

INQUIRY INTO PROTECTION OF PUBLIC SECTOR WHISTLEBLOWER EMPLOYEES

Organisation: NSW Police Force
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OFFICE OF THE COMMISSIONER

Mr Frank Terenzini MP
Chair
Committee on the Independent Commission Against Corruption
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

Dear Mr Terenzini,

Re: Inquiry into the protection of public sector whistleblower employees

I refer to your letter dated 16 March 2009, requesting comment on the ICAC Committee discussion paper titled 'Protection of Public Sector Whistleblower Employees'. The discussion paper puts forward a number of important proposals to amend the Protected Disclosures Act, to improve the protected disclosures system.

It is my view that the proposals are appropriate for Government agencies that work within the protected disclosures model. However the NSW Police Force differs considerably from other agencies in relation to allegations of misconduct against sworn officers.

Although the Protected Disclosures Act technically applies to police complaints, the NSW Police Force follows the comprehensive oversight and complaint management system legislated under Part 8A of the Police Act 1990. As the protections under the Police Act mirror those under the Protected Disclosures Act, compliance with the Police Act has been considered sufficient to meet the requirements of both Acts.

Please find attached the New South Wales Police Force submission in response to each of the Committee's proposals.

I thank you for the opportunity to comment on the discussion paper.

Yours sincerely

A P Scipione APM
Commissioner of Police

18 MAY 2009

NSW Police Force response to the inquiry into the protection of public sector whistleblower employees

The NSW Police Force manages disclosures and complaints about police officers and other officers employed by the NSW Police Force. This occurs through a complex scheme that is constituted by several pieces of legislation and non-legislative instruments. As outlined below, the Police Act 1990 governs protected disclosures made by sworn officers of the NSW Police Force. Therefore, amendments to the Protected Disclosures Act 1994, will impact upon the NSW Police Force differently to the way in which they impact upon other public authorities and investigating authorities, as matters relating to sworn officers continue to be dealt with under the Police Act, whilst matters involving civilian employees would be governed by the Protected Disclosures Act 1994.

The NSW Police Force response to the proposals arising from the 'Inquiry into the protection of public sector whistleblower employees' has been addressed in terms of how the corresponding provisions contained within the Police Act apply in relation to each proposal for sworn officers. As the provisions contained within the Police Act apply only to sworn officers, the proposals outlined below would only apply to civilian staff as they are governed by the Protected Disclosures Act 1994.

The NSW Police Force supports the development of a whole of government response to the protection of public sector whistleblower employees.

PROPOSAL 1

That a Protected Disclosures Unit be established in a suitable oversight body to:

- Monitor the operational response of public authorities (other than investigating authorities) to the Protected Disclosures Act 1994 (the Act)
- Act as a central coordinator for the collection and collation of statistics on protected disclosures
- Publish an annual report containing statistics on disclosures
- Identify systemic issues or problems with the operation of the Act
- Develop reform proposals for the Act; and
- Monitor and report on trends in the operation of the Act, based on information received from public authorities in relation to the management and outcomes of all disclosures received

That the Ombudsman's Office should be responsible for:

- Providing advice in relation to protected disclosures to public officials and public authorities
- Auditing the internal reporting policies and procedures of public authorities
- Coordinating education and training programs and publishing guidelines, in consultation with the other investigating authorities; and
- Providing advice on internal education programs to public authorities

Response

It is proposed that a Protected Disclosures Unit be established in a suitable oversight body to perform a number of functions.

As the NSWPF does not report to the Independent Commission Against Corruption in relation to either sworn or unsworn employees, the establishment of a Protected Disclosures Unit would not have a significant impact on the NSW Police Force.

PROPOSAL 2

That pursuant to section 30 of the Protected Disclosures Act 1994, enforceable regulations on protected disclosures be made requiring public authorities (including local government authorities) to have internal policies that adequately assess and properly deal with protected disclosures, and to provide adequate protection to the person making the disclosure. These protected disclosure regulations should require the internal policies to be consistent with, but not necessarily identical to, the NSW Ombudsman's 'Model internal reporting policy for state government agencies' and its 'Model Internal Reporting {Policy for Councils' as outlined in the NSW Ombudsman's Protected Disclosures Guidelines 5th Edition.

Response

The NSWPF supports an internal disclosure model that is in line with the NSW Ombudsman's 'Model internal reporting policy for state government agencies'.

However the following should be noted:

- The NSWPF does not assess disclosures concerning police officers under the Protected Disclosures Act.
- If a written complaint is made against a police officer it is assessed and managed under Part 8A of the Police Act 1990.
- If a verbal allegation is made concerning misconduct or criminal activity involving a police officer under the duty imposed by clause 49, the allegation is reduced to writing and then is assessed and managed under Part 8A of the Police act 1990.
- All complaints concerning police officers are oversighted by the NSW Ombudsman and Police Integrity Commission, under the Wood Royal Commission oversight model.

PROPOSAL 3

That the Protected Disclosures Act 1994 be amended to provide that, in addition to public officials, disclosures that are made by people who are in contractual relationships with public authorities are eligible for protection.

Response

The NSWPF does not object to this proposal. However in relation to allegations of misconduct concerning police officers the following is relevant:

- The NSWPF system does not assess complaints about police officers under the Protected Disclosures Act. The police complaints oversight model requires compliance with Part 8A of the Police Act.
- S169A of the Police Act protects the identity of members of the public who make complaints about the conduct of police officers. However s206 of the Police Act does not protect members of the public against reprisal action.

Section 12A of the Protected Disclosures Act currently protects disclosures by 'public officials' to the Police Integrity Commission as follows:

12A Disclosure concerning police

(1) To be protected by this Act, a disclosure by a public official to the PIC must:

- (a) be made in accordance with the Police Integrity Commission Act 1996, and
- (b) be a disclosure that shows or tends to show corrupt conduct, maladministration or serious and substantial waste of public money by a police officer.

(2) To be protected by this Act, a disclosure by a public official to the PIC Inspector must:

- (a) be made in accordance with the Police Integrity Commission Act 1996, and
- (b) be a disclosure of information that shows or tends to show corrupt conduct, maladministration or serious and substantial waste of public money by the PIC, a PIC officer or a PICI officer.

PROPOSAL 4

That the Protected Disclosures Act 1994 is amended to make it clear that, in addition to public officials, disclosures made by volunteers and interns working in the office of a member of parliament are eligible for protection.

Response

This proposal does not appear to affect the NSWPF.

PROPOSAL 5

That the Protected Disclosures Act be amended to provide that in order to attract protection, disclosures must:

- Show or tend to show that a public authority or official has, is or proposes to engage in corrupt conduct, maladministration, or serious and substantial waste; or

- Be made by a public official who has an honest belief on reasonable grounds that the disclosure, concerning corrupt conduct, maladministration, or serious and substantial waste is true

Response

Sworn employees

The test for protection where making a complaint under part 8A of the Police Act is different from that under the Protected Disclosures Act. Instead of providing criteria for 'disclosures' which are 'protected', the Police Act provides for complaints to which part 8A applies. Part 8A applies to a complaint that 'alleges' or 'indicates' the following conduct:

- constitutes unlawful conduct (not being an offence or corrupt conduct),
- conduct of a police officer that, although not unlawful:
 - is unreasonable, unjust, oppressive or improperly discriminatory in its effect, or
 - arises, wholly or in part, from improper motives, or
 - arises, wholly or in part, from a decision that has taken irrelevant matters into consideration, or
- arises, wholly or in part, from a mistake conduct of a police officer that constitutes an offence,
- conduct of a police officer that constitutes corrupt conduct (including, but not limited to, corrupt conduct within the meaning of the *Independent Commission Against Corruption Act 1988*),
 - conduct of a police officer that of law or fact, or
 - is conduct of a kind for which reasons should have (but have not) been given,
 - conduct of a police officer that is engaged in accordance with a law or established practice, being a law or practice that is, or may be, unreasonable, unjust, oppressive or improperly discriminatory in its effect.

The test is much broader than the existing tests under the Protected Disclosures Act.

S206 of the Police Act 1990 protects police officers from reprisals in respect of allegations about police conduct where:

- allegations have been made to a police officer about misconduct and the police officer reports the alleged conduct under clause 49 of the Police Regulation;
- or a police officer sincerely believes that another police officer has engaged in misconduct and the police officer reports the alleged conduct under clause 49 of the Police Regulation; or
- a police officer makes a complaint under Part 8A of the Police Act alleging certain conduct on the part of another police officer

Further, protection from reprisals is provided by clause 50 of the Police Regulation which provides that a police officer must not take certain action affecting another

police officer's employment *'in retaliation against that other officer because that other officer has made a protected report in relation to unlawful conduct'*.

If ss12A and 14 of the Protected Disclosures Act are amended in accordance with proposal 5, the disclosures which will be protected under those provisions would generally be protected under s206 of the Police Act. Part 8A of the Police act merely has to 'allege' or 'indicate' certain conduct has occurred. There is no explicit requirement that the person making the allegation must honestly believe it to be true, or have reasonable grounds for the belief (although it is an offence to make a false complaint – s167A).

The proposed amendment would not have a significant impact upon the current police complaints system, as the Police Act protects a wider range of allegations than would be protected under the Protected Disclosures Act.

Civilian employees

The NSWPF supports this proposal for disclosures about civilian employees.

PROPOSAL 6

That the Protected Disclosures Act 1994 be amended to provide for applications by public or investigating authorities, for injunctions against detrimental action on behalf of public officials.

There is no objection to this proposal.

PROPOSAL 7

That the Protected Disclosures Act 1994 be amended to provide for a public official to claim for civil damages for detrimental action taken against them substantially in reprisal for a protected disclosure.

It appears that this proposal is based on s43 of the Whistleblowers Protection Act 1994 (Qld), in which the right to claim damages for detrimental action, only applies against the individual tortfeasor and not against the NSWPF or the Crown.

Since this is intended to act as a deterrent to persons who would seek to take detrimental action against another employee, the NSWPF does not object to a statutory right to seek damages against the person who is found to have taken detrimental action, as opposed to the NSWPF or the Crown.

PROPOSAL 8

That section 22 of the Protected Disclosures Act 1994 be amended to remove the requirement for confidentiality in cases where a public official has voluntarily and publicly identified themselves as having made a protected disclosure

Response

Sworn employees

The NSWPF does not assess complaints under the Protected Disclosures Act, however this proposal does not appear to adversely affect the interests of the NSWPF.

The NSWPF is able to adopt this proposal by amendments to the Commissioner's Guidelines under s169A of the Police Act.

Civilian employees

The NSWPF supports this proposal for disclosures about civilian employees.

PROPOSAL 9

That section 22 of the Protected Disclosures Act be amended to clarify that the confidentiality guidelines apply to a public official who has made a protected disclosure, in addition to the relevant investigating and/or public authorities investigating the disclosure.

Response

Sworn employees

The NSWPF does not assess disclosures about police officers under the Protected Disclosures Act.

S169A of the Police Act includes the following confidentiality provisions:

169A Identity of complainant not to be disclosed

A member of the NSW Police Force must not disclose to any person the identity of a complainant unless the disclosure is made:

- (a) in accordance with guidelines established by the Commissioner, or
- (b) with the consent of the complainant, or
- (c) in accordance with a requirement of or made under this or any other Act, or
- (d) for the purposes of any legal proceedings before a court or tribunal.

S169A does not explicitly prohibit persons from disclosing their own identity as a complainant. However, police officers are also bound by clause 75 of the Police Regulation which provides that a member of the NSWPF must treat all information which comes to his or her knowledge in his or her official capacity as strictly confidential and on no account, without proper authority divulge it to anyone. Accordingly, police officers would generally be precluded by this provision from disclosing the nature of their allegation about another police officer made under the Police Act.

Clause 53 states as follows:

53 Secrecy as to complaints about conduct

(1) This clause applies if:

- (a) any person (including a police officer) makes an allegation, not being an allegation which constitutes a complaint under Part 8A of the Act, to a police officer (in this clause called *the senior officer*) concerning the conduct of a police officer, and

- (b) the senior officer has reasonable grounds for believing that, if the allegation were true:
 - (i) the police officer against whom the allegation was made would have committed a criminal offence, or
 - (ii) section 80 dismissal action could be taken, or a section 173 order or section 181D order could be made, with respect to that officer.
- (2) In the circumstances referred to in subclause (1), the senior officer must not disclose to the officer against whom the allegation was made or any other person the identity of the person who made the allegation, except:
 - (a) to or with the authority of the Commissioner, or
 - (b) in connection with the institution of or otherwise for the purposes of any proceedings before a Royal Commission, a Special Commission of Inquiry, the Industrial Relations Commission or a court.
- (3) In the course of an investigation into the allegation, a police officer must not, without the consent of the Commissioner, disclose to any person (other than the Commissioner) the identity of the person who made the allegation.
- (4) The Commissioner must not grant a consent under subclause (3) unless the Commissioner considers that the disclosure of the identity of the person who made the allegation is necessary for the effective conduct of the investigation into the allegation.

Where allegations are not made under Part 8A, clause 53(3) of the Police Regulation provides that in the course of an investigation into the allegation, a police officer must not, without the consent of the Commissioner, disclose the identity of the person who made the allegation. This clause would probably preclude police officers from disclosing their own identity as the maker of the allegation.

Accordingly, Proposal 9 would be broadly consistent with the statutory provisions that apply to allegations made under the Police Act and the Police Regulation about the conduct of police officers.

Civilian employees

The NSWPF supports this proposal for disclosures about a civilian employees.

PROPOSAL 10

That the Protected Disclosures Act 1994 be amended to provide that detrimental action taken substantially in reprisal for a protected disclosure is a disciplinary offence for all public officials

Response

Sworn employees

The purpose of this proposal appears to be to make the Protected Disclosures Act consistent with the Public Sector Employment and Management Act (PSEMA), which provides that disciplinary action may be taken against persons taking reprisal action (s46).

The Police Act does not contain an equivalent provision to the proposed provision. However, the Commissioner of Police may take action in relation to 'misconduct' by police officers (s173). 'Misconduct' is not defined but would include the taking of action in reprisal for making an allegation protected by s206 of the Police Act 1990.

This proposal would create a more consistent scheme for the NSWPF, as it would mean that disciplinary action could be taken in respect of reprisals for disclosures made under the Protected Disclosures Act, allegations under the Police Act and allegations of misconduct under the PSEM Act (as imported under s184 of the Police Act 1990).

PROPOSAL 11

That the Protected Disclosures Act 1994 be amended to provide a detailed, stand alone definition of a public authority along the lines of Schedule 5(2) of the Whistleblowers Protection Act 1994 (Queensland)

Response

There is no objection to this proposal.

PROPOSAL 12

That section 14 of the Protected Disclosures Act 1994 be amended to clarify that to be protected by the Act, disclosures by public officials that show or tend to show corrupt conduct, maladministration or serious and substantial waste of public money may be made to the appropriate public authority or investigating authority where the public official honestly believes it is an appropriate authority to receive the disclosure

Response

Sworn employees

This proposal does not affect the police complaints system. Referrals between agencies are made under Part 8A of the Police Act 1990 as follows:

Division 4 Reference of complaints between authorities

130 Complaints received by Commissioner

- (1) As soon as practicable after receiving a complaint, a police officer or other member of the NSW Police Force must forward the complaint to the Commissioner.
- (2) As soon as practicable after receiving a notifiable complaint, whether directly or as a result of it being forwarded as referred to in subsection (1), the Commissioner must cause a copy of the complaint to be sent to the Ombudsman.

131 Complaints received by Police Integrity Commission

- (1) As soon as practicable after receiving a complaint, the Police Integrity Commission must refer the complaint to the Commissioner.
- (2) The Police Integrity Commission is not required to refer a complaint (or part of a complaint) to the Commissioner if of the opinion that it is not in the public interest to do so.
- (3) The Police Integrity Commission may, instead of referring a complaint to the Commissioner, forward a summary or appropriate details of the complaint, if of the opinion that there are reasonable grounds for not referring the complaint.
- (4) The Police Integrity Commission may cause a copy of a complaint (or part of a complaint) that it decides not to refer to the Commissioner to be sent to the Ombudsman.

132 Complaints received by Ombudsman

- (1) As soon as practicable after receiving a complaint, the Ombudsman must refer the complaint to the Commissioner.
- (2) The Ombudsman is not required to refer a complaint (or part of a complaint) to the Commissioner if of the opinion that it is not in the public interest to do so.
- (3) The Ombudsman may, instead of referring a complaint to the Commissioner, forward a summary or appropriate details of the complaint, if of the opinion that there are reasonable grounds for not referring the complaint.
- (4) The Ombudsman may cause a copy of a complaint (or part of a complaint) that the Ombudsman decides not to refer to the Commissioner to be sent to the Police Integrity Commission.

133 Complaints lodged at Local Courts

- (1) As soon as practicable after a complaint is lodged at a Local Court, the Clerk of the Court:
 - (a) must give the Ombudsman, by telephone, facsimile or electronic mail, brief details of the complaint, and
 - (b) must forward the complaint to the Ombudsman, unless otherwise directed by the Ombudsman.
- (2) If directed to do so by the Ombudsman, the Clerk of the Court:
 - (a) must forward the complaint to the Commissioner, and
 - (b) must obtain a receipt for the complaint from the Commissioner, and
 - (c) must retain such records of the complaint as the Ombudsman directs, and
 - (d) must send a copy of the complaint to the Ombudsman together with the receipt and a report of the action taken by the Clerk.
- (3) If directed to do so by the Ombudsman, the Clerk of the Court:

- (a) must forward the complaint to the Police Integrity Commission, and
 - (b) must obtain a receipt for the complaint from the Commission, and
 - (c) must retain such records of the complaint as the Ombudsman directs, and
 - (d) must send a copy of the complaint to the Ombudsman together with the receipt and a report of the action taken by the Clerk.
- (4) (Repealed)
- (5) The Clerk of a Local Court is taken to be an officer of the Ombudsman in connection with any action of the Clerk under this section.

134 Complaints referred by ICAC or NSW Crime Commission

The Independent Commission Against Corruption or New South Wales Crime Commission does not become the complainant merely because it refers a complaint to an investigating authority.

135 Complaints referred by Minister

- (1) The Minister does not become the complainant merely because the Minister refers a complaint made by some other person (a *client*) to an investigating authority, except for the purposes of the provisions of this Act that require the complainant to be informed or notified of any matter or given or sent any matter.
- (2) If the Minister publishes to a client any matter with respect to the client's complaint that the investigating authority publishes to the Minister, the publication of that matter to the client by the Minister has the same effect, for all purposes, as a publication of that matter to the client by the investigating authority.

136 Complaints made by member of Parliament

- (1) A member of Parliament does not become the complainant merely because the member of Parliament makes a complaint to an investigating authority on behalf of some other person (a *client*), except for the purposes of the provisions of this Act that require the complainant to be informed or notified of any matter or given or sent any matter.
- (2) If a member of Parliament publishes to a client any matter with respect to the client's complaint that the investigating authority publishes to the member of Parliament, the publication of that matter to the client by the member of Parliament has the same effect, for all purposes, as a publication of that matter to the client by the investigating authority.

137 Multiple handling of complaints

Nothing in this Division requires a copy of a complaint to be referred to an investigating authority if it already has a copy (or a summary or appropriate details) of the complaint.

138 Action on complaint not affected by failure to comply with Division

- (1) Action taken with respect to a complaint is not to be called into question in any legal proceedings merely because of any failure to comply with the requirements of this Division with respect to the referral of the complaint to an investigating authority or the notification of the complaint to the Ombudsman.

Civilian employees

The NSWPF supports this proposal for disclosures about civilian employees.

PROPOSAL 13

That the Protected Disclosures Act 1994 be amended to include definitions for 'vexatious' and 'frivolous' complaints as provided for in section 16 of the Act, to enable agencies to more easily identify complaints that are not eligible for protection.

Response

Under Part 8A of the Police Act, the Commissioner of Police may decline to investigate a complaint on the basis that it is '*frivolous, vexatious or not made in good faith*' (s141). Further, it is a defence to a prosecution under s206 of the Police Act that the allegation was made '*frivolously, vexatiously or in bad faith*'.

The NSWPF supports this proposal. It is suggested that to provide consistency, the Police Act could be similarly amended to provide definitions of '*frivolous*', '*vexatious*' and '*not made in good faith*'.

PROPOSAL 14

That public authorities include in their Protected Disclosures policies advice:

- That complaints made substantially to avoid disciplinary action, or made vexatiously or frivolously, are not eligible for protection under the provisions of the Protected Disclosures Act 1994; and
- Specifying appropriate avenues for resolving grievance and performance related issues

Response

Sworn employees

The NSWPF does not assess disclosures about police officers under the Protected Disclosures Act.

S206 of the Police Act 1990 provides as follows:

206 Protection against reprisals

- (1) This section applies to an allegation of misconduct or criminal activity made by a police officer about one or more other police officers where the allegation (a ***protected allegation***) is made:

- (a) in the performance of the duty imposed on the police officer by or under this or any other Act, or

- (b) in accordance with the procedures for making allegations set out in this or any other Act,
 - (c) and so applies even if the person who is the subject of the allegation is no longer a police officer.
- (2) A police officer who takes detrimental action against another police officer or former police officer (being action that is substantially in reprisal for the other police officer or former police officer making a protected allegation) is guilty of an offence.

Maximum penalty: 50 penalty units or imprisonment for 12 months, or both.

- (2A) In any proceedings for an offence against this section, it lies on the defendant to prove that the detrimental action shown to be taken against a person was not substantially in reprisal for the person making a protected allegation.
- (2B) Subsection (2A) applies only in relation to a protected allegation that is a protected disclosure within the meaning of the Protected Disclosures Act 1994.
- (3) It is a defence to a prosecution under this section that the allegation was made frivolously, vexatiously or in bad faith.
- (4) This section does not limit or affect the operation of the Protected Disclosures Act 1994. In particular, nothing in this section prevents a police officer who makes a protected allegation from making a disclosure relating to the same conduct or activities under that Act.
- (4A) Proceedings for an offence against this section may be instituted at any time within 2 years after the offence is alleged to have been committed.
- (5) In this section:

detrimental action means action causing, comprising or involving any of the following:

- (a) injury, damage or loss,
- (b) intimidation or harassment,
- (c) discrimination, disadvantage or adverse treatment in relation to employment,
- (d) dismissal from, or prejudice in, employment,
- (e) disciplinary proceedings,
- (f) the making of a complaint, or the furnishing of a report, under this Act or the regulations.

The NSWPF supports this proposal, however unlike the Protected Disclosures Act, the Police Act does provide protection notwithstanding that an allegation is made substantially to avoid disciplinary action. Therefore this proposal would not affect protections given under the police complaints system.

PROPOSAL 15

That section 27 of the Protected Disclosures Act 1994 be amended to require agencies that receive a protected disclosure to keep the public official who has made the disclosure informed as to developments in relation to their disclosure

Response

Sworn employees

The NSWPF does not manage disclosures about police officers under the Protected Disclosures Act.

Under Part 8A of the Police Act 1990, complaints must be dealt with in a timely manner.

Under s150 of the Police Act, complainants are consulted regarding their satisfaction with the action taken, or proposed to be taken as follows:

Division 6 Procedures following investigation by Commissioner

150 Information to be sent to complainant and Ombudsman

As soon as practicable after the investigation of a complaint has been concluded and a report of the investigation finalised, the Commissioner:

- (d) if practicable, must consult with the complainant before making a decision concerning any action to be taken as a result of the complaint, and
- (e) must provide the complainant with advice as to any action already taken, and as to the Commissioner's decision concerning any action to be taken, as a result of the complaint, and
- (f) must provide the Ombudsman with:
 - (i) a copy of the finalised report, and
 - (ii) advice as to any action already taken, and as to the Commissioner's decision concerning any action to be taken, as a result of the complaint, and
 - (iii) advice as to whether or not the complainant is satisfied with the action taken, or to be taken, as a result of the complaint.

Civilian employees

The NSWPF supports this proposal for disclosures about civilian employees.

PROPOSAL 16

That the Protected Disclosures Act 1994 be amended to require public authorities to report on protected disclosures, along the lines of what is required for freedom of information applications under s69 of the Freedom of Information Act 1994. This reporting requirement could take the form of a protected disclosures regulation requiring a public authority to publish in their annual report the following information on protected disclosures (as per clause 10 of the Freedom of Information Regulation):

1. The number of disclosures made in the past 12 months
2. Outcomes
3. Policies and procedures
4. Year-on-year comparisons
5. Organisational impact of investigations of disclosures

To ensure consistent reporting, the NSW Ombudsman's Protected Disclosures Guidelines could be revised to include an Appendix setting out a pro-forma for agency reporting of information on protected disclosures for annual reports, with the protected disclosures regulation requiring public authorities to adopt this pro-forma.

Sworn employees

The NSWPF does not assess disclosures about police officers under the Protected Disclosures Act.

To implement this proposal would require the NSWPF to assess matters under the Protected Disclosures Act, which would impose additional requirements on Local Area Commands and Specialist Commands. This would require the introduction of training and education on assessing Protected Disclosures, and changes to systems that are already in place, for little perceived benefit. This would include expensive changes to the NSWPF c@tsi system to collect the statistics required.

The police system is extensively oversighted and reported on, in the annual reports of the NSW Ombudsman and Police Integrity Commission. It is suggested that the police complaint system, developed on the basis of the recommendations of the Wood Royal Commission is sufficient and that this proposal should not apply to the NSWPF.

Civilian employees

The NSWPF supports this proposal for disclosures about civilian employees.