



OFFICE OF THE
CHIEF EXECUTIVE

Your ref: COV A316935

20 December 2011

The Hon. Adele Farina MLC
Chairman
Uniform Legislation & Statutes Review Committee
Parliament House
PERTH WA 6000

Dear Ms Farina

INQUIRY INTO CRIMINAL INVESTIGATION (COVERT POWERS) BILL 2011

The Australian Crime Commission (ACC) acknowledges your letter of 11 November 2011 and appreciates the opportunity to provide comment on the *Criminal Investigation (Covert Powers) Bill 2011* (the Bill).

On 19 December 2011 Principal Legal Officer Michael Judd of the ACC Perth office contacted Ms Anne Turner, Legal Advisor to your committee with respect to the above issues. In accordance with Ms Turner's advice, Mr Judd will raise these issues with Mr Liam McNamara of the Western Australian Police Legal & Legislative Unit.

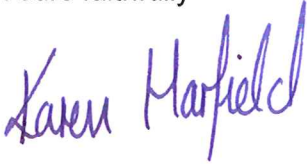
The ACC welcomes the Bill, which once enacted, will provide the ACC with greater capacity to investigate serious and organised criminal activities within the State of Western Australia that may not be federally relevant. The Bill will compliment similar covert powers currently available to the ACC within Parts 1AB and 1AC of the Commonwealth *Crimes Act 1914* as they apply to the investigation of federally relevant criminal activities.

Following a review of the Bill, there is one technical matter that I wish to draw to your attention. It relates to clause 43 (1) (b) of the Bill with respect to delegation. Presently, the Bill provides that a *senior officer* for the purposes of the ACC means the *Director of National Operations* or a *person holding a prescribed office in the ACC*. This position no longer exists within the ACC and as such, any reference to it within the Bill could create confusion. However, the current position of Executive Director could be referenced.


Further, as presently drafted, the Bill defines *prescribed* within clause 3 as *prescribed by regulations made under this Act*. The proposed regulations are not presently accessible to the ACC and the current explanatory memorandum does not assist as to what is foreseen by the term *prescribed office*.

Should you wish further clarification please contact Mr Judd of the ACC Perth Office on 08 9265 6726.

Yours faithfully



Karen Harfield
Acting Chief Executive Officer

 December 2011