



The Police Association
UPHOLDING OUR RIGHTS SINCE 1917



Our ref: 68136s.017 / BMK : fcl

19 December 2006

Ms Jackie Morris
Acting Committee Secretary
Standing Committee on Legal & Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Morris

Re: Inquiry into Customs Legislation Amendment (Augmenting Offshore Powers and Other Measures) Bill 2006 & Inquiry into the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006

We refer to your correspondence dated 11 December 2006 in which you firstly invite The Police Association (Victoria) to make a submission to the Parliamentary Inquiry into the Customs Legislation Amendment (Augmenting Offshore Powers and Other Measures) Bill 2006.

We would like to take this opportunity to thank you for consulting with us in relation to this proposed amendment. Following perusal of the relevant detail we consider that this amendment does not impact on our members and, as such, we have no commentary to make in relation to it.

We also refer to your further correspondence of the same date, in relation to the Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006. We understand that the Federal Government, as is indicated in the final paragraph of the Second Reading Speech, has an objective to allow Police to have more effective powers and to strike the appropriate balance between the granting of these powers and the rights of individuals.

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We agree with the third paragraph of the Second Reading Speech in that Police should be provided with effective powers to ensure that high levels of community safety exist in the States and by inference, the entire country. We are very much aware that our members in Victoria, and we can say with some degree of certainty, within the other States and Territories as well, have been frustrated with the different requirements and powers that are afforded them in terms of investigating major and complex crimes that transcend State borders. It is for this reason that we welcome this proposed legislation. We agree that it is critical that Law Enforcement agencies adopt a nationally co-ordinated and co-operative approach.

We are particularly pleased with the proposed introduction of model laws for national powers covering controlled operations, assumed identities, electronic surveillance devices and the protection of witness identity. We also agree with the contention that where an investigation crosses jurisdictional borders, the need to obtain separate authorities in each jurisdiction can result in unnecessary delay and potential loss of evidence. We are also pleased with the proposal to protect the identity of covert operatives. Being a covert operative is difficult and carries with it considerable risk and any mechanism that can be introduced to protect Police officers and others who undertake this important work, is very much appreciated.

The Police Association (Victoria) also positively notes the proposed amendments to the Witness Protection Act and to the Australian Crime Commission Act 2002 which addresses operational difficulties experienced by the Australian Crime Commission.

Finally, we note in the Second Reading Speech, the sentence which states *inter alia* "Executing officers must provide detailed reports to the Office of the Law Enforcement agency using the warrant". We understand the accountability measures that need to be in place. However, we strongly caution against unnecessarily adding to the bureaucracy of our members and other law enforcement operatives throughout the country. The bureaucratic processes that they undertake should be kept to the minimum level. We understand that accountability remains an issue. However, police officers should be allowed to undertake their investigative roles without unnecessary bureaucratic impediments. It is important that the work of our members is not compromised or their effectiveness reduced by unnecessary duplication and frustrating 'red tape'. They should be permitted to undertake their work without unnecessary impediment which can affect their efficiency and the overall outcomes that all of us seek to achieve in terms of keeping Australia free from major crime and terrorist activities as much as possible.

Thank you again for allowing us the opportunity to comment on these two bills. Could you also please note that I am now the Secretary of The Police Association and not the Assistant Secretary (Industrial Relations) as indicated in your correspondence, which is a position that I previously held.

If you have any further queries, please do not hesitate to contact me directly on 9495 6899.

Yours sincerely



PAUL MULLETT

Secretary