

Office of the Inspector of the
Law Enforcement Conduct Commission



Ref: CR04-2425/A7873593

17 April 2025

Mr Phillip Donato MP
Chair
Committee on the Ombudsman,
the Law Enforcement Conduct Commission
and the Crime Commission

Email: OmboLecc@parliament.nsw.gov.au

BY EMAIL

Re: 2024 review of annual and other reports of oversight agencies – Supplementary Question

Dear Chair

Thank you once again for providing me the opportunity to give evidence before the Committee on 21 March 2025.

In relation to the Committee's supplementary question to me, received by my Office on 11 April 2025:

1. *At the public hearing, you noted that you will not be amalgamating the work of the Secure Monitoring Unit with that of the Commonwealth Surveillance Devices Commissioner. (Transcript, p25)*
 - a. *Does your office have sufficient ongoing resources to staff the Secure Monitoring Unit if it is not amalgamated with the Commonwealth Surveillance Devices Commissioner?*

I provide the following response.

Surveillance Devices Commissioner's jurisdiction

By way of clarification the Surveillance Devices Commissioner (SD Commissioner), whom I referred to at p25, is the NSW SD Commissioner appointed under the *Surveillance Devices Act 2007* (NSW) (SD Act). Therefore, Mr McKenzie exercises delegated functions of the NSW Attorney General under the SD Act and not the Commonwealth Attorney General.

The references I made to the Commonwealth powers and the SD Commissioner, related to whether his jurisdiction should be extended to the telecommunication interception regime, which is covered by the *Telecommunications (Interception and Access) (New South Wales) Act 1987* and the *Telecommunications (Interception and Access) Act 1979* (Cth). As outlined in my evidence, the NSW Attorney General is currently considering his position.

OFFICIAL

Response to supplementary question

I have been looking to expand the office to ensure that my agency has sufficient staff to deal with the workload:

"... We're looking to expand the office so that we have adequate staff to deal with it. Four to five should be adequate for the purposes we have in mind..."

Due to the Secure Monitoring Unit's (SMU) increase in workload and inspection schedules, the expansion of the team is necessary to ensure operational efficiency, strengthening the unit's inspection capabilities and provides for long-term success planning. At present, I am finalising a business case for an additional two permanent full-time staff, which will bring the total to five permanent staff members within the unit.

I believe that will provide sufficient ongoing resources to deal with the SMU's workload for the foreseeable future.

Sincerely



Bruce McClintock SC

Inspector, Law Enforcement Conduct Commission

OFFICIAL