements:

- described the relevant event
- set out the facts and other grounds for reasonably suspecting the event might be the subject of a terrorist act
- explained why the authorisation was necessary to assist in protecting any person or persons attending the event
- specified the special powers under Division 3 of Part 3A of the TCPA thought to be reasonably necessary
- described the area to be targeted by the authorisation
- the application was sworn (or affirmed) and made to the Supreme Court.

Victoria Police did not make an application to extend the authorisation under section 21C of the TCPA.

Was the authorisation (including any interim order) in the proper form?

An authorisation given under section 21B of the TCPA must provide the following details:

- state that it was given under Part 3A of the TCPA
- describe the general nature of the relevant event
- describe the targeted area, as applicable

- specify the special powers that may be exercised
- specify the date and time the authorisation begins to have effect
- specify the date and time it ceases to have effect (not being later than 24 hours after the scheduled completion of the event).

The authorisation given to Victoria Police under section 21B of the TCPA specified all required information.

In some cases, the Supreme Court may make an interim order pending the hearing and final determination of the application for an order authorising the exercise of special powers. For the inspected application, no interim order was made.

## Was the authorisation properly executed?

Since Victoria Police did not exercise the powers it was authorised to use under section 21B of the TCPA, we were not required to assess compliance with the exercise of special powers by police officers and protective services officers.

## Findings: preparatory activities

During an inspection, we seek information from Victoria Police on its progress in:

- delivering training to its staff
- making improvements to procedures on the exercise of TCPA powers, including the development of templates
- engaging with stakeholders at relevant agencies.

Since Victoria Police seldom exercises its powers under the TCPA relevant to our inspections, we consider these preparatory activities an important aspect of demonstrating Victoria Police has processes that enable it to comply with the TCPA. In addition to being rarely utilised, Victoria Police's powers under the TCPA are highly intrusive and complex to administer.

We also consider Victoria Police's engagement with other bodies with a function under the TCPA to be important for ensuring different roles are clearly understood and notifications required under the TCPA can be properly made.

## Have officers been trained in their obligations?

At the April 2024 inspection, we were provided with records and a briefing on training the CTLU had facilitated during the reporting period. This training was provided to other groups within Victoria Police such as Counter Terrorism Command, and the Clandestine Laboratory Squad, to increase familiarity with procedures that deal with different parts of the TCPA.

The CTLU also scheduled multiple training sessions in 2024. This training, which is largely scenario-based, covers various powers available to Victoria Police under the TCPA. It is focused on legislative obligations, the application process, and the role of specific officers.

In addition to providing training to Victoria Police officers who may have a counter terrorism role, the scheduled training and workshops were also directed at external stakeholders with functions under the TCPA. We were informed that the CTLU would facilitate a scenario-based training session in June 2024 for multiple Victorian agencies with Preventative Police Detention

roles and functions under Part 2AA of the TCPA; this training was subsequently held on 14 June 2024.

## Has Victoria Police further developed its policies and procedures for using TCPA powers?

Integrity Oversight Victoria inspected updated procedures used by the CTLU to administer parts of the TCPA. During the reporting period, updates related to the use of powers under Parts 2 and 2AA of the TCPA were inspected.

Changes to procedures dealing with Part 2AA included the addition of a detailed information pack for the Detaining Officer. Any police officer may detain a person in accordance with a Police Detention Decision made under this Part of the TCPA. Each pack includes the Detaining Officer's responsibilities connected to the execution of the preventative detention decision, facilitating the detainee's contact with other persons, questioning, and the release of the detainee. Additional information concerning the special provisions applicable to child detainees as well as links to relevant templates and forms were also added to these procedures.

During the reporting period, the CTLU made updates to its procedures for administering Part 2 powers. These changes were made following the conclusion of our discussions with Victoria Police regarding the role of the applicant in executing a covert search warrant. This outcome relates directly to 3 recommendations we made from our earlier inspection of covert search warrants.<sup>1</sup>

## Has Victoria Police engaged with other bodies that have a role in relation to the powers under Parts 2, 2AA and 3A?

The CTLU has continued to engage with external bodies with an operational or accountability function under the TCPA by including them in training exercises. During the period, officers from the Department of the Premier and Cabinet (DPC) were included in training connected to Victoria Police's powers under Part 3A of the TCPA.

We previously reported that the CTLU was focused on developing letters of understanding (LOU) with external stakeholders rather than memorandums of understanding. At the inspection we were informed by the CTLU that while it had progressed a LOU with the DPC during the reporting period in relation to Part 3A powers, it had changed its focus to achieving similar outcomes to a LOU by involving other bodies in the training it facilitates.

## Findings: transparency and cooperation

Integrity Oversight Victoria considers an agency's transparency, its cooperation during inspection, and its responsiveness to suggestions and issues to be a measure of its compliance culture.

In our previous TCPA report, we noted ongoing discussions with Victoria Police on legal points associated with the role of the applicant in executing a covert search warrant. These

---

<sup>1</sup> These recommendations were made in our February 2021 inspection report – tabled in Parliament on 8 February 2022.

discussions were connected with the results of our inspection in February 2021, where we found that Victoria Police had not executed 3 covert search warrants according to the prescribed terms.

We previously made 5 recommendations to Victoria Police in relation to our findings of non-compliance for these covert search warrants. Due to ongoing discussions, 3 of these recommendations remained open (recommendations 2, 3, and 4).

Integrity Oversight Victoria can now report that Victoria Police has taken appropriate action to enable the 3 remaining recommendations to be closed.

In the reporting period, the CTLU amended its procedures for administering powers under Part 2 of the TCPA so they align with the objectives of the recommendations we made.

#### Recommendation 2:

*That Victoria Police amend its procedures to ensure the applicant for a covert search warrant enter the premises prior to, and for the purpose of, collectively undertaking one or more of the actions authorised by the warrant described in paragraphs (b) to (g) of section 9(1) of the TCPA, noting the applicant does not need to be physically present when the actions are undertaken.*

Note: clarifying amendments were made to this recommendation in October 2023 to ensure consistency with legal advice.

#### Recommendation 3:

*That Victoria Police consider the practical constraints of executing the search when selecting the type of officer who will be the applicant for the covert search warrant. This will allow Victoria Police officers to execute the search warrant in its preferred manner and in accordance with legislative requirements. The VI [now Integrity Oversight Victoria] notes there are no legislative restrictions in relation to who can fulfill this role.*

Note: since we consider the warrant can be directed to someone other than the applicant, the 'applicant' and 'person to whom the warrant is directed' can be used interchangeably.

The CTLU has also confirmed to us in briefings and written correspondence that Victoria Police will seek legislative reform of the TCPA to address practical impediments that section 9(1) of the TCPA places on the applicant, or person to whom the warrant is directed, when executing covert search warrants.

#### Recommendation 4:

*That Victoria Police seek legislative amendment as part of the continued review of the TCPA if the legislative requirement of section 9(1) of the TCPA impacts the successful execution of a covert search warrant.*

With regard to legislative reform of the TCPA, we have offered to work with Victoria Police on an appropriate policy and to provide our support for legislative changes that are based on an agreed position.

## Did Victoria Police self-disclose compliance issues?

Victoria Police did not make any compliance-related disclosures at the inspection.

## Were issues identified at previous inspections addressed?

There were no historical issues to be addressed on this occasion as no issues were identified during our inspection of Victoria Police records under the TCPA at the previous inspection conducted on 24 February 2023.