



**Mark Speakman**  
Attorney General

## **MEDIA RELEASE**

Sunday, 27 October 2019

### **SURVEILLANCE DEVICE USE UNDER MORE SCRUTINY**

Major crime and corruption lawyer Don McKenzie has been appointed as the first Surveillance Devices Commissioner in NSW, Attorney General Mark Speakman announced today.

Mr Speakman said the establishment of a Surveillance Devices Commissioner is part of the NSW Government's response to the Ombudsman's Operation Prospect probe into conduct of state law enforcement officers during investigations between 1999 and 2002.

"Mr McKenzie has 26 years of knowledge and legal experience in the conduct of high-level criminal investigations and prosecutions in NSW. As commissioner he will be responsible for providing greater scrutiny of applications for surveillance device warrants to ensure covert tools are used appropriately." Mr Speakman said

Mr McKenzie has held senior roles at the NSW Crime Commission, Independent Commission Against Corruption, the NSW Police Force, the Office of the Director of Public Prosecutions. He is currently working for the United Nations Office of Drugs and Crime.

During this time, Mr McKenzie dealt extensively with applications for the use of surveillance devices and warrants.

He was Director of Legal Services at the NSW Crime Commission during the final stages of Operation Prospect and provided advice on how to respond to the Ombudsman's recommendations.

The NSW Police Force and the NSW Crime Commission have since introduced stronger internal procedures and training to help ensure covert warrants are used correctly in criminal investigations.

"While there have been significant improvements, Mr McKenzie will provide extra scrutiny of surveillance device applications, which are vital in gathering evidence to secure prosecutions against organised crime figures," Mr Speakman said.

As commissioner, Mr McKenzie will receive advance notice of surveillance device warrant applications, have the right to be heard by a judge in relation to the granting of a warrant and receive reports about the use of a warrant from law enforcement agencies. He will also deliver annual reports that will include figures on how often warrants are sought and granted.

The appointment of the commissioner involved an extensive and rigorous recruitment process. Mr McKenzie will begin his new role on 4 November.