



Independent Commission Against Corruption and Other Legislation Amendment Bill 2013 (Proof)

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INDEPENDENT COMMISSION AGAINST CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL 2013

Page: 49

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [8.51 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Independent Commission Against Corruption and Other Legislation Amendment Bill 2013 is a further step in the series of measures that the Government is taking to improve confidence in public administration in New South Wales. The reforms in this bill have been requested by each of the integrity and law enforcement agencies that are affected. They will strengthen our integrity and law enforcement agencies, and remove obstacles and red tape that inhibit the efficient discharge of their functions. The bill will amend the Independent Commission Against Corruption Act 1988 and other legislation to enable certain information, including criminal intelligence, to be requested, disclosed and used for vetting applicants for positions with the Independent Commission Against Corruption, the New South Wales Crime Commission, the NSW Police Force, and the Police Integrity Commission.

This bill will facilitate our integrity and law enforcement agencies to effectively screen prospective employees for their suitability. It will also apply to vetting applicants for positions with the inspectors of each of these three commissions. Two further reforms will ensure that the Ombudsman has access to information held by public sector organisations, which he requires to perform his functions. The bill also will exempt appropriately trained officers of the Police Integrity Commission from the requirement to have licences or permits for certain firearms and weapons while performing Police Integrity Commission duties. This will eliminate unnecessary paperwork for appropriately trained officers at the Police Integrity Commission who need access to a range of firearms and weapons to perform their investigation and surveillance duties.

Finally, the bill will enable judges or former judges of the District Court of New South Wales to be appointed as Chairperson of the Management Committee for the New South Wales Crime Commission. It is proposed to amend the legislation governing the four agencies that investigate crime and corruption in New South Wales—namely the Independent Commission Against Corruption, the Police Integrity Commission, the Crime Commission, and the NSW Police Force—to authorise the use of personal information held by Government agencies, and in particular the criminal information database maintained by the NSW Police Force, the Register of Births, Deaths and Marriages, and the Roads and Maritime Services Licenses Register, in the process of determining the suitability of an applicant for employment, or a prospective consultant.

The screening process includes reviewing the criminal history of and criminal intelligence about not only an applicant, who gives his or her consent to a security check as part of the application process, but also associates of the applicant. As the applicant may not be aware of the criminal history of his or her associates, it is important that the agencies do not merely rely on the applicant to disclose this information about his or her associates, and it is not sufficient to rely on the applicant obtaining consent from these associates, who may or may not have been identified as such by the applicant.

The agencies need to be confident that their prospective employees are not at risk of coercion, exploitation or improper influence by family members or associates, who may seek to take advantage of the employee's access to highly sensitive information and resources. The Government is committed to providing these agencies with the necessary powers to ensure they maintain the highest integrity. In two years the Attorney General will appoint a former judge or similarly well-qualified person to review the practices and procedures adopted by agencies using vetting information. A review report will be submitted to the Attorney General and the relevant Minister who may make recommendations in relation to the collection, use and disclosure of vetting information, and related practices and procedures in the future.

Amendments proposed to the Police Integrity Commission Act 1996 in this bill will provide the same exemption for appropriately trained officers of the Police Integrity Commission in relation to the use of firearms and other police

equipment as is currently in place for officers of the Police Integrity Commission who are "approved former police officers" and "seconded police officers" from other jurisdictions. In a report published in December 2012 the Parliamentary Joint Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission reviewed and supported a request from the Police Integrity Commission that investigators be provided with access to antipersonnel spray, batons and magazines for semiautomatic pistol ammunition in a manner that does not require appropriately trained officers to obtain licences or permits. Those amendments will reduce paperwork and delays for the Police Integrity Commission. This bill also contains two proposals to assist the Ombudsman to access information from public service agencies.

The first will authorise public sector agencies to provide personal information to the Ombudsman in response to a preliminary inquiry without having to comply with certain information protection principles, giving statutory effect to a current temporary direction by the Privacy Commissioner. The second will enable records relating to young offenders that have made under the Young Offenders Act 1997 to be disclosed to and kept by the Ombudsman. A further amendment in the bill relates to the appointment of an independent chair of the New South Wales Crime Commission Management Committee under the Crime Commission Act 2012. The primary role of the management committee is to make references for investigations conducted by the Crime Commission. The new position of an independent chairperson of this committee was based on a recommendation of the report into the Crime Commission, with the purpose of the independent chair being to provide greater independence, oversight and scrutiny to the management committee decisions.

The report recommended that the role be performed "by a retired or former judge of an Australian court". This recommendation was adopted in the Crime Commission Act 2012 but was restricted to a former judge of the Supreme Court, a former judge of the Federal Court, or a former justice of the High Court of Australia. Mr David Patten subsequently was appointed to the role of chair. Mr Patten had been a District Court judge and an Acting Supreme Court judge. To make it abundantly clear that the appointment of Mr Patten is valid, the Crime Commission Act 2012 is being amended retrospectively to add a former judge of the District Court of New South Wales to the eligibility criteria. The Government is committed to improving accountability and ethical standards in public administration. The reforms in the bill will strengthen and support our integrity and law enforcement agencies. I commend the bill to the House.