

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN,
THE POLICE INTEGRITY COMMISSION AND THE CRIME
COMMISSION**

2014 GENERAL MEETINGS

At Sydney on 17 February 2014

The Committee met at 10.50 a.m.

PRESENT

The Hon. C. Cusack (Chair)

Legislative Council
The Hon. A. Searle

Legislative Assembly
Mr K. J. Anderson
The Hon. P. G. Lynch

DAVID DANIEL LEVINE, Inspector of the Police Integrity Commission, affirmed and examined:

CHAIR: I declare open the Committee's 2014 General Meetings with the Police Integrity Commission, the Inspector of the Police Integrity Commission, the New South Wales Crime Commission, including the Commission's Management Committee, the Inspector of the New South Wales Crime Commission and the Inspector of Custodial Services. I thank all the witnesses who will be appearing before the Committee today. Mr Levine, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr LEVINE: No. I will be the only witness unless Ms Raice or Ms Rogers are the only people who can answer any question.

CHAIR: Will you please introduce them?

Mr LEVINE: Ms Susan Raice is my principal legal adviser and Ms Barbara Rogers is our chief engineer.

CHAIR: It is good that you have double the support you had. Would you like to make an opening statement before the commencement of questions?

Mr LEVINE: No.

Mr PAUL LYNCH: Inspector, you have recently been appointed as the Inspector of the Independent Commission Against Corruption?

Mr LEVINE: Yes.

Mr PAUL LYNCH: How does that operate with your current role as Inspector of the Police Integrity Commission? What does it mean in terms of resources and your time? Do you have the one office for both inspectorates?

Mr LEVINE: With regard to the office, yes. They used to be contiguous and I now open the door between the two offices. As to staffing, Ms Raice and Ms Rogers will be my staff as was the case in the inspectorate. The Independent Commission Against Corruption vetting process will be completed in a fortnight, notwithstanding that they have been vetted by the Police Integrity Commission. I have been in the office only since Monday of last week, so it is very difficult to give any precise picture at this stage. At the time the issue arose and when I went before the relevant vetoing committee, I was confident that there would not be any need for an increase in staff.

There might be a need to increase the number of days from three to four. However, that depended on what I would find when we got through the doors. I have now seen physically the number of files. I think there will be a requirement for both my present staff members and the remaining member of the previous Inspector's staff to stay for at least a month for a transition period until I at least have got to my head around all the Independent Commission Against Corruption files. Some of the smaller ones have already been dealt with, but there are some very big ones lined up. The role is virtually identical with regard to each statute's powers, but I have yet to see how those powers are applied to the different entities.

Mr PAUL LYNCH: Have you met with the Inspector of the Crime Commission yet?

Mr LEVINE: Yes, informally.

Mr PAUL LYNCH: There is the potential for some confusion and overlap between his function and yours. Has any work been done to get some clarity about that relationship?

Mr LEVINE: I will contextualise that. There still remains from the last reporting period nine complaints by the Crime Commission against the Police Integrity Commission that I have to deal with. There has also evolved another matter involving one officer of the Police Integrity Commission, the Inspector of the Crime Commission and myself as Inspector of the Police Integrity Commission. It is a regrettable triangulation because, in the broadest of terms, the issue to be resolved by both inspectorates relates to the same matter. To that extent, once it is out of the way we can look at it. The problem that has been holding it up is the fact that

this triangulation is in place. All it requires is for me to deal with the complaint against the officer of the Police Integrity Commission, who made a complaint to the Inspector of the Crime Commission on the same subject matter. That arose because the Inspector of the Crime Commission was appointed after the officer of the Police Integrity Commission had in effect invited me to make my inquiry into his conduct.

Mr PAUL LYNCH: Is there any indication of the time frame within which that might be resolved?

Mr LEVINE: I will not talk years; I will talk months. It would be two to three months.

Mr PAUL LYNCH: The broader question I am interested in is your key priorities for the next 12 months.

Mr LEVINE: The key priority in relation to the Police Integrity Commission is to get rid of matters that subsist or continue from what I have described to this Committee as the "prior regime". They both involve the Crime Commission. I want to get rid of them. Then I will have the advantage of furthering the good relationship that I have enjoyed with the new regime, as between myself and Commissioner James. As far as the Independent Commission Against Corruption is concerned, I will be developing what I anticipate will be a good relationship with Justice Latham. However, there is still this hangover from the old era that must be completed.

Mr PAUL LYNCH: How many matters are there in that hangover from the old regime?

Mr LEVINE: There are nine that I group as one, plus one other matter. But the nine are huge, tedious, old and have to be got rid of.

The Hon. ADAM SEARLE: At last year's General Meeting you explained that Operation Calyx was the first opportunity after Strike Force Emblems to put in place an arrangement with the Police Integrity Commission for obtaining information. Are you satisfied with the current arrangements and do you have adequate access to information from the Commission?

Mr LEVINE: Yes, I am satisfied with the arrangements that have developed with the Police Integrity Commission [PIC]. They are going to be technologically improved in this way. Rather than, as my predecessor did with James J's predecessor, going down physically and sitting in the little room and using the computer, computer remote access will be provided so that we can do our own research. That has yet to be put in place because it was put in the pending basket until I settled into the Independent Commission Against Corruption [ICAC] Inspector role. ICAC already has in place the remote access to ICAC; it is just a matter of getting the technology attended to.

The Hon. ADAM SEARLE: I imagine there would have to be a fair level of security surrounding that technology?

Mr LEVINE: Yes.

The Hon. ADAM SEARLE: Does the PIC already have that technology available to it or would it be borrowing from the ICAC model? How is that solution being attended to?

Mr LEVINE: In technological terms, we are using the same equipment.

The Hon. ADAM SEARLE: As the ICAC?

Mr LEVINE: Yes, the same methodology and pieces put into your computer. But each will be sterile from the other—there will be no crossover.

Mr KEVIN ANDERSON: Thank you for your annual report. I notice that in part 1.1 you talk about reorganisation and restructuring of the administrative systems and, as you have already indicated, your keenness to work more closely with the new regime. In terms of that restructure and the reorganisation, are there any aspects of the PIC's practices and procedures that you consider to be improved in the way that you would now run your show or run your business?

Mr LEVINE: Yes, the management of its filing system. Without in any way intending to disparage my earlier regime, we had to start from the beginning and with the help, particularly of Ms Rogers, we have evolved

a highly sophisticated electronic filing system so that we are not surrounded by cupboards full of blue, green, red and so on. That has been the major change. A great deal of old material has been physically removed and archived and, I would interpolate, we might have to do the same thing when we move into ICAC. I still think we could probably do with more sophisticated and modern computer and telephone systems but that will be raised with the department when we have moved into ICAC.

Mr KEVIN ANDERSON: Do you consider that the new filing system has enhanced the protection of the information that you hold and the integrity of the office?

Mr LEVINE: Yes, I have no reason to think that any of that is compromised.

Mr KEVIN ANDERSON: And do you have continued access to the PIC's files? Has that been improved by the new technology that you are using?

Mr LEVINE: I am sorry, I do not understand?

Mr KEVIN ANDERSON: Do you have adequate access to PIC's files, now you are moving into a new way of running the office?

Mr LEVINE: No, we have adequate access to our own files, the inspectorate's files. What has yet to be put in place is the remote access system to the PIC's material, which is still obtained by going down there. However, the PIC is very cooperative and if we say that we require X, Y or Z, they will either email it to us or, if it is safer to send hard copies, they will do it that way. That will be more sophisticated once the remote access system is in place.

Mr KEVIN ANDERSON: And improve the efficiency?

Mr LEVINE: Yes, I would think so.

Mr KEVIN ANDERSON: You mentioned earlier that you would like to see an increase from three days to four and, given the extra workload that is now being asked of you, are you satisfied with the current levels of resourcing and staffing? Are they sufficient for you to adequately perform your function?

Mr LEVINE: I am as satisfied as I can be, to the extent that I have knowledge of what is in the ICAC component. To that extent, I would anticipate the present staffing level to remain at two. I cannot say, with certainty, that I will need four but it might be desirable that that resource be available when necessary. I am trying to look ahead where we have the remote access to information, which will make a tremendous difference and then the quantum of work from ICAC, which I still do not know. Once I have knowledge of the quantum of work and there is available a more sophisticated mechanism for dealing with whatever that quantum is, I am confident that perhaps the only major change will be an increase in one day, but for the same number of people. And that should, if I might say so, permit it to be so structured as to permit flexibility so it might be that I might not have to be there on the same day as all my other staff but out of the three or four days I would be there for a minimum of two or three, as required.

CHAIR: I turn to the complaints you have inherited and received and what the outcomes of those have been. Turning to the Crime Commission, I understand there are nine complaints but if, as you suggested, we can refer to that as one matter, is it correct to say that you inherited two matters that were outstanding complaints against the PIC that you have been working to resolve?

Mr LEVINE: Of the matters inherited there are two made up of one bundle of nine and one that became a complaint after my arrival but that related to matters before.

CHAIR: So how many complaints did you inherit altogether?

Mr LEVINE: I cannot answer. If you want an answer, I am happy to take it on notice.

CHAIR: Will you take that question on notice?

Mr LEVINE: Yes.

CHAIR: I am interested in knowing the outcome of the complaints that you inherited. What we have in your annual report is information about the 16 new complaints that you received from 1 July 2012 to 30 June 2013 and how those matters have been resolved. I note that 13 of the 16 have been closed, six were found to be outside your jurisdiction, six were not upheld and one was withdrawn and, as a result, there are three active complaints. I am interested to get a full picture of the outcome of the complaints that you inherited that relate to that period before 1 July 2012. I am interested in whether you have upheld any complaints against the PIC?

Mr LEVINE: One.

CHAIR: Can I ask what that matter concerned?

Mr LEVINE: It was a minor matter that was dealt with on 22 November 2013 in relation to a complaint that was first made on 6 November 2012. It involved the complainant being concerned about the manner in which a document had been served by the PIC. It was served in such a way that, lawful though the service was, it admitted information in the document to be viewed more publicly than was necessary. We drew that to the attention of the PIC and we have received a response that efforts will be made to ensure that that type of thing does not happen again. From the point of view of the complainant, I can understand the concern. From the point of view of the PIC, I can understand that they had to reach a middle ground where something was done legally but, with the possibility of having an unintended and wider broadcast, we should try to avoid it. I agreed.

CHAIR: How many matters do you have active before you at the moment?

Mr LEVINE: We have one, being the bundle; two, being the officer of the PIC; and a third, that is a matter that is not a complaint but a reference from this Committee that we might call the Torbay reference. They are the only three in the last reporting period. We have apparently three since. I will have to find out and remind myself of those because, focusing back on the last—

CHAIR: So is the total three or six?

Mr LEVINE: Six, probably.

CHAIR: Six matters?

Mr LEVINE: Yes.

CHAIR: So far under your tenure the PIC has done everything right from the sound of things?

Mr LEVINE: Yes.

CHAIR: Except for the service of the document?

Mr LEVINE: I would not regard that as an egregious departure; it was an accidental thing. Actually the three that have been commenced since the commencement of the current year have been opened and closed.

CHAIR: How were they resolved?

Mr LEVINE: No jurisdiction. This is not uncommon. At its simplest, the person is complaining about the conduct of a police officer. That is something beyond our jurisdiction.

CHAIR: So there are no further matters that you are dealing with in the current financial year?

Mr LEVINE: I do not regard Crime Commission matters—

CHAIR: I understand that, but in relation to the PIC in the current financial year there are no additional current matters?

Mr LEVINE: No.

CHAIR: You have just had three misdirected complaints.

Mr LEVINE: Yes.

CHAIR: We referred the Torbay matter to you around about May 2013?

Mr LEVINE: Yes.

CHAIR: You wrote to us in August?

Mr LEVINE: Yes.

CHAIR: And then we received further correspondence from you in December saying that you had referred the matter back to the PIC and that you were waiting for the PIC to reply. As you do not know when the PIC will reply you essentially do not know when you will be able to resolve the issue. Is that correct?

Mr LEVINE: The only outstanding matter, as far as my response to that reference, is what I raised with the PIC. As soon as I hear back from the PIC, subject to the information that it provides, I will be able to provide a report. PIC is here today so they will probably take that as a reminder.

CHAIR: It has been a long time now. The Committee is curious to know the PIC's time frame in terms of responding to you and what your expectations are of the PIC in terms of responding.

Mr LEVINE: You would have to ask the PIC that.

CHAIR: If you ask the PIC a question do you have any expectation that they will respond?

Mr LEVINE: Yes, certainly. I always get a response. Sometimes it is very quick; it depends what the question is. The issue that has been referred to the PIC in the Torbay matter is whether one component of it should be considered by the PIC. It is a matter for the PIC to decide as a new complaint. We are waiting to hear back as to whether they have reached a view about that and, depending on what that view is, what they are going to do about it.

CHAIR: What would the new complaint be?

Mr LEVINE: That relates to the sentencing proceedings.

CHAIR: That was not in the letter that we sent to you.

Mr LEVINE: No. There was more recent publicity that generated further communication. The Inspectorate obtained the remarks on sentence—which, of course, is a very good picture of what occurred in the sentencing proceedings—against which to judge what was said in the communication about the sentencing proceedings. But as far as I know the PIC has not examined that in terms of a complaint about how the PIC might have managed any role it had in the sentencing proceedings. That is all we are waiting for.

CHAIR: You say the Inspectorate received information. That was information that was sent to you?

Mr LEVINE: Information sought by me from the Director of Public Prosecutions. It is public, I think, that the complainant was saying hang on a minute, given what kind of deal was done, that such a sentence was imposed. I have no jurisdiction over the Director of Public Prosecutions but I asked for information from that Director as to what the sentencing proceedings were. I actually got a copy of the sentence, the judgement.

CHAIR: The judgement?

Mr LEVINE: Yes. That will form part of the report to you in due course. That provided one picture.

CHAIR: So you have made a complaint to the PIC?

Mr LEVINE: No. I have asked them to reconsider their position in the light of this new information. Because if the communication that was released in the press was to the effect that what, if anything, did the PIC do to bring about the complaint, except to bring about the result of which the complainant has formed a

particular view, that is a complaint about the PIC notionally. So the PIC should have the opportunity of dealing with it and with the additional information—here is the actual sentence.

CHAIR: As I understand it, we are now waiting to see if the PIC is going to reopen that investigation?

Mr LEVINE: That could be one outcome, yes.

CHAIR: You are waiting for them to advise you.

Mr LEVINE: Yes.

CHAIR: When did you ask them that question?

Mr LEVINE: December or November—late last year.

CHAIR: In the event that they do reopen the investigation that could be the outcome of the Committee's question to you?

Mr LEVINE: If they decide to investigate, they will investigate. I will inform you that they have told me that. We just wait.

CHAIR: In the event that they decline to investigate?

Mr LEVINE: Then I will have to give consideration as to whether that declining amounts to anything within my jurisdiction, in terms of the propriety of the conduct of the PIC.

CHAIR: Have you interviewed the officers who made the original complaints or have you been in contact with them?

Mr LEVINE: No.

CHAIR: But you have made further inquiries about the case?

Mr LEVINE: I have made written inquiries of the PIC itself and have its papers; of the Director of Public Prosecutions and have its papers; and of the Ombudsman and I have got a reply from the Ombudsman quoting 30 sections of three different Acts of Parliament saying why he could not give me any information.

CHAIR: Cannot give you any information?

Mr LEVINE: No. But I am not troubled by that in this particular aspect. The police service itself has provided information.

Mr PAUL LYNCH: Have you got any concerns about the length of time it has taken for the PIC to get back to you?

Mr LEVINE: I do not yet, because the first reply was prompt and appreciated the issues that it had to consider. So I have been assuming amongst all the other stuff that the PIC has to deal with that it has been considering it. But I am always happy to write a follow-up letter and no doubt I will get a follow-up reply.

The Hon. ADAM SEARLE: What do you regard as reasonable length of time before you get a substantive response?

Mr LEVINE: I would like to have something by the end of March.

The Hon. ADAM SEARLE: That seems more than reasonable.

Mr LEVINE: The problem with raising any matter from the end of November is the intervention of that period of the year in which this country grinds to a halt it seems to me from time to time.

CHAIR: There is great public interest in this matter and a number of people are very anxious as to its outcome. I wish to signal that it is the view of this Committee that this is taking a very long time.

Mr LEVINE: I will certainly take that on board. Notwithstanding the presence of the PIC here today, I will pass that on.

CHAIR: I will certainly be passing that on to the PIC as well. Mr Levine, thank you for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Are you happy to provide written replies to any further questions?

Mr LEVINE: Yes.

(The witness withdrew)

PETER SELBY HASTINGS, Commissioner, New South Wales Crime Commission, and

PETER FRANCIS SINGLETON, Assistant Commissioner, New South Wales Crime Commission, affirmed and examined:

CHAIR: Thank you both very much for being here. Before we proceed do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr HASTINGS: No.

Mr SINGLETON: No.

CHAIR: Would you like to make an opening statement for the commencement of questions?

Mr HASTINGS: No.

Mr PAUL LYNCH: Would you be able to comment on your organised crime disruption strategy in terms of the likely impact that might have on resources, effectiveness and the efficiency of the Commission?

Mr HASTINGS: The philosophy behind it is that it will provide a discipline for decisions in relation to undertaking operations and allocating resources. The list at the moment is prepared by one of our teams under the auspices of a senior intelligence manager, assisted by some intelligence officers. She bases the preparation of profiles and so forth on information gathered by human sources. It then goes before a committee which not only involves staff of the Commission but now involves the commander of the Organised Crime Squad and the State Crime Command Director who participate in decisions about adding names to the list and also in theory, because we have not got the practicalities finalised yet, participate in decisions about which persons on the list shall be nominated for specific investigation.

At the moment the strategy is partway in use in that it does provide a bit of a backdrop when we receive information from a source about someone participating in criminal activities or we receive a request from a squad or team within NSW Police for assistance when we in theory look at our list in order to determine our priorities. I use the term "in theory" because at the moment it is still a concept which is becoming accepted within the Commission, I have to say, because it is not easy as quite often some of the requests are urgent and the need to assist seems quite overwhelming but there needs to be a level of discipline covering its use.

We recently had an intelligence manager on leave in the United Kingdom and at my suggestion she consulted with the National Crime Agency which has taken over from the Serious Organised Crime Agency in the United Kingdom from whom I borrowed the idea of the list. She spoke to their manager of intelligence and compared the techniques being used in the preparation of our list and those being used in the United Kingdom. Probably our system is more effective in that it is an easier environment in which to operate it because the numbers of law enforcement agencies participating in organised crime in Australia are much less than in the United Kingdom where there are 43 different police forces to collect information from and to disseminate, so there is not a lot of satisfaction to be taken from the fact that ours is a bit more effective.

The interesting reaction from the English team was the politics of it. Whenever numbers increase on their list it causes a sense of alarm in government because it is capable of the construction that there has been an outbreak of organised crime whereas in reality I think it records a greater awareness and knowledge of those participating and there is a continuing encouragement from the government in the United Kingdom to reduce the numbers. At the moment we are taking satisfaction from the fact we are continually increasing and we are around 500 I think on our organised crime list. I am sorry if that is too long-winded.

Mr PAUL LYNCH: No, it is actually quite helpful. I take it from what you say that the fact that the numbers are growing does not mean that there is necessarily a dramatic escalation in crime; it is about recognition and identification?

Mr HASTINGS: I doubt that we will ever really fully capture the names of all the people who we regard as organised and serious criminals. We are very Sydney-centric and we need to expand to other areas like the Central Coast and Newcastle, for example, or Port Kembla where bikie gangs are said to be quite dominant, so it will be a never-ending job as far as I can see in terms of gathering intelligence about those who participate in organised crime.

Mr PAUL LYNCH: It is interesting that you mention overseas examples. People have put to me that there might be some space in New South Wales for Racketeer Influenced Corrupt Organisation [RICO] type legislation. Would you have a view on that?

Mr HASTINGS: Yes. That has been floated in recent times, particularly in the context of legislation relating to unexplained wealth. We of course have provisions in the Criminal Assets Recovery Act for now seeking to institute proceedings to recover orders relating to unexplained wealth. They are a bit uncontested because we have yet to run one of them to full completion. I am aware that RICO is broader than that. Whether or not we need further powers I am not entirely sure. Mr Singleton might have greater acquaintanceship of that than I do but in the short term I would prefer to wait and see.

Mr PAUL LYNCH: Mr Singleton, do you have a view?

Mr SINGLETON: My view is that there are numerous legislative and other measures that could be taken to strengthen the fight against organised crime. That is one of them. I do not suggest it is a panacea but it is useful to have as many tools as one can think of on the shelf for use when they become convenient. Of course, any individual proposal needs to be weighed up against civil rights or civil liberty type issues and that is a matter for Parliament but certainly it would be a tool that could be used effectively.

Mr PAUL LYNCH: You mentioned the Criminal Assets Recovery Act. I think you had some concerns following public discussion and debates in the case of Cook and so forth and the number of applications you were making seemed to decline fairly precipitously. Has that trend been reversed? Are your applications going up?

Mr HASTINGS: Yes, I think we have recovered to previous levels. Each month we report to our Management Committee on the year to date and for this current financial year I think we are in excess of the previous five-year average of confiscations in dollar terms and generally the number of proceedings commenced and notices issued are back to where they were. I think it is almost a full recovery from where we were as a result of the legislation.

The Hon. ADAM SEARLE: Commissioner, can you update the Committee on the current state of the Commission's relationship with the PIC with particular reference to whether any progress has been made in developing a formal protocol with the PIC as has been discussed in this Committee's proceedings on previous occasions?

Mr HASTINGS: My relationship with Mr James is excellent. I think as I reported on the last occasion soon after my appointment we met and agreed on a number of things one of which was that there not be litigation between the parties except in accordance with the Premier's protocol. Since then I have met with him on several occasions. Before Christmas I raised with him some practical matters relating to discharging my obligations under section 75D of the Police Integrity Commission Act, which requires me to report matters where I suspect on reasonable grounds officer misconduct. I chose one situation as a case study and we discussed some of the nuances of it and have agreed to discuss them again in the New Year when he has had an opportunity to consider the issues. That has not happened yet but I shall press him again shortly. The short answer is that we have not formalised anything but we have an understanding, I think, as to how things should proceed.

The Hon. ADAM SEARLE: Your annual report refers to procedural integrity that could be used as a measure of performance. Can you give us some examples about what you mean by that terminology "procedural integrity" and how that might be utilised as a measure of performance?

Mr HASTINGS: I am still eagerly awaiting the report of the committee on performance criteria for integrity agencies, although we would not say that we come within that category but in the absence thereof it is still a matter which I find intriguing. An example is that one of the criteria that I think reflects the value of the Commission is the extent to which we have hearings and exercise our statutory powers, which is one of the reasons for our existence. That is still difficult to measure. For example, we had a hearing scheduled for last Thursday. When the gentleman arrived at the Commission his attitude had changed from when he was speaking to the police; suddenly his memory as to who had shot him improved substantially and he proceeded to make a statement but in the end—perhaps this only needs to be hypothetical rather than actual—it is unlikely that the statement will assist greatly because it is unlikely that he will ever give evidence. It is just a little demonstration

of how difficult it is to quantify the performance of the Commission because on the one hand it is commendable that we had the person scheduled for hearing, turn up and make a statement—well, he was scheduled for a hearing but we did not have one; he made a statement instead, so it is sort of plus one minus one there but in the end it is unlikely that it will result in a successful prosecution. On one view one might say that did not achieve much but on the other hand it did fill a real need as far as the police investigation was concerned because it established facts that had not been known previously and whilst it is unlikely that there will be proceedings, it still seems to me to be a highly successful operation.

It seems to me that it still leaves a difficulty in identifying what it is. Procedural integrity is a concept that came from one of your witnesses from the University of New South Wales, I think—I have just forgotten his name—and seemed to be a sensible measure. At the moment we think our procedural integrity is very high because we have a whole series of checks and balances, audit programs and scrutiny from the Inspector, the management committee and so forth. I see that as highly persuasive and indicative of the performance of the Commission because at the moment I think our integrity is at a very high level. You probably have to look at that factor along with some others.

The Hon. ADAM SEARLE: Thank you. One of the innovations of the 2012 legislation was the creation of the Management Committee. Can you tell us about the relationship between the committee and the Commission and, in particular, how the committee reviews and monitors the work of the Commission?

Mr HASTINGS: The committee is chaired by David Patten, who is quite familiar with the Commission because he was the author of a report into its operations. The committee meets monthly and indeed is to meet tomorrow. It is attended by the Commissioner of Police normally, although tomorrow he will not be in attendance but he will send a deputy. It is also attended by the Commissioner of the Australian Federal Police and Chairman of the Australian Crime Commission and the Chief Executive Officer of the Ministry. Beforehand papers are circulated which set out a number of performance criteria, for want of a better word, papers in relation to any proposed new references that have been requested and we now provide a schedule of the state of confiscation proceedings which are on foot.

We provide a finance report showing details of the Commission's finances and on the day oral reports are usually given by me as to current matters of interest, any current litigation, any complaints about staff and Assistant Commissioner Inkster normally gives an overview of operations of the Commission since the previous meeting. It takes an hour and a half or so. I have to say that Mr Patten is very conscientious. He consults with me as to any improvements that we can come up with in terms of enhancing the efficiency of the process. From time to time we make presentations to the committee as to human source issues or other topical matters that Mr Patten thinks the committee would like to know more about and I think generally it seems to be working quite well.

The Hon. ADAM SEARLE: Are you able to inform the Committee of any internal changes or operational changes that have occurred in the Commission as a result of the Commission now becoming a corporation under its new legislation?

Mr HASTINGS: Internally, the final piece of reorganisation has been put in place, which commenced after the Patten report. While Mr Singleton was Commissioner he took heed of comments by Mr Patten about the previous flat line management structure during the previous Commissioner's term and had commenced to put in place a more hierarchical structure. When my term commenced I decided to introduce a Director, Corporate Services, who took up his position on 5 February and that will take off a lot of the responsibility that Mr Singleton currently has for management issues. He is a director, so he is one of three senior directors, and a very experienced public sector officer. He will do a lot of the personnel, human resources and IT work that currently burdens Mr Singleton. I think that will be very successful. We have also finally filled our governance team. Another change after the Patten report was to seek extra funding that was granted for the provision of a governance team. We have a very effective manager and two weeks from now we will have the final officer in that team to fill its complement. The team is going around examining practices within the Commission, writing policies, codes of conduct, supervising seminars for bullying, harassment and a number of other issues that effective management requires.

Mr KEVIN ANDERSON: I take you back to when you talked about the list and expanded into other regions relating to identifying individuals and organisations. You referred in your annual report to Sydney-centric, the media focus on disputes between motorcycle gangs as a dominant cause of the recent gun violence, and so on. When you are referring to Sydney-centric you are looking towards the Central Coast and Port

Kembla. Is it your intention to go further west and north and to include areas such as Tamworth or Dubbo, or some of those areas out west that you think may be filtering back through Sydney?

CHAIR: Can I add to that question by asking you whether you intend to release more as exactly the same question occurred to me.

Mr HASTINGS: We will go where the crime is, basically. The Commission's statutory function is to reduce the incidence of organised and other serious crime. We have limited resources obviously so we need to set some criteria for investigating criminals. At the moment it is quite clear that most organised crime is drug-driven and the more important activity, or the most significant threat to the community, is generated by criminals in Sydney. We are drawn to Sydney at the moment because that is where the more serious crimes are. But we are very cognisant of the fact that there are drug runs. People take off into the country, spinning off some of the groups that we are looking at. When the opportunity arises we will certainly investigate those activities in order to work up line, which is the phrase police use in order to identify the major principals of drug syndicates. But it is a question of allocating resources to where they are most effective at the moment. The major crime seems to be in Sydney and that is where our attention is drawn. If an opportunity arises, and it may well happen very shortly where we can usefully assist country police by the use of our powers, we will do so.

Mr KEVIN ANDERSON: Do those reports have to come up line from country police to you? How do you get the information to do what you need to do as part of the charge of the organisation?

Mr HASTINGS: At the moment we are developing a partnership with State Crime Command. As I understand it—it has not been announced formally—but there will be a significant increase in the resources that State Crime Command is putting into the organised crime squad, which assists the Commission. The idea is that we will work even more closely with State Crime Command in relation to gathering intelligence and then making decisions about the use of resources. It is a quite complex issue because, at the moment, it looks like all of our resources will be dedicated to assisting the organised crime squad, which will have resources available to look at other areas, which is currently debatable.

CHAIR: One hundred per cent of the resources of the Crime Commission?

Mr HASTINGS: They will always be available to do the other serious crime such as homicide investigations, but unless we get more resources the current staff of the Commission will be almost totally dedicated to assisting the Organised Crime Squad.

Mr KEVIN ANDERSON: With due respect, as you say, most organisations need a governance manager and director of corporate services in place. Is the benefit of having further resources on the ground to get to your core business?

Mr HASTINGS: Yes and no. It is more directed at integrity. There was an urgent need for the Commission to put in place procedures and processes to do with procurement, security measures, IT and so forth, which I have given something of a priority because it affects the whole integrity of the organisation. At the same time they are corporate services that are directed to assisting the operational activities so that there is intended to be a flow-on with better technical equipment and so forth to assist the operational activities. But one should flow from the other.

CHAIR: I wish to ask you about the organised crime squad. We are not really familiar with the arrangement. Is that something that the Police Commissioner established or is seeking to ramp up?

Mr HASTINGS: Yes.

CHAIR: How does the Crime Commission come to be fully tasked to the Organised Crime Squad? I understood that you had separate roles.

Mr HASTINGS: You might remember from your visit that we met on the fourth floor, which is the executive level, and the top floor or the fifth floor is occupied by the Organised Crime Targeting Squad, as it is currently called, which provides the investigative resources for the Commission. Embedded in those resources are an intelligence manager and analysts from the Commission. The perception is that they greatly enhance the capacity of the police who work in that squad. As we understand it, the success rate of that group was such that

it was recognised that if the numbers of police in that squad would double the same success rate would spread across the additional police in the squad.

CHAIR: Sorry, the squad being?

Mr HASTINGS: The Organised Crime Squad.

CHAIR: Administered by the police?

Mr HASTINGS: Yes, under the command of a superintendent who answers to the State Crime Command director, who in turn answers to an Assistant Commissioner, as I understand it, but we work closely together. As I said, our staff work side by side with the police.

CHAIR: So is the squad a joint arrangement?

Mr HASTINGS: There is a joint task force arrangement formally, yes.

CHAIR: Under that joint task force arrangement are your obligations such that it will absorb almost all of the Crime Commission's resources?

Mr HASTINGS: What has happened to date is that there are 45 officers on the fifth floor for the Organised Crime Targeting Squad, although the word "targeting" is about to be removed.

CHAIR: Forty-five Crime Commission officers?

Mr HASTINGS: No, 45 police officers with some members of the Crime Commission staff. In addition, we have other staff who investigate homicides. We have a homicide team, a gangs team and a drugs team which works with other squads, mainly at State Crime Command, but occasionally from local area commands who might require assistance which we provide. The proposal is that the number of Organised Crime Squad officers will increase from 45 to 95 and obviously the point is to have the same benefit of our analysts and intelligence managers embedded in those officers to assist. We will do that but it will mean that our gangs team and our drugs team analysts will no longer be available to provide the same level of assistance to local area commands, the regional enforcement squads, the Middle Eastern Organised Crime Squad, homicide, or anyone else. We will continue doing it.

CHAIR: How many Crime Commission staff are allocated at the moment to organised crime and how many additional staff will be allocated under the proposal?

Mr HASTINGS: Mr Singleton will give you the numbers.

Mr SINGLETON: Under the current arrangements where we are working with the Organised Crime Targeting Squad, we have one intelligence manager and five intelligence analysts working with the 45 police on the fifth floor of our building, and we also have a team of electronic surveillance monitors, people who listen to intercepted calls and other such work. There are about seven or eight of those; it fluctuates a bit. When the Organised Crime Targeting Squad becomes just the Organised Crime Squad and the numbers double, it will occupy the fifth and first floors. We will maintain the existing resources on the fifth floor, as I have just described, and we will now have a team comprising one intelligence manager, five intelligence analysts and around seven or eight electronic surveillance monitors.

CHAIR: That is from 13 to about 26?

Mr SINGLETON: That will go from one intelligence manager to two, from five to 10 intelligence analysts and from seven to 14 or 15 monitors. In other words, the number of police in our building is approximately doubling, and the number of staff we will have to work with them will approximately double. As we have no additional resources, they have to be drawn from other areas.

CHAIR: Which will virtually eliminate your capacity in relation to drugs?

Mr SINGLETON: No. The Organised Crime Targeting Squad, of course, spends most of its time dealing with the top end of the drug trade. It will still focus primarily on that. The Criminal Investigations

Division, which is one part of the Commission, is arranged into teams and, relevantly, team five is the team on the fifth floor that I have already described. Team six deals with matters outside the building where our staff are outside the building. That comprises our counterterrorism role.

CHAIR: Is "outside the building" in the field?

Mr SINGLETON: No, they are located in another building. There is a counterterrorism team, and there is the joint organised crime group, which is a multiagency team to which we contribute, again, in another building. Those two will be unaffected.

CHAIR: Unaffected.

Mr SINGLETON: Team six, which is the offsite joint investigations team, will no longer be able to support one other effort and the analyst there will be recalled to headquarters.

CHAIR: Which effort?

Mr SINGLETON: We have not publicly announced that, but I can tell the Committee in closed session. It is expected that that will be made public shortly. That is teams five and six. Team 7 is our homicide team, which will be unaffected by these arrangements; it will continue. It has an intelligence manager and three intelligence analysts who work with the squad and many police. Team eight has focused on gang investigations and team nine has worked on drug investigations with police who are not in our building, primarily the Drug Squad but also the local area commands and the regional enforcement squads. They are the main source for them.

In terms of the actual people, team nine will now work with the Organised Crime Squad on our first floor. That is where we are getting the resources. Team eight will broaden its focus. It will now cover all that team nine, the drug team, used to do and also all that the gangs team used to do. It will be available to the local area commands, the regional enforcement squads and others. Naturally, they will not be able to do as much as they did before because it is the same number of people with twice the portfolio.

CHAIR: But is the idea that the beefed up organised crime effort will perhaps target some of those areas that are being vacated?

Mr SINGLETON: Absolutely, and they will be targeting at a higher level. To indicate why this is in the public interest, one paper written within the police service that I have seen gathered some material on cash seizures, which is one of myriad indices of the effectiveness of a squad. One cannot rely on it alone, but I provide it as one of the more easily measured indicia. The organised crime targeting squad over the past few years has seized almost twice the amount of cash as all the other organised crime squads combined. There are six squads altogether in the directorate and one outdoes all the others. It is the team that has been working in our building and it is in large part because it is working in our building. As the Commissioner said, we can expect the greater effectiveness of the police who have been there in previous years to be passed on to the new police coming into the building because intelligence-led investigations tend to be more effective.

CHAIR: Mr Hastings, I would like to continue on from Mr Anderson's questions. I am from the North Coast and I assure you that it is awash with drugs. It is sickening how many drugs there are on the North Coast. They are grown on the North Coast and we have bikie gangs on the North Coast. The Queensland Government has made efforts to crack down on bikies and the drug trade and I understood it was working with the Crime Commission on the cross-border nature of that crime. Am I wrong?

Mr HASTINGS: At the moment I do not think we have any specific arrangements with the Queensland police.

CHAIR: I understand the Queensland Premier sought cooperation from New South Wales with regard to bikie legislation. However, that must be through the police rather than through the Crime Commission.

Mr HASTINGS: I think so, yes. We did not have much involvement in the gangs legislation or the gangs task force that the Australian Federal Police have set up. It does raise an important general question of cooperation and collaboration in relation to organised crime. I feel very pleased and to some extent satisfied about the higher level of cooperation between the agencies. The arrangements that Mr Singleton described are

very much based on cooperation with the Organised Crime Squad of the NSW Police Force. In addition, we cooperate regularly and continually with the Australian Federal Police and with the Australian Crime Commission.

We have had meetings each fortnight that are attended by senior members of other agencies. In recent times we changed the character of that because originally they were to discuss matters in which we were jointly involved. Just before Christmas we changed to a new format to discuss organised crime issues generally. That meeting is now attended by senior officers of the Commission, most of the commanders of State crime command squads involved in organised crime, four managers from the Australian Federal Police, the New South Wales manager of the Australian Crime Commission and a senior officer from the Australian Customs and Border Protection Service.

CHAIR: I am talking about the cross-broader issues between the Gold Coast and the Far North of New South Wales. Does that never come up as an area of interest?

Mr HASTINGS: Not in our context, no. The point about elaborating on those arrangements is that it has proved an extraordinarily satisfactory forum for exchanging knowledge. It now includes the FBI and a New Zealand police liaison officer. We have an extraordinary breadth of participation in organised crime areas. We are alert to any opportunity that comes along.

CHAIR: When you say you go to where the crime is, on what is that based? Do you have a database that says all the crime is occurring in Sydney and not in the country?

Mr HASTINGS: Our list is primarily directed at kilo dealers. That is a **cliché** in a sense. There is a lot of street crime in Sydney that cries out for long-term investigation—in south west Sydney and other places. However, we do not see that as our role. The Commission sees its function as maximising disruption to organised crime groups. We believe that that should be done at the senior level of the organised crime groups rather than at the street level. On occasion you can work back up the line to reach the more senior people.

CHAIR: Do you have any evidence that you rely on that leads you to conclude that all those people are in Sydney and not elsewhere?

Mr HASTINGS: No. One of the difficulties we have is that we only know what we are told. We have a lot of human sources who keep us very informed about who are the active criminals.

CHAIR: None of them is saying—

Mr HASTINGS: The ones we have do not say that. That is not to say that there is not crime happening in other areas. We will never be able to cover all of New South Wales. We have to go where the intelligence leads us.

CHAIR: I hear what you are saying. We have a large number of drug-related murders and drug crops. It does seem serious to me. I refer to the Independent Commission Against Corruption recommendation that Eddie Obeid's unexplained wealth be pursued by the Crime Commission. Has there been any response to that?

Mr HASTINGS: Yes, there was an amendment to the Criminal Assets Recovery Act to clarify that common law offences could form a basis for confiscation proceedings. The then Independent Commission Against Corruption Commissioner asked me whether in the light of that amendment I could indicate that consideration would be given to the institution of confiscation proceedings as recommended by the Commission. I responded in the affirmative, indicating that consideration was being given to the institution of confiscation proceedings. It is a very complex topic. There are other participants in the area, such as the Australian Taxation Office, which can get to the funds much more quickly than we can. Many factors need to be taken into account before any decision is ultimately made as to the institution of proceedings and against whom.

We have senior counsel retained—Ian Temby—to advise us, plus two juniors, who are spending a lot of time on it. We are also at the moment working in consultation with the Office of the Director of Public Prosecutions to share the burden of assessing all the material that the Independent Commission Against Corruption gathered because to some extent we have a common role when identifying the adequacy of evidence. Our paths will diverge when it gets to the point of specific prosecutions or, on the Commission's part,

confiscation proceedings. However, in the interim, two officers from the Office of the Director of Public Prosecutions are in residence at the Commission working side by side with our staff to assess the evidence.

CHAIR: What sort of time frame do you have for this?

Mr HASTINGS: I do not have a time frame. I would be very surprised if we were in a position to make a decision before the end of this financial year because it is such a complex task. The Independent Commission Against Corruption gathered a lot of material. There are issues connected with using that material because the Commission used its powers under the Independent Commission Against Corruption Act to gather the evidence and to take evidence and most of that evidence cannot be used in court. It needs to be reformatted into statement form or new subpoenas, search warrants or notices issued. There is an enormous amount of procedural work to be done to assess whether evidence is admissible and ultimately what it is capable of establishing.

CHAIR: Is the legislation adequate for you to proceed?

Mr HASTINGS: There has been some active consideration of any possible amendment to the Criminal Assets Recovery Act. I expect there will be a proposal put forward to Cabinet shortly. However, I do not think the legislation is a problem. There are challenges in proving elements of the claim because of the way moneys were dispersed and shareholdings were acquired and sold. There are some technical issues that need to be addressed, but I am not sure that the legislation requires radical change to improve our prospects.

CHAIR: The public might hope for some action before the end of the calendar year?

Mr HASTINGS: I would hope so. There is an enormous amount of work being done; it is a very complex task.

CHAIR: Thank you for appearing before the Committee today. The Committee may wish to send some additional questions, the replies to which will form part of your evidence and be made public. Would you be happy to provide written replies to further questions?

Mr HASTINGS: Yes.

Mr SINGLETON: Yes.

CHAIR: Thank you.

(The witnesses withdrew)

(Short adjournment)

BRUCE MEREDITH JAMES, Commissioner, Police Integrity Commission, sworn and examined:

ALLAN KEARNEY, Director, Prevention and Information, Police Integrity Commission,

MICHELLE O'BRIEN, Commission Solicitor, Police Integrity Commission, and

ROY COTTAM, Acting Director, Operations, Police Integrity Commission, affirmed and examined:

CHAIR: I begin by welcoming you here. Thank you for coming and for your flexibility in rescheduling the times today. Committee members have struggled with public transport and your patience is appreciated. Before we proceed, do you have any questions concerning the procedural information sent to you in relation to witnesses and the hearing process?

Mr JAMES: No.

CHAIR: Would you like to make an opening statement?

Mr JAMES: Yes, I would like to make an opening statement. We have received an email from the Committee of 7 February 2014 saying that the Committee was interested in the recommendations and comments in the report by Mr Robert McClelland, "Report on the Review of Oversight of Police Critical Incidents." I assume that members of the Committee have, or have seen, a copy of the report.

The PIC received a copy of the report from the Department of Premier and Cabinet on 8 January. We were invited to make any comments on the report to the department by 5 February. We sent a letter on 5 February to the director general of the department and I propose to refer to that letter as "PIC's response". I seek to table a copy of the report. I also seek to have distributed to members of the Committee individual copies of the letter of response.

Documents tabled.

CHAIR: Do you have a view about the response being made public?

Mr JAMES: We have no difficulty about it being made public.

CHAIR: We will consider that in our deliberative later.

Mr JAMES: All right. In the report Mr McClelland made nine recommendations some containing a number of parts. In the response PIC opposed a number of the recommendations, particularly recommendations 4, 7.4 and 8. I assume that the Committee would be particularly interested in recommendation 8 or rather, what Mr McClelland said in his report at pages 91 to 95 about recommendation 8. I take the Committee to page 10 of the response. Somewhat more than halfway down page 10 it states:

That the Government give consideration to requesting the Police Integrity Commission and the Independent Commission Against Corruption to confer with a view to examining the feasibility of those Agencies entering into a Memorandum of Understanding to facilitate the sharing of staff, resources, expertise and capabilities.

In our response we say that we do not support the recommendation because:

Cooperation between the Commission and the ICAC of the kind recommended by Mr McClelland already exists and the recommendation made in the Report is unnecessary.

We refer to sections of the Police Integrity Commission Act authorising the PIC to cooperate with ICAC and to enter into arrangements with the ICAC. Mr McClelland appears to have been unaware of those provisions. In paragraph 7.218 of the report, he said that the PIC and the ICAC should not be arbitrarily prohibited from sharing resources, suggesting that he thought that the current position is that the PIC and the ICAC are prohibited.

Pursuant to the statutory provisions, the PIC entered into a memorandum of understanding with the ICAC on 21 October 2008. It was proposed, even before Mr McClelland released his report, that I, as the Commissioner of PIC and the new Commissioner of ICAC, would enter into another memorandum of

understanding which probably would not differ in any substantial way from the current one. We outlined some of the provisions of the current memorandum of understanding. It provides for joint investigations; for the liaison between the Commission and ICAC on a number of levels; for the provision of information and property from one Commission to the other; and it provides that each Commission, on request and subject to availability, can provide personnel, technical equipment or expertise to the other Commission for the purpose of an investigation being conducted by the other Commission. We say that, on a number of occasions, cooperation between the two Commissions has occurred. I have confirmed with the Commissioner for ICAC that Mr McClelland did not ask ICAC and he did not ask the PIC whether there was already any memorandum of understanding between the two Commissions.

Point (2), the recommendation made in the report, is a fairly limited one. However, if you read the parts of the report leading up to the making of the recommendation, you might well think that the recommendation Mr McClelland is leading up to is a recommendation for a merger between the Commission and ICAC or, more accurately, that the PIC should be abolished and ICAC should assume responsibility for the external oversight of the NSW Police Force. I refer to a number of indications in the text. We also note that, in media articles about the report, the report has been interpreted by journalists as advocating a merger of the PIC with ICAC.

Point (3), the proposal for a merger of PIC with ICAC, was clearly not within Mr McClelland's terms of reference. It clearly was not within paragraphs (a) or (b) of the terms of reference and nor was it within paragraph (c). Paragraph (c) is limited to the allocation of responsibilities between agencies having oversight of critical incidents and to determining whether there was any unnecessary duplication of roles or responsibilities between those agencies. A proposal is not within paragraph (d) of the terms of reference.

In point (4) we say it did not occur to the PIC that Mr McClelland would go beyond his terms of reference and enter into an inquiry into the future of the PIC. We made no submissions on that matter. Point (5), the proposal that the PIC be merged with ICAC plainly concerns ICAC as well as the PIC. It is apparent from Mr McClelland's report that no submissions were sought or received from ICAC. We say that it should not be assumed that ICAC would favour the merger of the Commission with ICAC. As is well-known, Mr David Ipp, the retiring Commissioner of ICAC, said publicly that he was strongly opposed to ICAC being given responsibility for the oversight of police. I have spoken to the new Commissioner of ICAC. She, properly, would like to say herself what her position is. I think I can say that she has given me no indication that her position would be any different from Mr Ipp's.

Where did Mr McClelland get these ideas from? Point (6), if you compare the submissions by the Police Association, which are summarised at pages 105 to 120 of the report, and pages 91 to 95 of the report, Mr McClelland, in the absence of any submissions from any other party, adopted parts of the submissions which, without regard to the inquiry's terms of reference, had been made to him by the Police Association. I note in passing that Mr McClelland summarised the submissions he received from various persons in the annexures to his report. We do not complain about that; that was sensible. However, his summary of the submissions of the Police Association occupies 15 pages, by far the longest summary of the submissions of any party.

In point (7) we refer to some parts of Mr McClelland's report. Mr McClelland appears to suggest in paragraph 7.205 to 7.209 that the PIC is using its resources to investigate matters which fall below a threshold of serious officer misconduct and are merely matters of incompetence or poor performance. He got this from the submissions of the Police Association. In the submissions of the Police Association summarised at page 117 of the report, it is said that the PIC is starved of work, is desperate for work and has investigated cases that do not amount to serious misconduct. In our letter we said this assertion is completely unfounded. The Commission has rarely, if ever—I put the qualification rarely, if ever—I can say that I am not aware of any instance in which the PIC has investigated a matter in which there has not been an allegation which, if established, would amount to serious misconduct, not merely incompetence or poor performance.

We refer in the next paragraph to work done by the PIC in relation to the deaths of Adam Salter and Laudisio Curti. We say that in both those operations the allegations of misconduct, which the Commission investigated, and many of which the Commission upheld, were surely serious misconduct by any standard, not merely incompetence or poor performance. Both investigations resulted in the referral by the Commission of briefs to the Director of Public Prosecutions for consideration of criminal charges. In paragraphs 7.203, 7.204 and 7.206 of Mr McClelland's report he speaks approvingly of the present high standards of the Professional Standards Command [PSC]. He expresses the opinion that the police force, including the PSC, is quite different from the police force as it existed at the time of the Wood Royal Commission. Mr McClelland says in his report that he has formed these opinions after spending hours with the leadership of the PSC who no doubt gave a good

account of the PSC. We say that the investigation by the police force into the death of Adam Salter, which was investigated by the Commission in Operation Calyx, is a quite recent example of a seriously deficient critical incident investigation by a high-ranking officer of the police force and an uncritical endorsement of that seriously deficient investigation by a high-ranking officer of the PSC. Over the page, page 13, we are aware of recent instances in which officers of the PSC have improperly alerted other police officers that they are being investigated for alleged misconduct by either the PSC or the Commission.

Mr McClelland was impressed by the Independent Broad-based Anti-Corruption Commission [IBAC] in Victoria—I think that today may even be the anniversary of the setting up of IBAC. IBAC has not actually been operating for as long as a year. Understandably, time was taken in setting up and recruiting staff. We say that IBAC can hardly be viewed as a proven model for the consolidation of anti-corruption functions into one agency.

In point (9) we refer to the review by the Minister for Police of the Police Integrity Commission Act in 2011, reported in November 2011. We refer to two outcomes in the report of the review:

1. The Government considers that the policy objectives of the Police Integrity Commission Act remain valid;
2. The Government considers that for the foreseeable future those policy objectives are best performed by maintaining the ICAC and the PIC as separate bodies.

That review was conducted after receiving submissions from all interested parties, including the Police Integrity Commission, and the report was as recent as November 2011.

In point (10), we say that it can be inferred from the terms of reference that it was the Commission's report in Operation Calyx into the death of Adam Salter which partly brought about this Commission of Inquiry. Our comment in the second paragraph under point (10) is:

It would be truly ironic if an inquiry resulting in part from an investigation by the Commission in which the Commission exposed serious deficiencies in a critical incident investigation by police, is made the occasion for recommending the abolition of the Commission.

In point (11) we refer to the work done by us in relation to the death of Laudio Curti. It might perhaps be thought that because the Commission did not hold public hearings in the Curti matter that the PIC's contribution was only minor. That would be a misconception; the PIC's contribution was substantial. There was an important difference between the death of Adam Salter and the death of Laudio Curti. In the Adam Salter case broadly speaking there were two bodies of evidence: the evidence of the police officers and the evidence of the ambulance officers and Salter's father who were present. We had to conduct public hearings because we had ourselves to make some determination about what had happened. We had to determine whether the accounts by the police officers were false.

Members of the Committee will be familiar with the broad facts of the Laudio Curti matter. In that matter there were a handful of civilian witnesses who got a glimpse of a small part of what happened during the pursuit, but the principal witnesses were police officers. The police officers gave evidence at the inquest, they gave evidence in response to questions by counsel assisting, and they gave evidence in response to questioning by senior counsel retained on behalf of the police officers. We took the view that public hearings by us would be unlikely to elicit much further material. At public hearings the police would be likely to adhere to what they said before the Coroner and we were very conscious of one of the factors which are referred to in the terms of reference as underlying the inquiry, the need to avoid duplication of effort between oversight agencies.

I have explained why we did not hold public hearings. What did we do? We received all the evidence that had been before the Coroner—volumes of it—and we received all the evidence that the police had collected in the police's own internal inquiry and we assembled and systematised it. We produced an analysis of the evidence that runs to more than 100 pages. It is very succinct and I think it is well formatted. We submitted that to the Director of Public Prosecutions [DPP], saving the DPP a great deal of effort. There must be some doubt whether the DPP would have been able to deploy the resources that we put into it and the DPP has accepted most of the recommendations made by us and the charges have been brought.

I turn to point (12) on page 14. I state:

The Commission has already referred to the opinion expressed by Mr McClelland in the Report that the Police Force including the PSC is now quite different from the Police Force as it existed at the time of the Wood Royal Commission.

We refer to remarks made by the Hon. James Wood in the address he delivered on 28 November 2013—about three months ago—at the Australian Public Sector Anti-Corruption Conference. Mr Wood actually departed from his prepared text but what I am about to quote was recorded and we have listened to the recording. He said:

... Now if I may say, there has always been some pressure to bring the PIC within ICAC. I have the greatest regard for ICAC and I don't by any means demean it by what I am about to say but I am of the view that any move to meld PIC into ICAC must never occur. It would destroy its focus, it would destroy its intelligence and expertise in dealing with police. It would expose it to a risk of bad security, leaks of security and so on. ICAC has a different role to play and if policing was rolled out into there it would simply be swamped by all the other work which ICAC does very well ...

I would refer to the history. The ICAC began operating in 1989. In the years from 1989 up to the formation of the PIC it is a fair comment to say that the ICAC did virtually nothing about police corruption or misconduct. Mr Wood, I think it can be taken, was apprehensive that would happen again if it was melded into the ICAC. There is a great deal further I could say about recommendation 8 but that is what I wish to put to the Committee. I would like to say something very briefly about recommendation 7.

CHAIR: Commissioner, please take your time.

Mr JAMES: All right. Recommendation 7.4 states:

That the Government give consideration to proposing an amendment to Section 10 of the Police Integrity Commission Act 1996 to include, as an additional exception to the prohibition of police officers being employed/seconded by the PIC, circumstances where the PIC is participating in a co-operative scheme within another Agency.

This is another example of a recommendation made by McClelland which falls short of what one would have expected, reading the text leading up to it. We say in point (1) that we do not support it. We say that the making of recommendation 7.4 is clearly not within any terms of reference that Mr McClelland had and we developed that point. In point (2) we make a submission of a kind that we have made in relation to recommendation 8. It did not occur to us that Mr McClelland was going to make a recommendation about whether the prohibition on the PIC employing New South Wales police officers should be further relaxed. We did not make any submissions. We were not invited to make any submissions. We were not given any notice that Mr McClelland had this in mind.

In point (4) we make comments about parts of Mr McClelland's report. I think they are fairly self-explanatory. One that I would like to refer to is on page 9. In paragraph 7.197 of Mr McClelland's report he expresses the opinion that there has been a reversal of culture in the NSW Police Force and he seems to largely base that opinion on a statistic that 37 per cent of total complaints against police officers are now being made by other police officers. We made a fairly brief response to that. Our position is that very little if anything can be gathered from the statistic. Matters which complicate it are these: the statistic is based on complaints reported to the Ombudsman. There have been changes in what categories of complaints are reported to the Ombudsman and a number of complaints are now dealt with by the police at local management level and are never reported to the Ombudsman and never appear in his figures.

An anomaly is this: that the complaints by police officers include reports by police officers under clause 49 of the Police Regulations. Clause 49 inter alia obliges a police officer to report any allegation made to the officer that another officer has engaged in a criminal offence or other misconduct. Allegations are frequently allegations that are made verbally by a member of the public to a police officer. The police officer reports that allegation pursuant to clause 49 and in the Ombudsman's figures that is treated as a complaint by the police officer not a complaint by the member of the public.

We do say in our letter of response that not all complaints are meritorious or at least not all complaints by police officers against other police officers are of serious matters. Complaints include complaints about favouritism in promotions, complaints about harassment in the workplace, complaints about bullying and complaints about management. Some complaints by police officers against other police officers do seem to be based upon settling personal scores between the police officers. We have knowledge of commands where there are groups of antagonistic police officers and there is a cycle of tit-for-tat complaints between the antagonistic groups. On page 10 in point (6) we say that the prohibition on the employment by the Commission of current or former New South Wales police officers is not absolute. There is flexibility under the provisions of section 10 (5) and section 142. We conclude by stating:

The Commission considers that the existing provisions of the Police Integrity Commission Act confer all the flexibility that is required and that the recommendation for legislative change made by Mr McClelland is not required.

In point (7) we refer to the inquiry by the Minister of Police into the Police Integrity Commission Act, the report in November 2011, outcome 6 and that the prohibition on the employment by the PIC of serving or former New South Wales police officers should be maintained.

I would like to deal briefly with recommendation 4. We started to deal with that at the top of page 3. At 4.1 Mr McClelland recommended the formation of a committee. He recommended that the Commissioner of Police, the Coroner, the Police Integrity Commissioner, the Ombudsman and the General Manager of the WorkCover Authority constitute a committee to ensure issues relevant to the investigation and oversight of police critical incidents are reviewed and resolved on a regular basis—other persons can be added to the committee.

We are of course agreeable to participating with other agencies in discussions of matters of common interest. That is at point (6) of 4.1. However, at point (3) we say that the assumption that appears to underline the recommendation for a committee is that the Commissioner of Police and all the oversight agencies have common interests such that any issues between them can be resolved at a meeting of the committee. We suggest that that assumption is unfounded. It is left quite unclear as to how the committee is to operate. Is it to be merely a forum for an exchange of views or is it to have some kind of authority? Can it resolve issues in such a way that a decision of the committee is binding on all the members of the committee?

In 4.2 we refer to what Mr McClelland considered should be the first items for discussion at the meeting of the committee. We are generally opposed to 4.2 and as we read the report it would appear to us to be suggested that the committee should have some authority, at least some persuasive authority, over what sort of language an oversight agency uses in its reports and some sort of role in how counsel assisting an oversight agency that conducts hearings should conduct itself, and we do oppose that. I think I have probably covered the matters that I wanted to convey to the Committee, although I would add that I could have spoken at much greater length on Mr McClelland's report.

Mr PAUL LYNCH: I think we get the flavour.

CHAIR: Thank you very much. I think some members of the Committee will have other questions, which might allow you to elucidate those points.

Mr PAUL LYNCH: Thank you for the statement. It has obviated the need for some of the questions I was going to ask, which is useful. One thing you did say, about which I have some questions, was the level of corruption in the police now and previously.

Mr JAMES: Yes.

Mr PAUL LYNCH: My instinctive feel, and I am happy to concede that is all it is, is that there is less corruption now within the police service than there was. Undoubtedly there will be some, because it is absurd to say that there is none. Would you agree that it is better than it was and, if you did, is that not in fact an argument to maintain the Police Integrity Commission, because if that is the case that probably, in part, has been caused by the Police Integrity Commission?

Mr JAMES: I would adopt the second thing you put to me. Frankly, I am not the best qualified person to express an opinion on your first point. I think that there is less corruption in the police force. I was a lawyer, and I have vivid memories of rank corruption. Perhaps I should not mention anyone, but the detectives' office at Kings Cross was grossly corrupt. My answers are "yes" and "yes".

CHAIR: If I can add to that, during our hearing into performance indicators, we had a roundtable discussion with experts. I am not sure whether you are familiar with that transcript, but we received very strong evidence that the existence of an external organisation is essential to maintain reduced corruption.

Mr JAMES: That is our submission, and our submission is that if the work was given to the Independent Commission Against Corruption then, in Mr Woods' words, it would be swamped by the other work of the Independent Commission Against Corruption.

The Hon. ADAM SEARLE: Commissioner, you mention in your lengthy letter, and I think this is part of your oral presentation, that you are aware of recent instances in which officers of the Professional Standards Command had improperly alerted other officers that they investigated.

Mr JAMES: Yes.

The Hon. ADAM SEARLE: What steps has your organisation taken to investigate and fully elucidate those matters?

Mr JAMES: We are investigating, yes.

The Hon. ADAM SEARLE: Last year you spoke to us about some difficulties in your relationship with the police regarding your prevention function. Are you able to update the Committee about those matters?

Mr JAMES: Perhaps Mr Kearney is more qualified than I am.

Mr KEARNEY: It is fair to say that the relationship has improved quite noticeably over the past year or two. We have a number of prevention projects underway at the moment and enjoy quite useful consultations with police, including the Professional Standards Command and a range of other commands. This may be a combination of a change in approach - we are providing them with draft material earlier and engaging with them earlier it may also be a change in personalities as well. I am not sure, but by and large we are seeing an improvement.

The Hon. ADAM SEARLE: Can the Police Integrity Commission update its progress with Project Harlequin.

Mr JAMES: I think Mr Kearney again is more qualified.

Mr KEARNEY: You may recall last time we spoke we had lost a key staff member engaged in that particular project. The staffing issue has since been resolved. Perhaps I can give you a bit more information about the project. We conceptualise the misconduct which is associated with critical incidents, in terms of two parts of the cycle: pre-incident risks and post-incident risks. Pre-incident risks are a range of behaviours by police that, if left unchecked, may contribute to a critical incident. Examples include officers that may engage in aggressive behaviour when dealing with the public, officers who are known to be dangerous drivers, officers who may use illicit drugs. What are the police doing about managing these risks and how effective are the processes they have in place? Post-incident risks are a completely different category of risk and relate primarily to the integrity of the NSW Police Force handling of the investigations of the critical incident. Relevant risks here are the potential for conflict of interest, some bias, interference in investigations and the like.

Moving on, project methodologies include a review of the relevant academic literature, a range of agency reports, and we have interviewed a number of academics, including Professor Tim Prenzler, Professor Andrew Goldsmith, and others. Commission representatives have examined quite closely NSW Police Force policies and systems, and we are in the midst of conducting an audit-style review of 84 critical incident files from the NSW Police Force. The examination of those 84 files is a major logistical undertaking. Data has not been used for this purpose before within the NSW Police Force, and the systems that are currently in place do not lend themselves to an undertaking of this kind of analysis, so there has been a bit of toing and froing with the NSW Police Force in order to collect all the relevant information that is needed, particular kinds of data.

For example, police policy requires that an investigation officer be independent of the officers engaged in the critical incident. Police systems, in some circumstances, will not record details about the investigating officer and just how distant they might be from the officers under investigation, so are they from a different command, for example. The current IT systems are such that not all information is readily available, and gaining access to all relevant information needed for the review of these 84 projects has been quite a lengthy process and included detailed negotiations.

I can make some observations, particularly in light of some of the recommendations that have come out of the McClelland review. One of them is that the existing IT systems for the storage of information relating to critical incident investigations and the use of these systems by the NSW Police Force are not presently conducive to any oversighting that might occur. There are also some complexities around the definition of "critical incident", and the definitions in the legislation that concern mandatory drug and alcohol testing, there

are inconsistencies between the two, and there is a lack of clarity about when you can and cannot test. The current status is that information collection has been undertaken and extensive consultation, as I have mentioned. We are currently undertaking the audit. We are presently looking to have a consultation draft ready around the end of June this year. The consultation process with the NSW Police Force and others—Ombudsman included—could take some time thereafter.

Mr PAUL LYNCH: We understand from correspondence we have had from the police that the Professional Standards Command, within the police, has ceased work on its project to develop an early intervention system [EIS] to identify police officers who may be at risk of serious misconduct.

Mr JAMES: Yes.

Mr PAUL LYNCH: The reason it stopped doing that kind of work is budgetary constraints. Do you have a view about how important that project is and whether or not it would be sensible for them to reprioritise their expenditure?

Mr JAMES: I will defer to Mr Kearney again.

Mr KEARNEY: May I have that question again, please?

Mr PAUL LYNCH: What do you think of the decision by the police that the Professional Standards Command discontinue the early intervention system project?

CHAIR: To clarify, to identify police officers who may be at risk.

Mr KEARNEY: Yes. We remain strong supporters of an early intervention-type system. Ever since an earlier iteration of this Committee looked into the subject in 2003, we have provided the police with extensive advice on the make-up of these systems. They did embark on a project at one point in time, but that ran out of funding, essentially. It has been on the agenda at the Professional Standards Command for some time to secure additional funding. They have tried, as I understand, a couple of times to secure the funding and have been unable to do so. We remain supporters. However, managing the police budget is obviously something for them. We have not let this go entirely. We have commenced another project, Project Juda, which looks at what police are doing in the absence of an EIS to identify and manage officers at risk of engaging in misconduct.

CHAIR: EIS is early intervention system?

Mr KEARNEY: Indeed. It is using a range of indicators that derive from a system that is populated with a range of data from police systems which identify officers that might be at risk of engaging in misconduct, not that they have engaged in misconduct but they are at risk of doing so. I do not know what those indicators might be, perhaps sick leave associated with weekends - for example, perhaps indications of excess use of force. A range of indicators would need to be determined by police based on what they see in their systems. In the absence of an early intervention system, what are police doing? Project Juda aims to look at precisely what police have in place with a view to potentially working with police to improve those systems.

CHAIR: Does the Police Association have a view of that proposal?

Mr KEARNEY: Of the early intervention system?

CHAIR: Yes.

Mr KEARNEY: When the early intervention system was originally mooted, they were reasonably comfortable with it. In fact, they participated in some of the early project work. I do not know what their view might be today.

CHAIR: What sort of funding is required?

Mr KEARNEY: Can I take that on notice? I recall a figure of \$1 million to \$1.5 million, so it was not cheap, but I would need to take it on notice to be more precise.

CHAIR: Once officers at risk have been identified, what happens next?

Mr KEARNEY: An early intervention system is not just about the development of indicators and the availability of data. It is also about the policies and procedures that surround the whole thing: how do you use this system, how do supervisors use it, what then follows, what systems can you put in place in order to assist officers who may be looking like they are at risk. There are difficult issues involving industrial relations and a whole range of matters, but not something that the police could not undertake, subject to funding. Other agencies around the world, including local police agencies—Victoria police and Western Australia police—have systems of a kind. Whether they would work in New South Wales is something that police would have to assess.

CHAIR: Essentially it is a management tool. Is that correct?

Mr KEARNEY: Yes, I think the basis being that it is more efficient to deal with an officer before they go off the rails than deal with them after and all that follows, potentially misconduct, management action, disciplinary action, and ultimately, potentially to the courts.

Mr PAUL LYNCH: It is good for the police officer concerned.

Mr KEARNEY: Absolutely, yes. That is the view that the association took at the time.

Mr KEVIN ANDERSON: Mr James, last year you spoke of difficulties in your relationship with the police with regard to responsiveness and engagement with the Police Integrity Commission in some of those projects.

Mr JAMES: Yes.

Mr KEVIN ANDERSON: That was in response to a question on notice on 28 February. Given that you raised that concern, and having responded to Mr McClelland's review, wherein paragraph 8 in response to recommendation No. 8 he extols the virtue of all things good in relation to the Professional Standards Command—but Operation Calyx had a different view in some areas—and furthermore that the Commission is aware, as highlighted earlier, that officers of the Professional Standards Command have improperly alerted other police officers, and you say you are investigating, and appropriately so, how do you see your relationship with the police progressing?

Mr JAMES: That is not an easy question to answer succinctly. I think that our relations with the police for the most part are reasonable. There is almost unavoidably some tension between the Police Force and anybody overseeing it. The police officer I see most of is the Commissioner. I would like to think, and I do think, that I have a good relationship with the Commissioner and he assures me that he is a supporter of the Police Integrity Commission. I think sometimes it is convenient for him to be able to point to the Commission as regards some of his subordinates. My relationship with the Commissioner is good. I do not personally deal with many police officers. I have officers, for example doing investigations, who deal regularly and periodically with representatives of the Professional Standards Command, including the Assistant Commissioner and other high-ranking officers. I am given to understand that the relationship between our people who deal with the Professional Standards Command at that level is quite courteous and cordial. That is certainly the impression I have been given, and I have seen nothing to contradict that impression. I occasionally have a meeting with either the Assistant Commissioner or a police officer whom I think is directly under him, and those meetings are amicable. I think relations are reasonable.

Mr KEVIN ANDERSON: Given the level of goodwill expressed between Commissioners and trying to move on, as indicated earlier, do you think the McClelland review has the potential to undermine and damage relations?

Mr JAMES: It could have that effect. Mr McClelland received submissions from the Police Association and separate submissions from the Commissioner of Police. There is nothing in the submissions from the Commissioner of Police that could support a number of the conclusions that he has reached. They are based on the submissions from the Police Association.

Mr KEARNEY: There are disagreements at officer level and even at executive level between our agencies. These are not difficult discussions; they are discussions we have between one professional and another. Sometimes we are going to disagree. There is always a way of escalating these things and having them

dealt with properly. Escalation to a Deputy Commissioner or Commissioner to Commissioner often resolves these issues without any problems in the relationship.

CHAIR: I refer to Project Harlequin, which is considering misconduct risks in critical incidents and critical incident investigations. Can you update the Committee on progress?

Mr KEARNEY: That is the project I just described in some detail.

CHAIR: That was Project Harlequin?

Mr KEARNEY: I should have mentioned that up-front. We are due to produce a consultative draft on Project Harlequin by the end of this financial year in consultation with the New South Wales Police Force. I am sorry I did not make that clear.

CHAIR: We have not talked about Operation Monte Cristo.

Mr JAMES: No.

CHAIR: I understand you held hearings in 2013.

Mr JAMES: Yes.

CHAIR: Can you update the Committee on the progress of that investigation?

Mr JAMES: We had private hearings and then public hearings in regard to Operation Monte Cristo. The public hearings continued until Friday 20 December. Our usual practice after public hearings have been concluded is to direct that the parties lodge written submissions. The usual directions are that counsel assisting lodge written submissions, they are served and the other parties have an opportunity to respond. Obviously 20 December is an unfortunate time of the year. Because counsel assisting had made arrangements to travel overseas in January he asked whether he could be allowed an advanced date in February for the lodging of the submissions. I was sufficiently generous to accede to that. We have not yet received the submissions from counsel assisting.

I do not wish to say too much about it, but there are probably three groups of people involved. There is a number of police officers—15 to 20—who on the evidence—I do not think there is any issue about it—provided their identification details and thereby permitted accounts to be set up with online bookmakers. Those police officers played no part in the actual conduct of the online betting accounts, but they did lend their names to the accounts. A second group of officers were intermediaries between the first group of police officers and the professional gamblers. The third group is the professional gamblers. I would prefer not to go into too much detail about the investigation. But at this stage submissions have not been lodged by counsel assisting.

CHAIR: It is a most interesting matter.

Mr JAMES: Yes.

CHAIR: I refer to time frames. The Committee asked the Inspector of the Police Integrity Commission to look into a matter in May last year. He has indicated that he is still awaiting advice from the Commission. Can you comment generally on the issue of time frames and that matter in particular?

Mr JAMES: I have copies of correspondence in front of me.

CHAIR: I should say in fairness that his latest correspondence was dated December. I am not asking for your response in May.

Mr JAMES: I have copies of the correspondence in front of me. As far as the Cushway/Torbay matter is concerned, the Inspector sent us a copy of a letter from the Committee dated 22 May 2013—from the committee to the Inspector. The Inspector wrote to us on 24 May enclosing a copy of the Committee's letter and saying, "I will give consideration to what I presently have and I will be in touch with you to discuss what further material I may require." We received a letter dated 29 May from the Inspector asking for further extensive material. We searched our records and replied to the Inspector on 31 May, two days later. In that letter we

itemised 19 groups of documents that we had. We supplied the Inspector with copies of those documents and we made some comments about them. We asked to be informed if we could be of any further assistance. In the Cushway matter, we received a letter on 15 August from the Inspector. The Inspector has access to all our records—documentary and electronic. That letter said that the Inspector had been to the Police Integrity Commission office and made a search against Superintendent Cushway and it had thrown up 331 results.

CHAIR: Can you clarify what that means?

Mr JAMES: If you search "Cushway" you get 331 hits in our records.

CHAIR: Does that mean 331 different records?

Mr KEARNEY: No, it does not.

Mr JAMES: No, it does not.

Mr KEARNEY: It can mean multiple hits in documents.

CHAIR: But that is a large number of hits.

Mr JAMES: Yes.

Mr KEARNEY: But they could be in three documents. I do not know the parameters.

CHAIR: I apologise for the interruption, but it is a stunning number.

Mr KEARNEY: Yes.

Mr JAMES: The Inspector also thought so. He said that not every letter—they sampled approximately 60—was relevant to the role of the former officer in the matter the subject of the reference. The Inspector asked if we could arrange for a member of my staff to isolate entries regarding any complaints made against Superintendent Cushway and any advice that the Police Integrity Commission might have given in relation to the promotion of Cushway. We provide advice about the promotion of a police officer above a certain level. That was the letter of 15 August. It took us a little while to collect that material; it was supplied with our letter of 27 August. As far as I am aware we got nothing further from the Inspector until a letter of 19 November, which was principally about another matter, in which the Inspector said, "With respect to PIC's handling of the complaint about Cushway, I am in the process of drafting my report to the JPC"—the parliamentary committee—"and a copy will be provided to you in due course." I am not aware of receiving any document from the Inspector.

CHAIR: Do you wish to add anything?

Mr JAMES: No, thank you.

CHAIR: Thank you very much for your very interesting evidence. The Committee may wish to send you some additional questions in writing, the replies to which may form part of your evidence and may be made public. Would you be happy to provide a written reply to further questions?

Mr JAMES: Yes.

(The witnesses withdrew)

(Luncheon adjournment)

GRAHAM BARR, Inspector, New South Wales Crime Commission, sworn and examined:

CHAIR: Before we proceed, do you have any questions concerning the procedural information that we sent to you in relation to witnesses and the hearing process?

Mr BARR: No, thank you, that was clear.

CHAIR: Would you like to make an opening statement before the commencement of questions, just to speak generally about where you see things are at?

Mr BARR: Madam Chair and members of the Committee, I am very pleased to appear before you. We met before my appointment but this is the first time I have appeared before you as Inspector.

As I understand it, you would wish to ask me about matters arising from my annual report. My appointment did not take effect until 22 April 2013 and I had only been in office for nine or 10 weeks by the time the year came to an end. Consequently, my annual report contained probably about as much as one would expect. I think we had found an office by then but we were in the very early stages. I reported to you that we were developing strategies for the audit and supervision of the Crime Commission and that we had received two complaints. They were still current at the time of the report.

Things have moved on a bit since then. The development of strategy for audits and the like has moved well on. Samantha Knox—who is with me here today—has assisted me in that respect. We have identified the principal matters that we wish to look at. The need is to look at the special powers the Crime Commission has, such as the right to have people arrested, to have people give evidence involuntarily, and the right to apply for listening devices and the like in order to track people. As you will be aware, there is a host of these things in special legislation. That would be the principal focus of the audit that I would carry out. There are other matters but that is just about developed now and we are about to put into effect a program of auditing. The Crime Commissioner is aware of what we are doing. I have had frequent conferences with Mr Hastings and with others at the Crime Commission.

As to the complaints that we have received, I reported to you that there had been two, which were both current. We have received three since then, and perhaps a sixth as well. Two plus three, or two plus four—I am not sure about the last one, I think it might have died. At any rate, if it has, all those complaints are now dealt with and we are right up to date on those matters. Obviously, I would give you a report about that as at 30 June this year. I think that is all I need to say by way of preliminary matters, thank you.

CHAIR: Thank you very much, Mr Barr. I assure you that these hearings can be fairly freewheeling, if I can put it that way. It is an opportunity for you to raise matters with us and we do not necessarily need to feel confined to the six weeks of that financial year. Are you happy to proceed on that basis?

Mr BARR: Yes.

Mr PAUL LYNCH: Inspector, one of the obvious things about your position is the possible overlap between yourself, the Police Integrity Commission and the Police Integrity Commission Inspector. Has anything been done or have you had any discussions about dealing with the overlap amongst those various bodies?

Mr BARR: I am aware that the Committee produced a report No. 7/55, in which it recommended to the Police Integrity Commissioner that he speak to me. Mr James and I have spoken twice about that matter. I am confident that, as the law stands, we can deal with the need to decide who is going to hear any particular complaint. The Committee suggested that Mr James and I come to what was called a protocol. I am never sure what a protocol exactly is. I can say that there is no written agreement between us but there is an understanding between me and Mr James about the manner in which we might go about determining what might be done in any individual case.

I should say this: That, as it stands, the legislation is seriously lacking and it is something that I would wish to report about in my next annual report. I did not feel experienced enough to mention it in my last annual report. As things stand, disaffected people can complain about Crime Commission officers to me, to the PIC or both. Experience over the years suggests that people who can complain to two people will do so. Unless the complaint passes the test in section 75D of the Police Integrity Commission Act—a test, I might say, that is not easy to interpret and is not the subject of universal agreement—I have no obligation to tell the Police Integrity

Commissioner if I receive a complaint. Indeed, the whole nature of things suggests that I would be obliged not to tell him, because these things are confidential.

The Police Integrity Commissioner has no obligation to tell me that he has received any particular complaint about a Crime Commission officer. That can lead to the undesirable position—and I think this is not a fantasy—where both Mr James and I are dealing with the same complaint, neither knowing that the other is doing so. Accordingly, Mr James and I have agreed that, for every complaint that I receive—irrespective of whether it passes the section 75D test which would oblige me to tell him—I will tell him that I have received a complaint and I will tell him something about it. This will be done informally. Mr James will do the same for me and we will talk about it. That is really about as far as our understanding goes.

When we had our discussion, Mr James would have been—I say this in his favour—prepared to abide by a protocol to divide responsibility along the lines suggested by Mr Patten in his report. You remember when he proposed the appointment of an Inspector, he did not propose any change to the PIC powers and duties in supervision. That, of course, made a dichotomy. There is a passage of about 20 paragraphs in Mr Patten's report, in which he deals with the way the work might be allocated. If I can summarise it without doing injustice to it, Mr Patten would have proposed that the more serious matters—perhaps those involving criminal conduct or suspected criminal conduct—might be looked at by the PIC and less serious matters, by the Crime Commission Inspector.

For my part I was not prepared to come to a settled understanding that that would always be the way that things ought to be dealt with. I would prefer to look at cases individually, and that is where we left it. Mr James will let me know of the reports he gets of complaints, I will do the same. We will talk about them. We will come to an agreement. I am confident that we can do that. I must say I have the highest regard and respect for Mr James and I am confident that we can work well together.

What the size of this problem is I am not sure. You know how many complaints I have received—five, perhaps six, in the best part of a year now. I might say that there were two waiting for me as soon as I came into office. So that is not a high level of complaints. I note from the PIC annual report that they received 11 complaints about NSW Crime Commission officers: six came from Mr Hastings, the Commissioner—they were reports under section 75D of the Police Integrity Commission Act as appearing to the Commissioner to pass the test as he understood it; and five were referred by the police. None were referred to me from police but the Committee has to bear in mind that I virtually did not exist during the year, until the end of 30 June 2013. What the experience will be this year I do not know. So far the only matters that have been referred to me have been by complainants directly. One of them was at the suggestion of Mr Hastings. Mr Hastings knew that the PIC had considered a matter and decided not to investigate it. I have not received any from police. I really do not know what the rate of complaints is at the moment.

Mr PAUL LYNCH: Are you surprised you have had so few complaints?

Mr BARR: I do not know enough to know whether to be surprised or not. I must say it is encouraging.

Mr PAUL LYNCH: It could be encouraging in the sense that that means there is nothing wrong, or the alternative hypothesis is that maybe no-one knows about you.

Mr BARR: Some publicity was given to my appointment and we have a website. Some people know that I exist anyway.

Mr PAUL LYNCH: You mentioned earlier that you thought there might be some legislative gaps or difficulties which you might want to deal with in your annual report. The Committee is quite interested in looking at those so I extend the offer to you on behalf of the Committee to send those to us if you want to. I am not saying not to do it in the annual report but I am saying that this is another avenue as well.

Mr BARR: Thank you. I can mention them now; I do not want to speak to anything really.

The Hon. ADAM SEARLE: That would be interesting.

CHAIR: We might put further questions on notice to give you that opportunity.

Mr BARR: Thank you.

Mr PAUL LYNCH: It would give us a sense of them if you could briefly mention them now.

Mr BARR: There is this lack of reciprocity but Mr James and I have come to an arrangement, which we will stick to, which informally solves the problem. Section 75D of the Police Integrity Commission Act is a one-way thing. Mr Hastings has to tell Mr James if he receives a complaint that passes the test, so do I. Mr James does not have to tell me, Mr Hastings does not have to tell me, and that is odd. Those gaps ought to be filled. That is really the substance of it. That is what I have been calling the lack of reciprocity. It seems odd if my office has been put there to supervise the NSW Crime Commission and the Crime Commission has an obligation to tell the Police Integrity Commission but not to tell me. That does not sound like the sort of way you would set something up afresh. I appreciate the history of the matter and the reasons why changes were made to the legislation but they have resulted in these anomalies and I think they need to be looked at. I can write to the Committee about that.

Mr PAUL LYNCH: How many staff have you got? Is it adequate?

Mr BARR: Staffing is adequate. I have an administrative assistant and I have Sam. They are both excellent people. The estimate that was made when my appointment was being considered was that this was a part-time job that would take one day a week. That may turn out to be right but, of course, we have had to establish the office and much more work had to be put in than that would produce. I have had Sam I think about once a week over the period and I have had my administrative assistant much more than that—three or four days a week throughout the period. That also may drop. May I say I am very grateful to the department for the excellent staff it has supplied me; I am very happy.

The Hon. ADAM SEARLE: You have attended one management committee meeting of the Crime Commission but the indication is that you will not go again. Is that simply because your job is to oversight the whole of the operation?

Mr BARR: I went by invitation—I think it was the first meeting after my appointment—so that I could be introduced to the members of the management committee. It was a courtesy that the management committee extended to me. I have not been invited back; I was not expecting to be invited back. There is another important committee of the Crime Commission: Internal Audit and Risk Committee [IARC]. They are the people that look at the particular references in some respects; they are seriously into auditing. A lot of the things they deal with concern me and I am very happy to attend and learn, others are ordinary accounting problems that frankly do not interest me at all and really do not need to interest the Inspector I think. It is a quarterly meeting that I attend.

Mr KEVIN ANDERSON: Given that you are a year on and that you are looking at a few issues at the moment, what do you think the main challenges will be in the next 12 months?

Mr BARR: There is really one thing that I have got to do now and that is to get down into a settled way of auditing and reporting to my own satisfaction. I cannot see any further into the future than to say that. Obviously, to deal with problems as they arise.

Mr KEVIN ANDERSON: And obviously fixing that legislation in relation to the Inspectors talking to each other?

Mr BARR: Yes.

Mr KEVIN ANDERSON: And bearing in mind the confidentiality of each particular issue.

Mr BARR: Yes.

Mr KEVIN ANDERSON: You have outlined your resources so far, do you see that that may change—the budget and so on?

Mr BARR: I cannot tell. I have no reason to think that it will once we are on an even keel. Providing extraordinary events do not arise, I cannot see huge changes coming.

CHAIR: I think you said that you have dealt with three matters. Is that correct?

Mr BARR: I had two matters at the time of the annual report. Since then we have received three, in fact four. We have dealt with the two that were outstanding and the three that we have received since. The fourth one received this year, or the sixth altogether, I think has died.

CHAIR: Can you summarise the outcomes of those matters?

Mr BARR: They were all dismissed.

CHAIR: And one was withdrawn—the one that died?

Mr BARR: I asked for further particulars and they did not arrive. It is not the sort of thing that I would follow-up. I regard it as a matter in which my question needs an answer before I do anything else.

CHAIR: Were they all within your jurisdiction?

Mr BARR: Yes.

CHAIR: You indicated earlier that you have identified two potential areas as the subject of audit?

Mr BARR: No. I am sorry.

CHAIR: I must have misunderstood.

Mr BARR: I cannot remember what I said but there are quite a number of areas for audit. I mentioned the special powers that the Crime Commission has. They are the kinds of things that I am going to be looking at. I gave a couple of examples.

CHAIR: What do you anticipate will be the first topic for your audit?

Mr BARR: We have only been talking about that today. One can look at these things either vertically or horizontally and let me explain what I mean. If you have a particular reference from a management committee—let us call it operation Smith—you might perform a number of functions in that operation. You might deal with listening devices or tracking devices. You might arrest people, you might call people in to give evidence or you might take evidence. You might apply to the court for orders concerning criminal assets and that kind of thing. You might do all sorts of things. We could say, "Let us look at operation Smith", or appreciating that the Crime Commission has a number of references current at any one time we could say, "Let us have a look at all the functions that have been performed in this reference" and follow it through in a linear manner like that and see what happened, whether it happened in accordance with the law, whether proper procedures were involved and so on and comment on that or we might say, "How many times have you employed this power in the two months?" which would probably bring in several references, or "How many times have you applied for a listening device?", that kind of thing.

CHAIR: Which approach do you propose to take?

Mr BARR: I do not know which I am going to do, I think probably the former.

CHAIR: So looking at a specific operation in a holistic way?

Mr BARR: Probably, but there is no reason why we cannot do both.

CHAIR: What about where the Crime Commission is doing a joint operation with NSW Police? How does that impact on your jurisdiction?

Mr BARR: I think I have no power to investigate the police or require the police to produce anything. I think my power is confined to the Crime Commission as I am presently advised or at least as I presently view the law I would not feel justified in asking the police to do anything. I think they would be entitled to refuse if I did. My communication would be with the Crime Commission.

CHAIR: We heard evidence earlier that the joint task force on organised crime has been ramped up?

Mr BARR: Yes, I realise that.

CHAIR: So a significant number of Crime Commission resources will now be going to that framework. I think they have emphasised that they will not neglect work, it will just be a new framework in which the work will be done.

Mr BARR: Yes.

CHAIR: What will your jurisdiction be when those Crime Commission resources are tipped into a joint operation?

Mr BARR: I think I have already said about as much as I know about it.

CHAIR: Will those officers and their use of those powers on behalf of a police operation impact your ability to look at the behaviour of the Crime Commission officer or accept a complaint about that?

Mr BARR: As a practical consequence of two agencies working together it might in any individual case.

CHAIR: It might impact it?

Mr BARR: Yes. Well, you are asking me to imagine what might happen. I think in an individual case if the Crime Commission and a number of police officers and Crime Commission officers were working together on something I could audit the work that the Crime Commission does. After all the police officers who are attached do not carry out the Crime Commission's functions; the Crime Commission officers do, so I do not think that would affect my ability to supervise the Crime Commission officers concerned in that particular operation but I cannot imagine it now. It is possible that as a practical result the fact that something had been done by a police officer—I do not know; I am just trying to think aloud.

CHAIR: The reason I ask is that the indication we have received is that most of the work of the Crime Commission now is going to be done in this joint framework. If you were not supervising activities within the joint operation context there would be very little left for you to supervise by the sounds of it, if "supervise" is the right word.

Mr BARR: Well, I do not know.

CHAIR: Does anyone have any further questions.

Mr KEVIN ANDERSON: Just a comment, Madam Chair. Mr Barr, we extend again the invitation to you that as time goes on and you gain a better understanding of how the office works, how you would like to run it and what you would like to achieve, feel free to contact the Committee with your suggestions. We would welcome those suggestions and be most happy to assist.

Mr BARR: Thank you, Mr Anderson.

CHAIR: Thank you, Mr Barr, for appearing before the Committee today. The Committee may wish to send you some additional questions in writing, the replies to which will form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Mr BARR: Yes, of course.

CHAIR: Thank you very much. Again on behalf of the Committee thank you for your appearance today.

Mr BARR: Thank you for your courtesy.

(The witness withdrew)

JOHN PAGET, Inspector of Custodial Services, Office of Custodial Services, sworn and examined:

CHAIR: Before we proceed, do you have any questions concerning the procedural information we sent you in relation to witnesses and the hearing process?

Dr PAGET: No.

CHAIR: Would you like to make an opening statement?

Dr PAGET: Thank you for that. The only thing is that we are in our infancy. I assumed the appointment on 1 October and last week we completed the recruitment process for the final person, the coordinator of official visitors, so we have only really had a full team for about a week. That is not to say that we have not been doing things in parallel to the recruitment process; we have, but that may come out in questions and discussions.

Mr PAUL LYNCH: The way that I understand the model of your inspectorate is that you are meant to focus on the broader systemic issues and not deal with individual complaints. Individual complaints must surely be a way of getting into the broader systemic issues as an example and as evidence of broader problems. How do you get access to those individual complaints if that is not what your office is supposed to be doing?

Dr PAGET: I will come at that in a rather long-winded way. We have two Inspectors, me and an official visitor coordinator. We have 42 institutions to look at, which works out to be one a month for 10 months of each year; we think we can do it. But what it does require is to take a look at how we might use the official visitors in a rather innovative way and to integrate them into the inspection process because there are some 60 of them scattered around the State in the institutions. The inspection model will reflect that resource. To get to your question, yes, individual complaints, a series of complaints over a particular issue would indicate a systemic problem. The source of those complaints would be the official visitors because they are the ones hearing all the complaints all the time and would be able to inform us as part of the integrated inspection effort that this is an issue in this jail. If you heard from another official visitor you would soon get the theme that this was a systemic issue.

We will be communicating with the official visitors now that we have the team complete to integrate them with that inspection effort. Normally for an inspection to be effective it needs to be based on risk. Equally, as I mentioned to the Committee when you interview me last year, I have a concern that nobody celebrates good practice in Corrections and the fact that there are 10,600 people out there, many of whom are fragile, yet correctional officers and their Justice Health colleagues get most of them through each night safely. Who celebrates that? So the correction effort, yes, will focus on identifying risk and examining risk issues but it will also take the opportunity to bring to the Committee and the Parliament's attention things that are done well but need to be shared and need to be celebrated, so yes, individual complaints, utilising the official visitors and determining if they represent a theme that needs to be looked at. So far I have only had one individual complaint to me by email and it was one that was more appropriately dealt with by another government agency. I had a conversation with the Ombudsman people just to confirm that that was their experience too; that it was not an appropriate thing for me to look at.

Mr PAUL LYNCH: Which leads on to what I had planned as my next question, which was your connection with the Ombudsman? Presumably the Ombudsman receives a significant number of complaints. Is there a formal discussion between you and the Ombudsman and do you have access to the complaints he receives?

Dr PAGET: I have met the Ombudsman and recognise that there will be an overlap. The Ombudsman has the right to talk to the official visitors and we do not want to impede that. We just have to make sure that we do not end up with a bit of shopping going on. Prior to the conclusion of last year I sent a draft memorandum of understanding [MOU] to the Ombudsman that might form the basis of a locally based MOU as to how we will operate to avoid those sorts of problems. I imagine one thing that this Committee would not like to see is intertribal warfare between these sorts of agencies.

Mr PAUL LYNCH: In the admittedly short time you have been in the role, what are the issues that have come to your attention so far with Corrective Services?

Dr PAGET: I have been out to three juvenile centres. I am not particularly well versed in the juvenile area. I have been out to look at the Long Bay Hospital. An issue that you all would be aware of, which is in the public domain and of interest to me, of course, is what is happening to the prison population and the ramifications of that, as evidenced in the public domain in the Productivity Commission reports about capacity, about hours out of cells, about overcrowding, and about what that means if not addressed. That is the immediate one. There are so many things of interest out there that can be looked at.

What struck me about the juvenile facility was the young Muslim men in that place with no imam visiting. That is not good. There are issues about security that I would like to look at. In the juvenile justice facilities over the Christmas period, the hottest part of the year, education closes down. Now, I understand why, but one would think is that wise practice? Yes, I know juvenile justice facilities run a very good program over that period, but it struck me as a question worth asking: Why do we do that? What struck me the other day was the design and fit-out of Long Bay Hospital, as did the high rates of cancellation of specialist appointments in the clinic. Why so? After looking around, yes, there are a lot of things and what is quite clearly in the public domain is that there are attendant issues that we can look at when we get operational.

Mr PAUL LYNCH: In respect of size of the prison population and what that means, you said "ongoing problems if not addressed". How should they be addressed?

Dr PAGET: I think you are into the realm of public policy that you would be well aware of. This issue is exercising lots of minds in America right now about a realisation that the incarceration binge in the United States is simply unaffordable, so there is a lot of energy being directed by Attorney General Holder and legislation such as sensible sentencing and the Fair Sentencing Act, the equivalents at State level, reinvestment in community corrections—Realignment, as they call it in California—and so forth. Governments are trying to grapple with those sorts of public policy questions, not only in the United States, but the United States is particularly interesting. When the Americans get enthused about something they tend to come up with some very interesting solutions.

Mr PAUL LYNCH: And often put by economically conservative Republicans, as I understand the debates.

Dr PAGET: Yes.

Mr PAUL LYNCH: You mentioned Long Bay Hospital. Have any issues about psychologists come to your attention? I am told there are about 30 vacancies among psychologists in Corrective Services. Is that something that has been on your radar?

Dr PAGET: The whole issue of programming is something we will certainly have an interest in, but that specific issue of the number of psychologists is not something that has been brought to my attention.

The Hon. ADAM SEARLE: In respect of measuring the success of the office that you currently occupy, what benchmarks are you looking to in respect of developing appropriate performance measures for your office?

Dr PAGET: We have provided Correction Services and Juvenile Justice with a draft inspection manual. I would hope to get comments back on that by the end of February. Included in that, if I recall correctly, is an indicator of how we might measure our own performance. I raised the point that if 90 per cent of our recommendations were accepted by the agency, it would give us some idea of whether or not we are on the right track and have done enough research and whether we are able to validate the arguments that we are putting up.

Mr KEVIN ANDERSON: I know you are developing the role, but do you consider at this point in time that the legislation is sufficient to support your role and the office?

Dr PAGET: I think the inspections legislation is. The Crimes (Administration of Sentences) Act has a section that I would like to see adjusted. It relates to how we can use the official visitors. The legislation says that official visitors can deal with complaints but they cannot audit or inspect. There are obvious reasons for that, which are good. I would like to see the legislation adjusted so it says "unless directed by the Inspector" so it is quite clear that we can use the official visitors in that role. In December we had a meeting with the Department of Attorney General and Justice, Corrective Services and Juvenile Justice, and there is no objection to that. We will push that further forward early this financial year now that we are trying to get the

administrative arrangements and architecture sorted out as well so when it goes to Parliament it is a complete package.

Mr KEVIN ANDERSON: How have you found your role so far in respect of the inspector's position?

Dr PAGET: We have taken the opportunity while the recruitment process was on to do a lot of other things as well. We have done the inspection manual and given it to the two major agencies with whom we are most involved.

Mr KEVIN ANDERSON: Could you explain the inspections manual?

Dr PAGET: It shows how we operate, the description of what is the nature of inspection, how we see the process operating, what role we see for Corrective Services, how it will assist us, how Juvenile Justice will assist us; the governance arrangements, if you like. It is really out there so there are no surprises. When I get the draft manual back, eventually we will conclude that, and that will be put on our website to make it quite transparent how we operate. Corrective Services NSW is looking at the inspection standards for adult corrections. I expect to get those back at the end of February. Then we will look at the standards for juvenile justice. The recruitment process, as you would expect, is not a quick process. That takes several months. That has been completed. I have done an address to the Justice Health and Forensic Mental Health Network, explaining how I see the inspectorate operating and how that might impact upon them.

We have spoken to the Muslim community in Parramatta at a major conference on Islam and Australia, about certain aspects in which they have an interest, so it is really setting up the architecture and letting people know. The two Inspectors are heading off to Western Australia on 8 March to work with Professor Neil Morgan and Western Australian Inspectors on an inspection of Bandyup Women's Prison. That will go through to 14 March. We have appointments with the National Drug and Alcohol Research Council, the Mental Health Review Tribunal, Justice Health, Human Rights Commissioner, and lots of meetings with the two agencies as well. It is really setting up the networks. I do not want to get into the situation where we start to aspire to become operational before the staff are comfortable and competent in the role.

Mr KEVIN ANDERSON: Are you able to provide the Committee with a breakdown of the report in respect of the inspections and how you plan to operate when they become available?

Dr PAGET: Certainly.

Mr KEVIN ANDERSON: That would be most helpful.

Dr PAGET: That will be in the public domain because, again, we are in the business of no surprises. We will have started the process in March. The Commissioner has agreed to meet and to sit down to look at areas of good practice and areas of risk. That will be complemented by the official visitors' view of the same issue, our own observations. Once that is worked out and agreed, that will be published around the correctional settings so that the general managers know when they can expect us and what it is we are going to look at. Some might say that will ensure the pot plants appear or things are painted. Well, you are actually in the interest of system improvement. If it does improve the system before we get there, so be it.

Mr KEVIN ANDERSON: Do you have any indication yet of systemic challenges facing Corrective Services?

Dr PAGET: The major one is the one I highlighted before, which has been the subject of much public discussion in the media recently. The prison population is the highest it has been for a long time and we know, from history, those sorts of things have to be carefully managed.

Mr KEVIN ANDERSON: To use your phrase, do you think we have an "incarceration binge"?

Dr PAGET: Do you mind if I—

The Hon. ADAM SEARLE: I think he is from another jurisdiction.

Mr KEVIN ANDERSON: I know that.

Dr PAGET: That is a public policy question and it is for somebody in government. There is an undeniable fact that more than 10,600 people are locked up.

CHAIR: Thank you for your comments, particularly in relation to Juvenile Justice. Which facilities have you visited?

Dr PAGET: I went to the remand facility at St Marys. I went to Juniperina, the house for young women.

CHAIR: Frank Baxter on the Central Coast?

Dr PAGET: Yes.

CHAIR: That is where the imam issue arose?

Dr PAGET: No, that came up at the remand facility¹.

CHAIR: Is it necessary for an imam to go to a remand facility?

Dr PAGET: I think as a principle, and it is another interest I have about radicalisation and those sorts of attendant issues. But if you have Muslim lads, women or children, it behoves us to ensure that we support them in every manner. That will mean they will need access to imams. There is enough literature and research around to tell us about the dangers of them getting access to self-appointed imams, just as there is in other faiths. It is not limited.

CHAIR: I totally agree that isolation of young Muslim boys creates a real risk in respect of them falling into further crime, but whether we are doing a good job about identifying solutions to that and whether the imams are the only path, especially in a remand setting—

Dr PAGET: Government has engaged with the Islamic Sciences and Research Academy at Auburn in addressing just this issue. I think that is the way to go. It is not just the Muslim community side. It is also addressing some of the prejudices in our own community toward such folk. Courses like that are designed to address both issues. Certainly I know that the ISRA people have made a lot of effort to provide in-reach services to members of their faith community who are in the custody of the State.

CHAIR: Mr Anderson and I are both rural members, so could I urge you to visit a rural centre such as Acmena, which is often called the Aboriginal centre simply because the Aboriginal population is so high there, to look at Aboriginal issues in Juvenile Justice, particularly in relation to education. The schools are run by the Department of Education and Communities, so I am curious whether your jurisdiction, being a Corrective Services one, gives you inspector rights over the schools that are inside the detention centres?

Dr PAGET: Certainly there are some key issues, obviously, that surround the Aboriginal community and the relationship with Juvenile Justice and with adult corrections. If you want to look at recent events, the Inspector in Western Australia has done a lot of work in that area in response to decisions made about restricting funds for attendance at funerals, which is a key issue for members of the Aboriginal community. I am well aware that when you are dealing with the Aboriginal community, there are multifaceted issues. A lot of those came out in the public debate about the downsizing of Grafton, about Aboriginal communities, visitors and access to visitors if they moved south, and so forth. I am certainly aware of—

CHAIR: I am very aware of that issue as well.

Mr KEVIN ANDERSON: The invitation is certainly extended. Tamworth has a remand centre with 82 inmates and there are about 500 movements in and out a month, so it is a very high turnover rate. We encourage you to come to Tamworth at any stage to have a look. That would be great.

¹ See Dr Paget's clarification of his comments with respect to juvenile detainees and their access to imams at: <http://bulletin/Prod/parlment/committee.nsf/0/6BF6C07547A5F419CA257C370006789D>

CHAIR: Thank you very much for your attendance today. The Committee may wish to send you some additional questions in writing, which will form part of your evidence and be made public. Would you be happy to provide a written reply to further questions?

Dr PAGET: Certainly.

CHAIR: Thank you. It is much appreciated.

Dr PAGET: Thank you for having me.

(The witness withdrew)

(The Committee adjourned at 3.01 p.m.)
