



Legislative Assembly

Law Enforcement And National Security (Assumed Identities) Amendment (Corrective Services) Bill

22/09/1999

Hansard Extract

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development), on behalf of Mr Whelan [10.16 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Law Enforcement and National Security (Assumed Identities) Amendment (Corrective Services) Bill. This bill is evidence of the Carr Government's ongoing commitment to law and order in this State and, in particular, its commitment to providing law enforcement agencies with the means to effectively target those suspected of serious crimes such as drug trafficking. Last year the Government implemented the Law Enforcement and National Security (Assumed Identities) Act 1998 to permit the chief executive officers of authorised agencies to approve the acquisition and use of documents in assumed names for law enforcement purposes.

The Assumed Identities Act is an important initiative in the fight against crime. It allows law enforcement and national security officers to obtain documentation such as drivers' licences and credit cards in an assumed name and to use them in the course of their authorised duties. In most cases an assumed identity is needed when officers must have direct contact with suspects, for example, in undercover operations or to protect investigations into corrupt police or public officials. Officers involved in an undercover capacity are not the only people who require the protection of an assumed name; others include technical staff and surveillance officers.

The Department of Corrective Services' State Investigative and Security Group [SISG] employs surveillance officers to investigate drug trafficking in gaols, alleged corrupt activities by Corrective Services staff, and inmates who breach the conditions of their parole or other pre-release programs. The SISG has been operating since November 1994. It plays a major role in protecting the safety of inmates, visitors and staff in correctional centres. It is evident that it is necessary for the Department of Corrective Services to be an authorised agency for the purposes of this Act, so that investigators will have an enhanced capacity to tackle the problem of drug trafficking in prisons.

An important function of the SISG is to verify inmates' compliance with the terms and conditions of temporary leave of absence under section 29 of the Correctional Centres Act 1952. This includes work release and day and weekend leave schemes. In order to carry out their duties SISG officers sometimes have to give proof of their identity to maintain contact with a person whom they are investigating or to protect the integrity of a covert operation. It is essential that in such circumstances officers can give an assumed name. Otherwise their own safety or the integrity of a case they are working on could be jeopardised.

Corrective Services investigators have been using documentation in assumed names such as false drivers' licences which they obtained under the ad hoc system that existed prior to the introduction of the Law Enforcement and National Security (Assumed Identities) Act. The Act now restricts the issue of such documentation to authorised agencies

only. At present agencies authorised to use the Act are the New South Wales Police Service, the New South Wales Crime Commission, the Independent Commission Against Corruption, the Police Integrity Commission, the Australian Federal Police, the Australian Secret Intelligence Service, the Australian Security Intelligence Organisation, and the Australian Customs Service.

There is a clear need for the Department of Corrective Services to be included as an agency authorised to use the Act. Without the support for law enforcement activities that the Act provides, the department is not able to carry out essential services to protect the public. Equally importantly, Corrective Services needs access to assumed identities for its officers so that they can identify drug trafficking in gaols and mount effective operations to prosecute the criminals involved.

The bill builds on the Government's previous initiatives in the fight against crime. It will permit officers employed by the Department of Corrective Services to obtain documentation in assumed names and use it in the course of their official duties. In order to do this, the bill makes a small amendment to section 3 of the Act to include the Department of Corrective Services in the definition of authorised agency, and the Commissioner of Corrective Services in the definition of chief executive officer. The bill is further evidence that the Carr Government is pulling out all stops to give police and other law enforcement agencies the powers and tools they need to do their job. I commend the bill to the House.