



CROWN SOLICITOR'S OFFICE

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Mr David Driscoll
Senior Committee Clerk
Legislative Council's Standing Committee
on Legislation
Parliament House
PERTH WA 6000

Dear Mr Driscoll

TRANSCRIPT OF EVIDENCE

I refer to your letter dated 15 July 2003.

1. Typographical or transcription errors

I enclose a corrected copy of the transcript of evidence that I gave to the Committee at the public hearing held on Friday, July 11 2003.

I would appreciate it if you would provide me with a copy of the final transcript.

2. Incorrect factual information

At page 18 of the transcript I refer to the timeframe in clause 58 having been increased "in response to feedback from, I think, the Police Union and definitely the Police Service". Upon further reflection, I do not believe that the feedback came from the Police Union. Rather, I believe that it emanated from the Police Service.

3. Additional information

At page 18 of the transcript the Chairman of the Committee asked the following question in respect of clause 65:

"Clause 65 provides that a police officer responsible for a controlled operation or integrity testing (where an exceptional powers finding has been made) must give a report to the Commissioner of Police at least once every six months setting out particular matters. Clauses 121 and 123 provide that an authority to conduct a controlled operation or integrity testing must specify a period, not exceeding six months, for which it is to be in force. Given that an authority may only be in force for six months or less how is the reporting requirement in clause 65 activated? Can you please advise us to the reason for the reporting requirement being set at six months?"

I was unable to answer the Chairman's question on 11 July 2003. However, having given further consideration to the matter, I am now able to provide the following answer.

"It was intended that a police officer responsible for a controlled operation for which an authority has been given, and a police officer to whom an authority to conduct an integrity testing programme has been given, must:

(a) as soon as is reasonably practicable after the end of the period for which the authority is to remain in force; and

(b) as soon as is reasonably practicable after the authority is cancelled,

give a report to the Commissioner of Police.

I acknowledge that clause 65 does not, as currently drafted, achieve the intended result.

Ms Lee Harvey, the Assistant Parliamentary Counsel who drafted the Bill, has advised me that the intended result would be achieved if subclauses 65(2)(a) and 65(3)(a) were replaced with the following:

"as soon as is reasonably practicable after the end of the period for which the authority is to remain in force".

The Attorney General would support an amendment of this kind to clause 65."

Yours sincerely



JUDITH TASEFF
SENIOR ASSISTANT CROWN SOLICITOR

22 July 2003

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