

NEW SOUTH WALES

***ELIZABETH THE SECOND, by the Grace of God,
Queen of Australia and Her other Realms and
Territories, Head of the Commonwealth.***

TO

David Louthean Patten

GREETING:

WHEREAS the Police Integrity Commission of New South Wales has undertaken or is undertaking certain reviews and inquiries into the practices and operations of the New South Wales Crime Commission, namely:

1. Project Rhodium, concerning the capacity of the New South Wales Crime Commission to identify and manage serious misconduct risks;
2. Project Caesar, concerning misconduct risks within the New South Wales Crime Commission in the area of assets confiscation; and
3. Operation Winjana, concerning:
 - a. whether certain members of staff of the New South Wales Crime Commission, or their associates are, or have been, involved in criminal activity or serious misconduct; and
 - b. the practices and procedures of the New South Wales Crime Commission in the conduct of actions under the Criminal Assets Recovery Act 1990; and

WHEREAS a former assistant director of the New South Wales Crime Commission, Mark William Standen, was on 11 August 2011 found guilty by a jury of the Supreme Court of New South Wales of conspiring to import drugs, taking part in the supply of drugs and conspiring to pervert the course of justice; and

WHEREAS significant concern exists in the New South Wales community in relation to the performance, integrity and governance structures of the New South Wales Crime Commission.

By these Our Letters Patent, made and issued under the authority of the *Special Commissions of Inquiry Act 1983*, We hereby, with the advice of the Executive Council, authorise you as Commissioner to inquire and report to Our Governor of the State of New South Wales on the following matters relating to the New South Wales Crime Commission:

ENTERED on Record by me, in REGISTER OF PATENTS, No, 90 Page 491, this 31st
day of August, 2011


DIRECTOR GENERAL

DEPARTMENT OF PREMIER AND CABINET

1. Whether the New South Wales Crime Commission is complying with the *New South Wales Crime Commission Act 1988* and the *Criminal Assets Recovery Act 1990* in the exercise of its functions.

In this matter, the Commission:

- a. may examine particular operational decisions of the New South Wales Crime Commission to the extent that these decisions inform proposals for legislative change; and
 - b. shall refer any evidence that members of staff of the New South Wales Crime Commission or their associates, are or have been, involved in criminal activity or serious misconduct to the Police Integrity Commission.
2. Whether the terms of *New South Wales Crime Commission Act 1988* and the *Criminal Assets Recovery Act 1990* remain appropriate for securing the objectives of the Acts.
 3. As part of the inquiry and report in matter (2), above, specifically consider:
 - a. whether the powers and procedures of the New South Wales Crime Commission are appropriate;
 - b. the adequacy of accountability mechanisms for the New South Wales Crime Commission including, but not limited to, the mechanisms under the Police Integrity Commission Act 1996 and whether alternative or additional accountability mechanisms should be adopted;
 - c. the New South Wales Crime Commission's Management Committee structure and whether alternative or additional governing body mechanisms should be adopted.

AND hereby establish a Special Commission of Inquiry for that purpose.

AND OUR further will and pleasure is that you do, as expeditiously as possible, but in any case on or before 30 November 2011 deliver your report covering all the matters hereto specified.

AND pursuant to s. 21 of the *Special Commissions of Inquiry Act 1983* it is hereby declared that sections 22, 23 and 24 shall apply to and in respect of the Special Commission the subject of these Our Letters Patent, on the condition that the appearance of any witness procured under sections 22, 23 or 24 occurs *in camera*.

IN TESTIMONY WHEREOF, WE have caused these Our Letters to be made Patent and the Public Seal of Our State to be hereunto affixed.



WITNESS Her Excellency
The Honourable Professor Marie Bashir AO
Companion of the Order of Australia
Commander of the Royal Victorian Order
Governor of the State of New South Wales
in the Commonwealth of Australia.

Dated this 31st day of August 2011.


Governor

By Her Excellency's Command,



Premier