



The Honourable Don Harwin MLC

Leader of the Government in the Legislative Council
Special Minister of State, Minister for the Public Service and Employee Relations,
Aboriginal Affairs, and the Arts
Vice-President of the Executive Council

Ref: A3776242

Ms Helen Minnican
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Minnican

**2020 Review of the annual reports of oversight bodies (Report 1/57 – August 2020) –
Government Response**

Please find enclosed the New South Wales Government's response to the *2020 Review of annual reports of oversight bodies (Report 1/57 – August 2020)*.

Yours sincerely

Don Harwin MLC

Leader of the Government in the Legislative Council
Special Minister of State
Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts
Vice-President of the Executive Council

DATE: 27.1.21



**REPORT OF THE JOINT COMMITTEE ON THE OMBUDSMAN, LAW ENFORCEMENT
CONDUCT COMMISSION AND THE CRIME COMMISSION –
2020 REVIEW OF THE ANNUAL REPORTS OF OVERSIGHTED BODIES
(REPORT 1/57, AUGUST 2020)**

GOVERNMENT RESPONSE

The Committee on the Ombudsman, Law Enforcement Conduct Commission and the Crime Commission (the **Committee**) is required to examine the annual reports of the Ombudsman, Law Enforcement Conduct Commission, Crime Commission, Inspector of Custodial Services and the Information and Privacy Commissioner and report to Parliament on any matter appearing in, or arising out of, any such report.

The Committee tabled its report on the *2020 Review of Annual Reports of overlooked bodies*, covering the annual reporting periods 2017-18 and 2019-19, (the **Report**) on 4 August 2020.

The Report contains five recommendations directed to the Government. The Government's response to each of the recommendations is set out in the table below.

COMMITTEE RECOMMENDATION	GOVERNMENT RESPONSE
<p>1 That the Premier and the Special Minister of State clarify the position of the Commissioner for Oversight of the Law Enforcement Conduct Commission.</p> <p>2 That the <i>Law Enforcement Conduct Commission Act 2016</i> be amended to delineate the roles of the Chief Commissioner and other Commissioners.</p>	<p>Support in principle</p> <p>The Government is currently undertaking a statutory review of the <i>Law Enforcement Conduct Commission Act 2016</i> (the LECC Act). The appropriate structure of the Law Enforcement Conduct Commission (LECC) and the roles and responsibilities of the Commissioners will be considered as part of the statutory review.</p> <p>A report of the review is expected to be tabled in the first quarter of 2021.</p>
<p>3 That the Premier and the Special Minister of State consider whether current funding to the Law Enforcement Conduct Commission is adequate to perform its functions effectively.</p>	<p>Support in principle</p> <p>The Government is committed to ensuring effective oversight of law enforcement in NSW.</p> <p>In light of concerns raised by Commissioners of the LECC and the Independent Commission Against Corruption in their annual reports, the Government requested that the Auditor-General conduct a review of the effectiveness of the financial arrangements and management practices of independent agencies, including the LECC.</p> <p>The Government is carefully considering the recommendations in the Auditor General's Special Report on the <i>Effectiveness on the financial arrangements and management practices in four integrity agencies</i>, tabled in both Houses of Parliament on 20 October 2020.</p> <p>As part of its response to the Auditor-General's recommendations, the Government will also consider the recommendations of the Public Accountability Committee in its First Report (No 5) on the <i>Budget process for independent oversight bodies and the Parliament of New South Wales</i>.</p> <p>The Government will determine its position on an appropriate funding model for all integrity agencies, including the LECC, in due course. It is noted that the LECC has not raised any concerns about funding in its most recent annual report.</p>
<p>4 That the Attorney General and Minister for Customer Service consider a departmental review of the <i>Privacy and Personal Information Protection Act 1998</i> (NSW) (PPIP Act).</p>	<p>Support in principle</p> <p>The Government has made a public commitment to introduce broad privacy reforms, including introduction of a mandatory data breach notification scheme and expanding the application of privacy regulation to NSW state owned corporations.</p>

COMMITTEE RECOMMENDATION	GOVERNMENT RESPONSE
	<p>In developing those reforms, the Government will continue to work with key stakeholders to ensure that the terms of the PPIP Act remain appropriate to secure its policy objectives and to address the other matters noted by the Committee.</p> <p>The Commonwealth Government is also currently reviewing the <i>Privacy Act 1988</i> (Cth), and the Government will engage with the Commonwealth on key issues which may inform future amendments to the PPIP Act.</p>
<p>5 That the statutory review of the <i>Crime Commission Act 2012</i> be completed as a matter of urgency.</p>	<p>Support</p> <p>The Government notes that the report of the statutory review of the <i>Crime Commission Act 2012</i> was tabled in both Houses on 15 December 2020.</p>