



GOVERNMENT RESPONSE TO THE REPORT OF THE PARLIAMENTARY JOINT COMMITTEE ON THE NATIONAL CRIME AUTHORITY ENTITLED AN INITIAL EVALUATION

The Report, which was tabled on 17 May, was occasioned by the Government's decision to repeal the sunset clause, section 63 of the National Crime Authority Act 1984, which would have terminated the life of the Authority as at end June 1989. I am pleased to note that the Report supports the lifting of the sunset clause and, therefore, the continued operation of the National Crime Authority. The necessary amendment was effected by passage of the Crimes Legislation Amendment Act which received Royal Assent in June this year.

The Report has made a number of recommendations concerning matters central to the Authority's performance, leadership and direction and as such it is appropriate they be accorded careful and proper consideration. The Authority is not solely a Commonwealth body alone; its enabling legislation provides for an Inter-Governmental Committee comprising Commonwealth, State and Northern Territory Ministers, specifically charged with the task of monitoring the Authority's performance. The National Crime Authority Act 1984 is supported by State and Northern Territory complementary legislation and the Authority, in carrying out its task, depends in great part on the co-operation of and co-ordination with the State and Territory governments and their law enforcement agencies.

Accordingly, the Government has drawn formally the Joint Committee's Report to the attention of the Inter-Governmental Committee members and to the Chairman of the Authority Mr Justice Stewart, to enable discussion of the recommendations in the context of the Inter-Governmental Committee's meetings. The next meeting of the Inter-Governmental Committee is scheduled for late November this year. The Government will be seeking members' considered views on the Report's recommendations at that meeting.

I note that the Committee has felt constrained to making an initial evaluation only of the Authority's performance. I also note that the Committee believes, however, that the Authority has demonstrated success in carrying out its primary objective, that of putting significant criminals behind bars. At the same time the Committee has indicated it believes it is too early to judge the Authority's performance in respect of its secondary objective, as perceived by the Committee, that of changing the organised criminal environment. The Committee has noted that factors inhibiting such an assessment, at this time, include the large number of matters, flowing from NCA investigations, still before the courts or pending court action and the many Authority investigations at various stages of completion.

The Committee has therefore recommended that a comprehensive evaluation of the Authority's work and of the need for a body such as the Authority be undertaken in 1991 (ie seven years after the commencement of the NCA Act).

The Government agrees that too little of the NCA's investigative work has been completed and dealt with by the courts to enable a comprehensive evaluation of the Authority's performance and impact upon the organised criminal environment. The Government will continue to monitor and review the activities of the Authority closely in order to ensure its effective and efficient operation. Adjustments to

either the Authority's legislation or administrative structure will be made as the need arises and as part of the ongoing process of administering the Commonwealth's law enforcement machinery. Appropriate consultation would be a part of this process.

The Government does not, however, oppose the Committee's recommendation for a comprehensive review of the Authority in 1991 although it is noted that neither the Report nor the recommendation are clear as to which body might undertake such a review. If it is the Committee's intention that it should undertake such a review, this would be consistent with the Joint Committee's function under the NCA legislation and with the intention underlying the incorporation of the sunset clause in the legislation, that the Authority as a concept and a working model should be examined and reviewed after the initial period of its establishment and consolidation.

Two of the Report's six recommendations are concerned with addressing a perceived problem concerning the Authority's management and working relationship with its police investigators although I note, that the Committee has expressly supported the concept of the Authority's multi-disciplinary team approach to investigations which, I understand, is also being utilised by other major law enforcement agencies overseas. The Committee has, however, recommended the Authority, in its management of its investigative teams, ensure greater recognition of and involvement by, experienced police officers.

This recommendation will require the close attention of the Inter-Governmental Committee. Participating jurisdictions second experienced police investigators to the Authority, and therefore, have a direct interest in this aspect of the Committee's Report. It is expected that the Inter-Governmental Committee will also wish to seek the views of the Authority on the recommendation.

The Committee has also recommended that consideration be given to the appointment of a senior and respected serving or former police officer as a Member of the Authority. The impetus for the Committee's recommendation apparently was its concern to improve the acceptance level of the Authority by police force members.

Appointments to the Authority are given careful consideration. The appointment of the Chairman is the responsibility of the Commonwealth. The NCA Act provides that, for the other two members of the Authority, one be appointed on the unanimous recommendation of the Australian Police Ministers' Council and one on the unanimous recommendation of the Standing Committee of Attorneys-General. Such appointments are crucial to the Authority's leadership and direction and to public confidence in the Authority's ability to perform its primary task of combating organised crime. The Government will, therefore, bear in mind the Joint Committee's recommendation when considering future appointments to the Authority and has, as mentioned, drawn the recommendation to the attention of the Inter-Governmental Committee.

In respect of the National Crime Authority's working relationship with police force members the Committee has addressed a related difficulty which has, to date, been beyond the Authority's control. The Committee has adverted to the fact that police officers seconded to the Authority from different forces serve under the differing terms and conditions applicable to their parent force. The Committee notes that this situation may cause friction in terms of an individual officer's remuneration.

Accordingly, the Committee has recommended that police officers attached to the Authority be employed on contract rather than being seconded from their parent forces. This

issue is complex involving extensive financial, legal and industrial relations considerations. The matter was considered by the Inter-Governmental Committee at its last meeting on 26 May 1988. The IGC resolved that discussions should occur between the Authority and the Police Commissioners of participating jurisdictions to examine the issue of contract employment and these discussions are proceeding.

The Report has recommended that the Authority give consideration to the use of external task forces to carry out investigations under the co-ordination of the Authority. The Committee has also suggested that in the longer term, the Authority might hive off aspects of its special investigations to such externally based police force task forces. The Government notes that this matter is basically one for the Authority to determine in the context of its management and operational responsibilities. The Authority considers, however, there are significant potential problems with this recommendation which it did not have the opportunity to discuss with the Committee prior to publication of its Report.

While the authority recognizes the potential benefits of pooling the resources of different agencies the Authority is particularly concerned about the direction and management of such task forces. The Authority has, however, indicated its willingness to meet with the Committee to further explore the issue.

The Report's final recommendation is that the Authority give consideration to making greater use of its power to inform the public about the general conduct of its operations by holding public sittings and issuing public bulletins.

The Authority agrees with the Committee's recommendation and has since acted promptly by holding two public sittings in

recent months and by publishing information material on the NCA. The Government agrees that it is important for the Authority to provide the public, wherever possible within the constraints of its enabling legislation, with information concerning the Authority's role and operations. In this way it can be expected that the Authority will generate a high level of support and co-operation from the community which is of crucial importance in assisting the Authority to fulfil its task of combating organised crime in Australia.