



12 April 2016

Independent Commission Against Corruption

Answers to Questions on Notice – ICAC Committee Public Hearing – 18 March – Inquiry to Review ICAC Inspector's Report regarding Operation Hale

QUESTION 1

Ms LATHAM: ... Could I just indicate that the administrative practice at the Downing Centre is that the Independent Commission Against Corruption, the Police Integrity Commission and a range of other agencies have been given this information by the search warrant protocol which is issued from the Downing Centre—that is, the first port of call is that we make an appointment with Registrar Lister. That is an administrative arrangement that the Downing Centre makes for the purposes of convenience—that is, having someone available at all times for the search warrant applications.

CHAIR: That makes sense.

The Hon. TREVOR KHAN: Are you able to provide us with a copy of that protocol? It does not have to be done right now.

Ms LATHAM: We can make that inquiry, yes.

ANSWER

In response I enclose a copy of the protocol issued by Mr Lister. I understand that Mr Lister has also established a group email list to communicate with relevant law enforcement agencies concerning the protocol. On 16 June 2015 he sent a group email to agencies in which he noted that some applicants for warrants either had no knowledge of the protocol or were only partially aware of its procedures and asked agencies to ensure all staff are provided with a copy of the protocol. When Mr Lister is not available, including because he is on leave, he has used the group email to communicate this fact and to nominate the person who will be performing his duties during his absence.

(See appendix – Guidelines for Seeking the Consideration of a Search Warrant Application)

QUESTION 2

The Hon. TREVOR KHAN: Let me put to you—and you can go away and check the dates—that the compulsory examination of what we will call the supplementary witnesses was on 28 and 29 October. There were eight or nine. Some were done by you, some were done by Deputy

Commissioner Hamilton and some were done by Assistant Commissioner MacSporran, all in the course of two days.

Ms LATHAM: That may be right.

The Hon. TREVOR KHAN: That means that Assistant Commissioner MacSporran was physically available to undertake the examinations on those days.

Ms LATHAM: I do not know that that is right without checking it, Mr Khan.

ANSWER

Three compulsory examinations were held on 28 October 2014. These involved taking evidence from medical staff. I presided at these compulsory examinations.

Six compulsory examinations were held on 29 October 2014. These involved taking evidence from three police officers, a paramedic, a communications officer and a towtruck driver. Assistant Commissioner MacSporran presided at these compulsory examinations.

Assistant Commissioner MacSporran was in Brisbane on 28 October 2014.

As I said in my evidence to the Committee on 18 March, there was no impediment, legal or otherwise, in me presiding at these compulsory examinations. Assistant Commissioner MacSporran was asked to preside at the compulsory examinations on 29 October because he was available on that date and I considered it was appropriate that he preside so that he had an opportunity to familiarise himself with Commission hearing procedures before the commencement of the public inquiry.

GUIDELINES FOR SEEKING THE CONSIDERATION OF A SEARCH WARRANT APPLICATION.

The following instructions are the guidelines for seeking of a search warrant:

1. The contact telephone number for arranging a time is [REDACTED]. If there is no answer on the line, please allow it to continue to ring as it defaults from the office desk to my mobile phone and subsequently to my message bank. If you leave a message I am able to ring you back. On a normal day I am here from 8am and the front doors to the building open at 8.30am. Feel free to ring from 8am.
2. Before you consider contacting to arrange a time, please ensure your application is complete and ready to go.
3. No consideration will be given to enquiries seeking to make "appointments" other than on the day in question. Should you have applications as a block (More than 6 federal warrants on the one affidavit or more than 3 simultaneous state applications) which will take a longer than normal period, you may enquire the day before you are seeking the warrants so a time period may be set aside provisionally. This will then require confirmation on the day the warrants are to be sought that you are still coming.
4. In making contact for a warrant, my guarantee to you is the routine application will be considered that day. You may find you will be invited to attend the registry immediately; ideally your application will be considered within the hour and in extreme circumstances there may be 2-3 hours delay. This is based on the general presumption an application is routine. If you have an application which is **Urgent** or requires some manner of priority consideration, please indicate this when you make contact. Urgent matters will be, obviously, considered urgently.
5. The location of my office is [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Please knock when you arrive (whether you can hear talking or whatever inside). You will be acknowledged and should I still have other matters on foot you will be asked to just take a seat. But it is most important you knock on the door to alert me to you having arrived.
6. For those of you who need to submit a return in relation to the search warrant, they may be submitted electronically to me at [REDACTED].

Stephen Lister

Chamber Registrar,

Downing Centre, SYDNEY

April, 2014.

NB. When these arrangements need to be departed from, an advisory E Mail will generally be sent about 48 hours beforehand, unless through emergency or illness where it may be on the day. These guidelines are to be read in conjunction with any E mail relating to the day you wish to apply.