

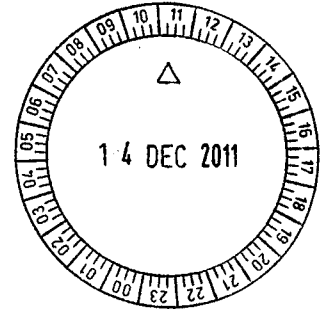


Government of **Western Australia**  
Department of **Environment and Conservation**

**Submission 3**

Your ref: COV A316935  
Our ref: CEO1450/11  
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Hon Adele Farina MLC  
Chairman  
Standing Committee on Uniform Legislation and Statutes Review  
Parliament House  
PERTH WA 6000



Dear Ms Farina

**INQUIRY INTO CRIMINAL INVESTIGATION (COVERT POWERS) BILL 2011**

Thank you for your letter of 11 November 2011 regarding the Standing Committee's inquiry into the above Bill.

The investigative powers provided by the Bill have no application to the enforcement of legislation administered by the Department of Environment and Conservation (DEC). This is due to the fact that, under the Bill, DEC is not included as a law enforcement agency, and DEC officers are not included as law enforcement officers. Further, offence provisions in relevant legislation administered by DEC impose penalties that are currently not included in the application of Part 2 of the Bill, which covers penalties of not less than 3 years imprisonment, or other offences as prescribed.

The Bill's investigative powers would be valued by DEC in such areas as controlling bird and reptile trafficking and the management of high value flora such as sandalwood. However, DEC is not at this stage concerned about the non-application of the Bill to its enforcement operations. If the penalties in the relevant legislation DEC administers are changed to come within the Bill's ambit, then DEC will revisit the Bill's application to its operations and investigate the possibility that it become a law enforcement agency, and that its officers become law enforcement officers.

Yours sincerely

Keiran McNamara  
DIRECTOR GENERAL

13 December 2011