



First General Meeting with the NSW Crime Commission

Questions on Notice

Relationship with the Police Integrity Commission

The Committee notes that the Annual Report for 2011 – 2012 ('the Annual Report') outlines that more than \$1,000,000 was expended in salaries in relation to issues arising from the Crime Commission's interaction with the Police Integrity Commission, and that in addition, more than \$1,000,000 was spent on external legal fees.

1. Could you provide a breakdown of the actual costs of responding to the Police Integrity Commission during the reporting period?

The Committee notes that the Annual Report outlines the experiences of the Crime Commission in relation to eight complaints lodged by the Crime Commission with the Inspector of the Police Integrity Commission arising out of the conduct of Operation Winjana. The Committee particularly notes the comment that the Crime Commission was discouraged from making any further complaints and made none during the reporting period.

2. What is the status of the eight complaints raised with the Inspector of the Police Integrity Commission during Operation Winjana?
3. Is the Crime Commission confident that any future complaints raised with the Inspector of the Police Integrity Commission will be investigated appropriately?
4. Do you have any comments to make in relation to the recommendations outlined in paragraphs 574 – 579 of the Operation Winjana Report?

The Committee also notes that the Crime Commission established a Governance Team, now referred to as the Governance Unit, which the Annual Report anticipates will go some way to reducing the costs involved in responding to the Police Integrity Commission in the future.

5. Are there any other measures employed by the Crime Commission to seek to reduce the potential ongoing costs of responding to the Police Integrity Commission?

The Committee notes that the Crime Commission, including staff of the Crime Commission, can refer complaints to the Police Integrity Commission.

6. How does the process of the referral of complaints to the Police Integrity Commission work?
7. Do officers of the Crime Commission meet with the Police Integrity Commission officers regularly meet to discuss matters such as issues arising from complaints?

Cook's Case

The Committee notes that the effect of the judgment in NSW Crime Commission v Cook [2011] NSW CC 1348 was to impair the Crime Commission's capacity to undertake confiscation work under the Criminal Assets Recovery Act 1990 ('CAR Act'). The Committee understands that the effect of Cook's Case has been ameliorated by subsequent legislative amendment.

8. Is the Crime Commission satisfied that all necessary steps have been taken to facilitate a return to an effective confiscation regime under the CAR Act?

Ethics

The Committee notes that staff may seek advice from the Ethics Committee on ethical issues.

9. What process do staff undertake when seeking advice on ethical issues?
10. Does the Commission keep a record of these requests?
11. If so, how many requests for advice were received in the reporting period?

Building management

The Committee notes the comments outlined in the Annual Report with respect to the expenses incurred in relation to the management of the Crime Commission's accommodation in Kent Street, Sydney. The Committee particularly notes the comments that it was cheaper to run the building independently than to liaise with the building manager to arrange the maintenance of the property.

12. Could you provide figures to the Committee that demonstrate this comparison?

Legislation

The Committee notes the various legislation that is relevant to the work of the Crime Commission, including:

- *Crime Commission Act 2012;*
- *Criminal Assets Recovery Act 1990;*
- *Telecommunications (Interception and Access) Act 1979 (Cth);*
- *Surveillance Devices Act 2007;*
- *Law Enforcement (Controlled Operations) Act 1997; and*
- *Law Enforcement and National Security (Assumed Identities) Act 2010*

13. In addition to the proposal outlined at pages 46-47 of the Annual Report, are there any outstanding issues identified by the Crime Commission that the Commission proposes be addressed by legislative amendment?
14. If so, what are these proposed amendments?

Shootings in NSW and the 'Wall of Silence'

The Committee notes the Crime Commission's involvement in the spate of shootings, predominantly in South West Sydney, during the reporting period.

15. What was the level of the Crime Commission's involvement in the investigations that followed this spate of shootings?
16. Specifically, was the Crime Commission involved because of its powers to pierce the so called 'wall of silence'?

Special Commission of Inquiry into the NSW Crime Commission ('the Patten Inquiry')

The Committee notes the comments outlined in the Annual Report in relation to the Patten Inquiry.

17. When was the committee referred to in the Patten Report's recommendations established in relation to human sources? How many human sources are currently being managed by the Commission?

18. In relation to recruitment and promotion, when did the Commission commence the merit-based, competitive selection process with respect to all positions? How many positions have been filled, and how many promotions have been finalised, since the Commission adopted this recommendation?
19. When did the Commission finalise its written policy for managing unsatisfactory performance, remedial and disciplinary action?
20. When were the complaint-handling recommendations adopted? What is procedure for dealing with complaints against the Commissioner personally?

Government Information (Public Access Act) 2009

The Committee notes Appendix E to the Commission's Annual Report.

21. What did the application from the media relate to? When was this application received; and when was the access to information granted?