



Legislative Council

Crimes Amendment (Police And Other Law Enforcement Officers) Bill

Hansard - Extract

18/06/2002

Second Reading

The Hon. MICHAEL COSTA (Minister for Police) [7.57 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes Amendment (Police and Other Law Enforcement Officers) Bill. The bill creates a number of new offences that will offer police and certain other law enforcement officers and their families greater protection from threats, harassment and intimidation. It is a sad fact that many law enforcement officers and their families are subject to threats and harassment as a result of their duties. These threats are designed to influence police investigations or the progress of court matters, or they may be issued simply because the person does not like police in general.

For example, officers working at some police stations have been targeted for death threats following the murder of one of their colleagues. This type of behaviour was demonstrated towards officers at Mascot police station and also occurred at Fairfield police station following the murder of Constable David Carty. I am advised that officers at the station received death threats against them, their partners and their children. The New South Wales Crime Commissioner has also reported that he is concerned that threats against police and New South Wales Crime Commission officers are increasingly being made by organised gangs, most notably by members of outlaw motorcycle gangs. These threats may be accompanied by direct surveillance of officers by gang members. Gang members engage in intimidation tactics by following officers, making telephone calls to officers' families and by compiling intelligence dossiers on officers.

Police and Crime Commission officers have reported receiving death threats against them and their families; threats to assault officers and their families; bomb threats; threats to rape officers' children; and reports of efforts by violent criminals to obtain officers' home addresses, telephone numbers and other information. Such intimidation is extremely serious. It not only has the potential to pervert the course of justice in relation to a particular investigation or court matter, but leaves officers and their families living in a state of fear. Where the target of the threats is an officer's family, the psychological effect on the family can be particularly far-reaching. For these reasons, it is proposed to introduce a range of new offence provisions in the Crimes Act 1900.

The current provisions in section 60 of the Crimes Act are insufficient to offer protection to off-duty police and their families against threats, stalking, harassment and intimidation. Currently the only off-duty offence recognised by the Act is that of assault; there is no recognition that a person may target a police officer simply because he or she is a police officer—rather than because of something the officer has done or may do. It should not matter whether police officers are on or off duty if they are threatened or attacked because of their job. That is why this bill will amend section 60 of the Crimes Act to extend protection to police officers who are stalked, harassed or intimidated whilst off-duty. These new offences will attract the same maximum penalty as would occur if the offence occurred whilst the officer was on duty.

The bill will mean that a person who assaults, stalks, harasses or intimidates a police officer while in the execution of his or her duty, whether on or off duty, will be liable to imprisonment for five years; if actual bodily harm is caused to the officer, the maximum penalty is seven years imprisonment; and, if the officer is wounded or suffers grievous bodily harm, the maximum penalty is imprisonment for 12 years. The bill also extends coverage to police who are targeted simply because they are police, rather than because of, or in retaliation for, actions taken in the execution of their duty.

In addition to measures relating to police officers, the bill also creates new offences in the Crimes Act relating to other law enforcement officers. The Crimes Act currently has no specific offences for threatening or intimidating law enforcement officers other than police. It is the view of the Government that law enforcement officers who investigate serious crime or corruption, or who perform detention-related duties, require additional protection against threats and harassment. This bill will therefore create in the Crimes Act a series of offences relating to other law enforcement officers.

Proposed section 60A mirrors the protections provided to police officers in section 60 of the Crimes Act for those officers who perform investigative, confiscation, or detention functions from the NSW Crime Commission, the Police Integrity Commission, the Independent Commission Against Corruption, the Department of Corrective Services, and the Department of Juvenile Justice. This will mean that a person who assaults, stalks, harasses or intimidates one of these law enforcement officers while in the execution of his or her duty, whether on or off duty, will be liable to imprisonment for five years. If actual bodily harm is caused to the officer, the maximum penalty is seven years imprisonment, and if the officer is wounded or suffers grievous bodily harm the maximum penalty is

imprisonment for 12 years.

Proposed section 60B (1) creates a new offence of assault, stalk, harass or intimidate the family or loved ones of police or other law enforcement officers. The offence will apply where a person who is in a domestic relationship with a police officer or a relevant law enforcement officer is targeted because of his or her relationship to the officer. The maximum penalty for this offence will be the same as that for targeting the officer—five years imprisonment.

The New South Wales Crime Commissioner has received intelligence reports that outlaw motorcycle gang members are collecting information on police and crime commission staff and compiling intelligence dossiers which enable gang members to stalk, harass, intimidate and even assault officers and their families. Currently there are no laws that target such acts in preparation for the commission of such an offence. The Government is concerned at these reports of the concerted efforts to collect personal information on police and other law enforcement officers in order to influence officers who may impact on their illegal activities. This is of particular concern given the apparent willingness of outlaw motorcycle gangs to engage in organised violence and murder.

The methods used around the nation by some outlaw motorcycle gangs in their crimes of violence have demonstrated considerable organisational ability, a capacity to maintain longstanding grudges against individuals, the ability to gather intelligence on the movements of their targets, the ability to use extreme violence to perpetrate their criminal ends, and the ability to manufacture bombs and procure illegal firearms. Legislation is therefore needed to allow police to act before an officer or an officer's family is threatened or hurt.

Proposed section 60C will make it an offence to collect personal information on police or other law enforcement officers with the intention of using or permitting the use of the information to assault, stalk, harass, intimidate or otherwise harm the officer. This new offence will attract a maximum of two years imprisonment. Section 60B (2) extends this offence to cover the collection of personal information on a police or other law enforcement officer's family and loved ones, where the intention is to use or permit the information to be used to cause the officer to fear harm. This new offence will also attract a maximum of two years imprisonment. Whilst the provision for new offences with appropriate penalties will not remove the threat posed by criminals to police officers, it will nevertheless create a regime in which attempts may be stopped before an officer or his/her family are actually hurt. I commend the bill to the House.