

POLICE INTEGRITY COMMISSION AMENDMENT (CRIME COMMISSION) BILL 2008

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Bill introduced on motion by Mr David Campbell.

Agreement in Principle

Mr DAVID CAMPBELL (Keira—Minister for Police, and Minister for the Illawarra) [12.45 p.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Police Integrity Commission Amendment (Crime Commission) Bill 2008. The New South Wales Crime Commission is a key law enforcement agency in the fight against organised and drug-related crime. Its successes in the last financial year include making 445 arrests and laying 2,482 serious criminal charges. Since 1990 the New South Wales Crime Commission has confiscated more than \$140 million in criminals' assets, including mansions, luxury cars, boats, and cash from drug dealers and crime bosses. This Government stands behind the important work of the New South Wales Crime Commission and believes its invaluable work should continue.

The public deserves to have full confidence in the integrity of the Crime Commission and its officers. The recent arrest of a senior Crime Commission officer has shaken that confidence. The public should be aware that the operation and subsequent arrest were carried out with the full cooperation and assistance of the New South Wales Crime Commission. Today I introduce a bill that should engender further confidence in the integrity and corruption resistance of the New South Wales Crime Commission. The bill will give the Police Integrity Commission [PIC] power to oversight the New South Wales Crime Commission. This will mean that all major New South Wales law enforcement agencies will be overseen by one body.

The bill will give the Police Integrity Commission powers to detect, investigate and prevent serious misconduct within the New South Wales Crime Commission. Those powers are equal to the level of oversight the Police Integrity Commission has for New South Wales police officers. The bill dramatically expands the scope of oversight that the New South Wales Crime Commission currently exercises. The New South Wales Crime Commission currently is oversighted by the Independent Commission Against Corruption [ICAC]. The Independent Commission Against Corruption currently has a mandate to investigate possible corruption within the Crime Commission. The bill will give the Police Integrity Commission power to investigate not only possible corruption but also any misconduct, with referral to focus on serious misconduct.

Further the Police Integrity Commission will be given power to investigate any misconduct of Crime Commission officers, even if the misconduct occurs off duty. The Police Integrity Commission also will be given the power to investigate not just current officers and activities of the Crime Commission, but its unfettered power will extend to investigating past officers and past activities of the commission. Such a level of oversight brings the New South Wales Crime Commission into line with oversight already in place for New South Wales police officers. This move will better match the oversight measures of the New South Wales Crime Commission to those of its federal counterpart. Currently the Australian Crime Commission is oversighted by the Australian Law Enforcement Integrity Commission, and soon the New South Wales Crime Commission will be oversighted by the Police Integrity Commission.

It is entirely appropriate that a major law enforcement body such as the New South Wales Crime Commission be subject to this stringent level of oversight. This will instil public confidence in the corruption resistance capability of the commission. Further, the Police Integrity Commission is the appropriate body to carry out this oversight function. This view is also one shared by the Law Society of New South Wales. When the Government first outlined its intention to have the Police Integrity Commission oversight the New South Wales Crime Commission, the President of the Law Society of New South Wales, Mr Hugh Macken, released a statement welcoming the news. He stated:

We are pleased that the Minister has taken the time to consider our concerns and is making arrangements for the Police Integrity Commission to be overseeing the management, operations and conduct of the NSW Crime Commission.

This will bring the NSW Crime Commission in line with the NSW Police Service, thereby saving on the additional costs that would be incurred by the creation of an alternative body.

This will also enhance the public's confidence in the NSW Crime Commission and in the integrity of its staff.

Mr Macken went on to state that he thought this move reached a balance between maintaining the important role of the New South Wales Crime Commission and appropriate oversight. He said:

The Police Integrity Commission was well placed to ensure that the operations of the NSW Crime Commission are appropriate to, whilst not constraining, its important operational activities in the critical work it performs in waging the ongoing war against organised crime in this State.

The Police Integrity Commission has ten years experience overseeing the New South Wales Police Force, and it has the standing powers of a royal commission. The bill, as proposed, will not affect current references to the Independent Commission Against Corruption that relate to the New South Wales Crime Commission. However, the Independent Commission Against Corruption will have the power to refer any matters arising from its current reviews to the Police Integrity Commission in the future. This bill represents a major reform to the accountability and transparency of our key law enforcement agencies.

I now will go briefly through the proposed amendments. Schedule 1 of the bill sets out the proposed amendments to the Police Integrity Commission Act 1996. These include amending the definitions of the Act to include officers of the New South Wales Crime Commission and a definition of misconduct of a New South Wales Crime Commission officer. It should be noted that these definitions capture the activities of former New South Wales Crime Commission officers. Further, the bill specifically proposes to insert sections 13B and 13C, which gives the Police Integrity Commission the power to oversight the New South Wales Crime Commission and the authority to allocate dedicated staff, including an assistant commissioner to work on New South Wales Crime Commission matters.

Section 19 of the Police Integrity Commission Act is to be amended to allow the Police Integrity Commission not to be required to consult with the New South Wales Crime Commission if it intends to use the provisions of the Criminal Assets Recovery Act 1990 in relation to an investigation affecting the New South Wales Crime Commission. Amendments to section 61 will be made also to ensure that the current secrecy provisions of the New South Wales Crime Commission Act do not impede a Police Integrity Commission investigation into the New South Wales Crime Commission. A new part, to be called part 4B, will be inserted into the Police Integrity Commission Act to provide for complaints to be made against New South Wales Crime Commission officers. This part will allow the Police Integrity Commission to refer complaints about the New South Wales Crime Commission back to the commission itself for resolution if the complaints are minor in nature. The part will also allow the Police Integrity Commission to take action and report to the Minister and Parliament if it is dissatisfied with the manner in which the New South Wales Crime Commission has dealt with a complaint.

Section 99 of the Police Integrity Commission Act is to be amended to ensure that the Police Integrity Commission reports separately on its activities in overseeing the New South Wales Crime Commission. A new note will be inserted after section 130 to make it clear that the Police Integrity Commission can investigate the management committee of the New South Wales Crime Commission. Other provisions in the amending Act provide for arrangements to be made between the Police Integrity Commission and the Independent Commission Against Corruption about investigation of matters where there may be some overlap in jurisdictions. In particular, transitional provisions are made to ensure that existing matters about the New South Wales Crime Commission that are being dealt with by the Independent Commission Against Corruption will continue unaffected by this bill.

Provision has also been made to ensure that any matter arising out of the existing investigations may be referred in future to the Police Integrity Commission by the Independent Commission Against Corruption if it thinks that is necessary. Let me reiterate that this bill will ensure that officers of the New South Wales Crime Commission will be subject to the same stringent oversight arrangements as are currently in place for officers of the New South Wales Police Force. In conclusion, the Government is pleased to bring forward this bill to ensure that the public's confidence in the integrity of the New South Wales Crime Commission remains strong and that the New South Wales Crime Commission itself is able to continue its important work in fighting serious and organised crime in this State. I commend the bill to the House.