

## POLICE INTEGRITY COMMISSION AMENDMENT (CRIME COMMISSION) BILL 2008

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### Second Reading

**The Hon. PENNY SHARPE** (Parliamentary Secretary), [11.57 a.m.], on behalf of the Hon. Eric Roozendaal: I move:

That this bill be now read a second time.

I am pleased to deliver the second reading speech on 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 past 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 boats, cars 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 New South Wales 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.

The bill 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 the power to oversight the New South Wales Crime Commission. This will mean that one body will oversee all major New South Wales major law enforcement agencies. 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 of New South Wales police officers. The bill dramatically expands the current scope of the oversight of the New South Wales Crime Commission.

Currently the New South Wales Crime Commission is oversighted by the Independent Commission Against Corruption. The commission 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. I seek leave to incorporate the rest of my second reading speech in *Hansard*.

#### Leave granted.

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 Commissions 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 NSW 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 NSW 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 NSW 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 NSW 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 NSW 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 NSW Crime Commission and a definition of misconduct of a NSW Crime Commission officer. It should be noted that these definitions capture the activities of former NSW 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 NSW Crime Commission and the authority to allocate dedicated staff, including an assistant commissioner to work on NSW 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 NSW Crime Commission if it intends to use the provisions of the Criminal Assets Recovery Act 1990 in relation to an investigation affecting the NSW Crime Commission. Amendments to section 61 will be made also to ensure that the current secrecy provisions of the NSW Crime Commission Act do not impede a Police Integrity Commission investigation into the NSW 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 NSW Crime Commission officers. This part will allow the Police Integrity Commission to refer complaints about the NSW 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 NSW 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 NSW 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 NSW 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 NSW 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 NSW Crime Commission will be subject to the same stringent oversight arrangements as are currently in place for officers of the NSW 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 NSW Crime Commission remains strong and that the NSW 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.