



2020 Review of the annual reports of oversight bodies

Additional questions

NSW Crime Commission Responses

The Crime Commission provides the following responses to Committee on the Ombudsman, The Law Enforcement Conduct Committee and the Crime Commission.

1. The 2018-19 Annual Report states the following:

“During the reporting period the Commission reduced the number of senior executives, namely the Assistant Commissioner (Operations), Director Governance and Director Legal Services, providing the Commission with a flatter leadership structure and simultaneously meeting compliance with efficiency dividends. These roles have remained vacant to enable the Commission to meet its labour expense cap obligations following the application of efficiency dividends and savings to the budget. Remaining funding has been prioritised to functional operational roles at the Commission as part of the focus to deliver key outcomes.” (page 49-50).

a. Do you consider the change to the number of senior executives is exacerbating the issues staff are having with senior management as demonstrated in the People Matter survey responses?

- The Crime Commission has a total of nine senior executives, comprised of two statutory officers and 7 public service senior executives. The size of the senior executive is an appropriate level for the size of the agency and is underpinned by a layer of senior level managers across the Crime Commission.
- The Crime Commission does not believe the current size of the senior executive is causing any issues with staff.

b. What has been the impact of the removal of the senior executive positions?

- The impact of removing these roles has led to some organisational changes and reallocation of roles and responsibilities.
- The responsibilities of the Assistant Commissioner (Operations) has been undertaken by the Commissioner, with the Executive Director Criminal Investigations reporting directly to the Commissioner. There has been no negative impact as a result of this change.

- The Director Governance role was reviewed following the departure of the role holder. These were reallocated to the Executive Director Corporate Services and an upgraded role of Internal Audit and Risk Manager who as the Chief Audit Executive reports directly to the Commissioner.
- The leadership for all Legal matters has been undertaken by the Assistant Commissioner (Legal) including the responsibilities of the Director Legal Services. Operational level duties were reallocated to Principal Lawyers and Senior Lawyers within the Legal Team.

c. Do you think the Commission requires an increase in budget to be able to fill these vacant roles?

The Commission has a fully committed employee related expense budget. The Crime Commission has assessed that those roles are not required. Any additional employee related expense budget funding would be committed to core operational roles.

2. On page 15 of the People Matter Survey, in response to the following statement:

“Q7b. My organisation is making the necessary improvements to meet our future challenges”, 37% respondents agreed with this, in comparison to 57% of Public Sector.

a. What proactive measures is your organisation doing to meet future challenges?

- The Crime Commission through the office of the Commissioner has focused the deployment of resources to the continuous improvement of the three pillars of its operations, coercive hearings, confiscations and criminal investigations.
- The Crime Commission is improving the effectiveness of its’ operational technologies through the improvement of relations with partner law enforcement agencies, sharing and integration of data.
- The Crime Commission operation technology roadmap is improving and extending the deployment of core operational systems across all operational areas of the Commission to focus on improving delivery of core operational outcomes, for example the continued development of the Palantir analytical platform into the Financial Investigations Division, and confiscations.
- The Crime Commission has developed and submitted to Government the Financial Investigations Capability Enhancement business case to significantly improve and enhance this valuable capability which will substantially improve the level and value of the Commission’s contribution to ‘Safer Communities’.
- The Crime Commission has improved and enhanced the enterprise supporting infrastructure supporting all Commission operations to meet future challenges. This includes transformation of enterprise and operational ICT systems which has led to substantially improved availability and reliability.
- The Crime Commission is implementing a program of business process improvements to improve the efficiency and effectiveness of core operational activities through digitisation and electronic workflows.

b. Can you explain why there would be such a significant difference between the Public sector employees result, a 20 per cent difference?

- The Crime Commission cannot explain the difference between its results and that of the wider sector.
- However, the Commission notes that during that period the Office of Police was undertaking the 're-engineering review' which led to a high level of uncertainty.
- Many improvements listed in the previous question were in development and behind the scenes as they related to infrastructure improvements. It is also noted often those forms of improvements are not generally acknowledged when they are being delivered or developed.
- Response across the Commission by divisional and business areas represented an improvement in the response rate from small to large increases. These decreased only in one business area which led to an overall decrease.

3. The People Matter survey demonstrates that there are ongoing issues with developing employees. For instance; in response to the statement in the People Matter Survey: "Q7f. My organisation is committed to developing its employees" 29% of the respondents agreed in comparison to 53% in the public sector response. Additionally, in response to the statement "Q3g. I am satisfied with the opportunities available for career development in my organisation" 26% of the respondents agreed, down from 30% in 2018, and in comparison to 51% in the public sector response.

a. What measures is the commission implementing to develop staff and ensuring that employees have ample opportunity for career development?

- The Crime Commission is a small agency with a historical low turnover of staff which limits career progression opportunities within the Commission. Advancement to further careers in the Commission are possible and often internal candidates are successful in winning on merit promotion.
- The Crime Commission recognises that this limitation of size lead inevitably to some staff seeking career progression with other agencies and industries.
- The Crime Commission has an established program which provides development opportunities for all staff. It is focused on developing professional development, in leadership and in general and field specific skills and abilities.
- The program consists of providing staff with opportunities to attend external training, conferences, seminars, working groups and industry related professional development courses. Examples include:
 - Support for maintenance of professional accreditation and membership
 - Supporting attendance for continuing professional development units for lawyers and forensic accountants
 - Participation in public sector training and development programs such as the Public Service Commission Leading Executive and Management programs, Executive Masters in Public Administration, Delivering Business Results, Leadership Essentials and the Graduate Certificate in Public Service Management.

- The Commission runs a routine program of professional development information sessions held each month, inviting guest speakers internally and from partner organisations to lecture of developments within various fields.
- The Commission has introduced a Learning Management System to support training, education and guidance for all staff.
- The Crime Commission also supports temporary assignments within the Commission for staff to further develop their skills and career.
- The Crime Commission also supports the secondment of staff from the Commission to other agencies to further develop their skills and career.

4. On page 30 of the People Matter Survey in regards to the following statement:

“Q3a. I have a current performance and development plan that sets out my individual objectives.” Only 51% of respondents agreed with this statement, down from 82% in 2018, and in comparison to 71% in the public sector response.

a. Is the commission proactively establishing performance and development plans for employees?

- The Crime Commission has proactively established performance and development plans (PDP) for all Commission employees. The PDP is supported by published guidance, fact sheets, policy and procedures for employees and managers.
- The PDP system also includes a PDP for new staff during their initial probationary period in their role.
- All Commission staff have an established performance development plan in the 2019-20 financial year. These plans are agreed between the employee and their immediate supervisor or manager.
- The Crime Commission supports PDPs through the annual training programs which enables staff to access external training to enhance their expertise within their roles and for the development of their careers.

5. In response to the following statement in the People Matter survey:

“Q11a. I have confidence in the ways my organisation resolves grievances”, 31% of people agreed in comparison to 41% public sector.

- a. Does the Commission have adequate measures to ensure grievances are resolved?
- The Crime Commission has an established policy, procedures and register for the management of grievances.
 - There were no reported grievances lodged in the 2018-19 reporting period and none have been made to date.
 - The Crime Commission proactively supports staff in the resolution of any issues or grievance related matters through its small dedicated HR team.

- The Crime Commission has through its training program provided employees with specific education, training and access to courses in, resilience, workplace behaviours, dealing with difficult behaviours, sexual harassment, bullying and harassment, 'build a healthy work place culture' addressing behaviours, bullying, harassment, discrimination and conflict.
- All managers and executives have undertaken specific training 'to build a healthy workplace culture' addressing behaviours, bullying, harassment, discrimination and conflict.

6. In response to the following statement in the People Matter survey:

"Q13a. In the last 12 months I have witnessed bullying at work", 37% of respondents agreed, up from 32% in 2018 and in comparison to 33% in the Public Sector.

a. What measures is the Commission taking to actively ensure that bullying is prevented in the workplace?

- The Crime Commission takes active measures to ensure bullying is prevented in the workplace including providing support to employees and staff, the provision of an employee assistance program and training specifically to address bullying and related behaviours.
- The Commission investigated one complaint in the 2018-19 reporting period of bullying. This was investigated and resolved.
- All employees in 2019 undertook a training program focused on sexual harassment and inclusive of bullying and harassment.
- All employees in 2019 undertook training 'to build a healthy work place culture' addressing behaviours, bullying, harassment, discrimination and conflict.
- All managers and executives in 2019 undertook a specific training 'to build a healthy workplace culture' addressing how managers address behaviours, bullying, harassment, discrimination and conflict.

7. Do you consider the Commission's current budget to be sufficient?

- The Crime Commission's budget has been reducing as a result of efficiency dividends and savings measures and this has been managed to date.
- The Commission continues to balance operational needs and demands on the budget to prioritise the important work the Crime Commission undertakes.

8. Can you describe the legislative changes that are needed to help prevent money laundering in NSW?

a. What is the status of the Commission's legislative recommendations?

- The Crime Commission and the NSW Police Force in a joint capacity has submitted legislative recommendations to the Department of Communities and Justice. The Crime Commission is awaiting the final outcome of that review.

9. The Commission's Annual report states that there have been less investigations, charges and arrests in relation to money laundering due to criminal networks moving to encrypted communications and away from the use of disposable burner phones.

a. How is the Commission addressing this significant issue and what strategies are being engaged to contend with the changes in how networks are now operating?

To counter the use of encrypted communications, both the Commission and partner agencies have employed the following measures:

- Increase use of Human sources to investigate the use and distribution of encrypted communications.
- Further the use of human sources to provide direct intelligence as to the activities of the various networks.
- Increased use of call associated data as provided under S180 of the Telecommunications Act
- Investment by the Commission in powerful analytical software to analyse call associated data.
- Greater use and reliance upon physical and electronic surveillance
- Increase use in the number of coercive notices and hearings as they relate to money laundering.
- Greater reliance upon expertise from partner agencies in joint agency investigation agreements.
- Increase in the number of covert operations and use of controlled activities under the Controlled Operations Act. (Not necessarily authorised by the Commission but certainly in conjunction with partner agencies)

b. Can you describe what measures the Commission is taking to address the ongoing issues where money laundering networks are using the Hawala system and smart ATMS and card-less deposits to successfully operate?

- **Hawala system:** The Commission continues to work in conjunction with Austrac and partner agencies to bring Hawala dealers into mainstream reporting of transactions, but where this does not occur many of the Hawala remitters are investigated by the Commission, pursuant to traditional investigative methods.
- **Smart ATMs and Cardless deposits:** The Commission working in conjunction with partner agencies and Austrac have met with the banks setting out the issues associated with Smart ATMs and cardless deposits. As a result of this liaison, the banks have reduced the total amount of cash that can be deposited into any machine to a maximum of \$1000.00 which has significantly reduced their utility to organised crime.

- 10. What is the Commission’s strategy for addressing high drug use in regional areas, especially methylamphetamine trafficking?**
- Working in joint operations and co-operation with the NSW Police Force regional police units and / or the NSW Police Force State Crime Command Drug and Organised Crime squads.
- 11. The Commission’s annual report notes that “fewer law enforcement personnel available to investigate and disrupt organised crime in regional areas.” Do you think there needs to be an increase in law enforcement operations in regional NSW?**
- Crime and its significant impact in regional NSW is a priority of the NSW Police Force and the NSW Crime Commission where it meets our charter.
- 12. The Commission’s annual report states that “drug rehabilitation treatment is less accessible in regional NSW.” Does the Commission believe that drug rehabilitation treatment options need further expanding in NSW?**
- This question is best answered by NSW Health with regard to resources, but as a principle, drug rehabilitation is an essential ingredient in eroding drug dependency.
- 13. After the Commission was engaged in a ‘re-engineering review’ and a statutory review of the CC Act, what recommendations were made?**
- The Crime Commission was engaged in a ‘re-engineering review’ led by the former Office for Police. The Commission understands that following the disbandment of the Office of Police the review was not continued and there was no outcome.
 - The Crime Commission submitted recommendations to the Statutory Review of the Crime Commission Act (2012). These were submitted to the now Department of Communities and Justice undertaking the review for the Minister for Police and Emergency Services. The Crime Commission is awaiting the final outcome of that review.
- 14. The Annual report notes that “The Commission’s Ethics Committee did not meet during the year and was formally disbanded on 25 January 2019.” Can you explain why the Ethics Committee was disbanded?**
- The Ethics Committee was disbanded following an assessment of issues raised at the Committee by representatives of the Commission. It was determined that in the main the issues raised were not ethical issues and that there were a number of forums in which staff could raise those issues more appropriately and that ethical issues could be raised in those forums also.
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