



*Inspector
of the
Police Integrity Commission*

Our Ref: G7 2013 02

13 March 2013

The Hon Catherine Cusack MLC
Chair
Committee on the Office of the Ombudsman, the
Police Integrity Commission and the Crime Commission
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000

Dear Ms Cusack,

I refer to the Further Questions on Notice dated 22 February 2013.

I enclose my answers.

If you have any inquiries do not hesitate to contact me.

Yours sincerely,

A large black rectangular redaction box covering the signature of The Hon David Levine.

The Hon David Levine AO RFD QC
Inspector: PIC

Encl



NEW SOUTH WALES

Inspector of the Police Integrity Commission

Thirteenth General Meeting with the Inspector of the Police Integrity Commission (22 February 2013) Answers to Further Questions on Notice

- 1. Have you had the need to hold public hearings and call witnesses in the course of conducting investigations? In what circumstances do you envisage this may be necessary?**

Hitherto no. The circumstances would have to be exceptional and possibly subject to a reference from another body before I could anticipate that a public inquiry might be necessary in relation to the conduct of officers of the Commission. Such conduct would have to be of particular gravity and legitimately a matter of public interest and concern. At the time of providing this answer I simply cannot envisage any such circumstances.

- 2. In your answers to questions on notice (dated 25 January 2013), you note the importance of maintaining an 'arm's length' relationship with the NSW Crime Commission as it is a complainant to the Inspectorate. How do you balance this need to remain 'arm's length' with the practical need for information and communication with the NSW Crime Commission in undertaking your statutory duties?**

The balancing referred to will be constituted by the dealing with the Crime Commission on any matter on a sensible and businesslike basis. I see no impediment to the obtaining of any information or the conducting of any communication with the NSW Crime Commission in undertaking my statutory duties merely because in one particular area in relation to one particular inquiry being conducted by PIC, complaints have been lodged with this Inspectorate by the Crime Commission. Good sense, discretion and impartiality will prevail.

3. In undertaking your statutory role, what is your relationship with the NSW Police Force and with the Police Commissioner?

I have no relationship with the NSW Police Force by reason of my statutory role. The fundamental nature of my statutory role is the relationship I have with the Police Integrity Commission. In relation to the NSW Police Commissioner, in my statutory role as Inspector I have no relationship. The notion of "relationship" as I understand it in the question excludes the unique set of circumstances in 2012 when under section 217 of the Police Act 1990 the Minister for Police referred the 'Emblems' matter to me and I had two brief telephone conversations with the Police Commissioner and with other senior officers merely concerning the delivery to this Inspectorate of documents considered to be relevant. All of that material has of course been passed on to the Ombudsman.

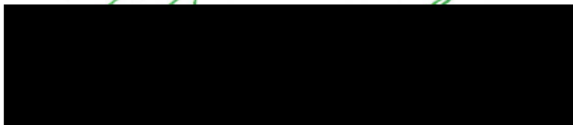
4. Could you elaborate on the duties and role of the Inspectorate's part time Legal Officer?

I attach hereto the position details of the Senior Legal Project Officer. The document speaks for itself. It might make the Committee better informed but query if it makes it any the wiser. In reality the Legal Officer might have allocated to her a particular exercise in audit, the reading of aspects of evidence or some essential legal research. The duties and role of the Legal Officer are best described in this way; since her arrival the business of the Inspectorate has become more efficient: if she were not present and available, the functioning of the Inspectorate would adversely be affected.

5. Please provide the Committee with a copy of your Corporate Plan.

The notion of a Corporate Plan simply has not been considered. I have seen a Corporate Plan of about four pages from the Police Integrity Commission which amounts to no more than a statement of its statutory functions: Any Corporate Plan that would be generated by this Inspectorate would go no further than that.

If the committee considers it essential that the Inspectorate of the Police Integrity Commission generate a Corporate Plan, the assistance of the Department of Premier and Cabinet will be sought in that regard.



The Hon David Levine AO RFD QC
Inspector: PIC
13 March 2013



***Inspector
of the
Police Integrity Commission***

Senior Legal Officer - Temporary

Position Details

Group: Government	Classification & Grade: TBC
Branch: Office of the Inspector, Police Integrity Commission	Reports to: Inspector, Police Integrity Commission (the Inspector)
Location: Sydney CBD	Positions reporting to this position: 0
Position No: TBA	

Evaluated:

Last revised:

Primary Purpose of the Position

Provide timely and expert legal advice and support to the Inspector, Police Integrity Commission (the Inspector) to support the achievement of the Police Integrity Commission and NSW Government objectives.

Organisation Environment

The Office of the Inspector was created by Section 88 of the *Police Integrity Commission Act 1996*.

The principal functions of the Inspector are:

1. to audit the operations of the Commission for the purpose of monitoring compliance with the law of the State, and
2. to deal with (by reports and recommendations) complaints of abuse of power, impropriety and other forms of misconduct on the part of the Commission or officers of the Commission, and
3. to assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality of its activities.

The Office of the Inspector is an independent statutory entity which is given extensive powers to investigate any aspect of the Commission's operations or any conduct of its Officers. The Inspector is entitled to access to the records of the Commission, and may investigate and assess complaints about the Commission or officers of the Commission.

While the position of Senior Legal Officer operates in the Office of the Inspector, the occupant is employed by the Department of Premier and Cabinet.

The NSW Department of Premier and Cabinet (DPC) works for the people of NSW by supporting the Premier and Cabinet to achieve the Government's vision for NSW and ensuring a whole-of-government approach to enhancing the economic, environment and social wellbeing of NSW.

The Department drives the Government's objectives, coordinates policy and services across the whole of government and enables effective stewardship of the public service. This is achieved

through providing thought leadership across the public sector, contributing a unifying intelligence to the systems of government.

In addition to providing support to the Premier and Cabinet, DPC assists a number of other NSW Ministers in the performance of their ministerial duties.

The Department's work is based on shared values that focus on high performance and achievement, ethics and people. These values highlight what DPC stands for and influence how we work. Those values are:

- *Professionalism and Excellence* – We focus on outcomes, take responsibility for our work, provide consistent and accurate advice, and demonstrate drive, energy and initiative
- *Integrity* – We are ethical, impartial and honest
- *Care* – We support our people, recognise their value, and invest in their development. Together we are respectful, honest and enthusiastic
- *Service* – We are custodians of good public governance providing responsive service to the community and government
- *Respect* – We are collaborative and courteous in our dealings with internal and external colleagues and stakeholders

For more information go to [http://www.dpc.nsw.gov.au/about/about the department](http://www.dpc.nsw.gov.au/about/about_the_department).

Key Outcomes/Accountabilities

- Provide timely, expert and professional legal advice to the Inspector on sensitive and complex issues with a high public profile to ensure the Inspector is in a position to make sound and informed decisions in regard to complaints about the Commission or officers of the Commission.
- Audit and report on the Commission's compliance with the law of the State to identify and escalate issues of concern to the Inspector.
- Support the Inspector when conducting public or private hearings to detect and expose serious police misconduct and assure the community that there is vigilant oversight of police in New South Wales.
- Undertake special projects as required to assist the Inspector to carry out the principal functions of the Office of the Inspector.
- Build and maintain effective working relationships with key internal and external stakeholders to exchange information and ensure the delivery of timely and appropriate advice.
- Prepare high quality, accurate and timely analyses, reports and briefings to inform Parliament and other key stakeholders or respond to requests.
- Comply with statutory requirements relating to work health and safety and staff management and implement strategies to promote an equitable, diverse and inclusive workforce environment.

Decision Making and Position Dimensions

Decisions which are made by the Position holder include:

- Operational decisions regarding the planning and organisation of their work and/or the work of the team to achieve business objectives and performance criteria, within approved work and project plans.
- As an authoritative source of advice for internal and external stakeholders on policy and program matters related to significant major events and projects.
- Is individually accountable for the reports, analysis, briefings and other forms of written advice prepared for the Inspector, often on complex issues.

- The decisions made must be consistent with Treasury Directions, public sector and corporate policies, priorities and industrial frameworks.

Decisions referred to a supervisor include:

- Any decision that will substantially alter the outcomes or timeframe of a project and on major policy issues or conflicts arising in the course of project and other duties.
- Matters requiring a higher delegated authority such as approval for expenditure, appropriation of resources and/or travel and matters requiring submission to the Director-General or Premier's Office.

Position dimensions

Staffing

Number of staff reporting directly: 0

Number of staff reporting indirectly 0

Delegations and Budget

Financial Delegation: Expenditure limit ??

Administrative Delegation: Category ?

Total Budget: \$

Key Challenges and Influences

- Ensuring the accurate and timely provision of all briefing material and legal and other advice to the Inspector to facilitate the effective consideration of major issues.
- Planning and prioritising work to cope with competing deadlines, in a fast moving environment, often with minimal supervision.
- Maintaining a sound knowledge of the diverse and complex legislative and policy framework, which impact on the PIC and the Inspectorate and cognate bodies.

Knowledge, Skills and Experience / Selection Criteria

Selection criteria should be drawn from the list below, up to a maximum of eight.

Knowledge

- Appropriate tertiary qualifications in law and admission or eligibility for admission as a legal practitioner in NSW.
- Knowledge of the Police Integrity Commission, parliamentary and legislative processes.

Skills

- Demonstrated high level organisational skills and the capacity to manage competing priorities and meet deadlines.
- Demonstrated strong analytical, research and problem solving skills.
- Demonstrated high level oral and written communication and interpersonal skills and ability to provide accurate, clear and comprehensive advice in short time frames.
- Ability to work independently and meet strict deadlines.
- Ability to apply legal principles in a practical way.
- Ability to engage with members of the public and representatives of the media in a discrete and appropriate fashion.

Experience

- Experience in administrative law????
- Experience in the preparation of complex advisings.

Further Information

- <http://www.dpc.nsw.gov.au/>
- <http://www.inspectorpic.nsw.gov.au/>
- <http://www.nsw.gov.au/stateplan/>
- *Public Sector Employment and Management Act 2002*
- *Personnel Handbook*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Crown Employees (Public Sector Salaries 2008) Award*

Certification

Manager:

Signature: _____

Name: _____

Date: ____/____/____

Position Holder:

Signature: _____

Name: _____

Date: ____/____/____