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REPORT OF PROCEEDINGS BEFORE

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

**TEN-YEAR REVIEW OF THE POLICE OVERSIGHT SYSTEM IN
NEW SOUTH WALES**

At Sydney on Wednesday 28 June 2006

The Committee met at 1.00 p.m.

PRESENT

Mr P. G. Lynch (Chair)

Legislative Council

The Hon. J. C. Burnswoods
The Hon. D. Clarke

Legislative Assembly

Mr G. Corrigan
Mr M. J. Kerr

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SCOTT DAVID WEBER, Vice President, Police Association of New South Wales, Level 4, 154 Elizabeth Street, Sydney;

GREGORY THOMAS CHILVERS, Director, Research and Resource Centre, Police Association of New South Wales, Level 3, 154 Elizabeth Street, Sydney;

PHILIP JAMES TUNCHON, Assistant Secretary, Legal Services, Police Association of New South Wales, Level 3, 154 Elizabeth Street, Sydney, sworn and examined:

CHAIR: Thank you for appearing today to provide evidence to the Committee's inquiry into the 10-year review of the police oversight system in New South Wales. The Committee has received a submission from the Police Association. I take it that you wish that to be tendered and that it be part of the transcript.

Mr CHILVERS: We do.

CHAIR: Do you wish to make an opening statement?

Mr CHILVERS: We rely for the most part on our submission. However, in summary, we would like to make the point that the Association has and continues to support the need for an external oversight body. We have been supportive of that throughout our history. We are also very supportive and have taken a great deal of interest, particularly since the Royal Commission, in the development of the policing professional model. We see this as fundamental to the development of the occupation into the future and also the progress of reform in policing in Australia. New South Wales has been at the forefront of that development over the years. We have also been very supportive of and active in the Police Federation of Australia, which has as one of its primary policies the development of the profession of policing.

Although we accept the need for external oversight, both in terms of public policy and assisting the police profession in its reform, we also need to recognise the difference between oversight and management. We strongly believe that the role of management, particularly human resource management, within NSW Police should be the responsibility of the policing agency itself. As we said in our submission, we are beginning to suffer from excessive oversight and complexity. There is a danger that the oversight process becomes a management process that is stifling the organisation in developing accountability for its managers. We have expanded on that a little in our submission and we are happy to take questions.

CHAIR: Thank you. In your submission you argue for the removal of the Ombudsman from the oversight of complaints. What does that oversight by the Ombudsman involve? The Committee received a submission from the Public Interest Advocacy Centre arguing that the Ombudsman has no real role and it is all self-regulation by the police. The Committee would like to know

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what the Ombudsman does in the oversight of complaints. Does the Ombudsman simply get a report at the end of the process and is the reality self-regulation by the police, which is diametrically opposed to your position? I am trying to work out what it is that the Ombudsman does.

Mr CHILVERS: Section 122 of the Police Act contains a broad definition of what constitutes a complaint that is notifiable to the Ombudsman. It states:

- (1) This Part applies to and in respect of a complaint that alleges or indicates one or more of the following:
 - (a) conduct of a police officer that constitutes an offence,
 - (b) conduct of a police officer that constitutes corrupt conduct (including, but not limited to, corrupt conduct within the meaning of the Independent Commission Against Corruption Act 1988),
 - (c) conduct of a police officer that constitutes unlawful conduct (not being an offence or corrupt conduct),
 - (d) conduct of a police officer that, although not unlawful:
 - (i) is unreasonable, unjust, oppressive or improperly discriminatory in its effect, or
 - (ii) arises, wholly or in part, from improper motives, or
 - (iii) arises, wholly or in part, from a decision that has taken irrelevant matters into consideration, or
 - (iv) arises, wholly or in part, from a mistake of law or fact, or
 - (v) is conduct of a kind for which reasons should have (but have not) been given,
 - (e) conduct of a police officer that is engaged in in accordance with a law or established practice, being a law or practice that is, or may be, unreasonable, unjust, oppressive or improperly discriminatory in its effect.

Of course, even if a police officer is enforcing a law, if that law is considered to be in itself unreasonable, unjust, oppressive or improperly discriminatory, a complaint about that can be subject to notification to the Ombudsman. The problem is that every complaint about serious criminal conduct through to a complaint about being late to a court matter or being rude to a member of the public is a notifiable matter under the Act and must be recorded and notified to the Ombudsman. Part of the difficulty is distinguishing between conduct that is corrupt, criminal or serious misconduct and conduct or behaviour that

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might be better considered a managerial issue. A business owner who gets a complaint about a member of staff would want to be able to deal with that issue on the spot. If it were a serious matter such as corruption or criminal behaviour, of course, the business owner would want to involve the police and to treat the situation seriously. If it were a matter of behaviour or customer service, a manager should be able to deal with it and be held accountable to deal with it on the spot. Our difficulty is that everything is notifiable under the Act and it then comes to the notice of the Ombudsman, who must then oversee the investigation.

In the past 12 months there have been about 5,200 complaints across the spectrum. Of those, nearly 4,000 were investigated. The vast majority were minor matters but were put into a formal process of investigation that was overseen by the Ombudsman. A review goes to the Ombudsman and the Ombudsman then has the right to say to the person in charge of the investigation that certain things should have been done. It goes back and forth. The Association believes that serious matters need to be flagged, identified and targeted with all the resources available to the Police Service and that less serious matters need to be dealt with quickly and efficiently at a local level by the manager and the manager needs to be held accountable.

CHAIR: What does the oversight involve? Is it simply getting a report at the end of the investigation that might then be referred back for review?

Mr CHILVERS: Section 19 allows the Ombudsman to take over any inquiry and to run his own inquiry. It also enables the Ombudsman to take over investigations at any level as he sees fit.

CHAIR: When the Ombudsman does not take over the investigation and simply oversees it, is a report provided to him at the end of the process?

Mr CHILVERS: Yes.

CHAIR: Subject to a potential review?

Mr CHILVERS: That is right. It is not finalised until such time as there is no intervention or notification from the Ombudsman; that is, when there is a satisfactory outcome.

CHAIR: You may not have the figures off the top of your head, and I would not be surprised if you did not, but do you have any idea of the number of investigations the Ombudsman has taken over as opposed to the investigations that were simply overseen?

Mr CHILVERS: No, but we could take that question on notice.

CHAIR: We may be able to get that from other inquiries. I understand that the class and kind agreement between NSW Police, the Police Integrity Commission [PIC] and the Ombudsman divides matters into different

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categories. Class 3 matters are essentially performance or customer service issues and are not overseen by the Ombudsman. Is that your understanding?

Mr CHILVERS: They are subject to audit by the Ombudsman, and we do not have a problem with that. NSW Police is a different organisation today than it was 20 years ago. No-one can argue about that.

CHAIR: I do not think there is an argument.

Mr CHILVERS: There is no evidence of the systemic corruption that we had many years ago. There is opportunistic corruption, and that sort of thing occurs in every public sector agency, and certainly every police agency in the world. We need processes and procedures to enable us to identify those instances and to address them quickly and efficiently. We have come a long way with that. I can remember being at a round-table discussion during the Wood Royal Commission when Gary Crook QC, who was the Counsel Assisting at the time, came into the hearing room and dramatically unrolled a large piece of paper between the two bar tables.

And on that was a very complex process that had been mapped out for the complaints and disciplinary procedures in the NSW Police Service at the time. Everyone just looked at it and said "Well, yes. This is what is stymieing us." And to a certain degree what was happening was that in the process serious stuff was being missed. We were not seeing the forest for the trees. There was too much time and effort put into investigating and dealing with minor matters, and the resources were not being put to dealing with the serious stuff.

To a certain degree that is still the case. Because of the fact that we have this compulsory notification process that every time a complaint is written down, every time someone makes a written complaint about something it goes into the formal process. It has to be allocated an investigator, it has to go to the complaints management team and it goes into the formal oversight process by the Ombudsman. What happens is within the organisation minor complaints are effectively treated procedurally the same as serious complaints. That is the current problem that is stopping us from moving forward.

What we should be able to do, if it is a minor complaint that does not allege corruption, criminality or serious misconduct—is a mistake of fact of law, is an issue relating to training, is a customer service issue or something like that—the human resource manager, the manager of that office should be able to, yes, record it somewhere, but not put it into the formal complaints process but deal with it efficiently and effectively. It should have that sort of recording, subject to audit by the oversight body, but not part of the formal complaints process. That is where the difficulties are occurring. What we are seeing is that we cannot move beyond where we are up to at the present moment so that local managers are made accountable for managing their own human resources.

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CHAIR: How would the information be recorded? Where would it be kept?

Mr CHILVERS: Currently they are recorded on the c@tsi process, if necessary. From my understanding both the Ombudsman and the Police Integrity Commission find that a useful tool. It is not perfect but it is useful. The problem we have is that every complaint is a complaint against a police officer and they are seen to be a complaint against their personal record. You can manipulate the c@tsi process so that those sorts of minor complaints do not appear on a person's personal record—only the serious material is on it—but as a data capturing tool c@tsi is okay.

But what happens is that police officers see complaints as a complaint against me and it goes on my record and it is going to be with me for the rest of my life whether it is true, false or sustained and it does not matter what level of complaint. It would be nice if a police officer would be able to recognise that if I have got a complaint against me it has got to be serious. All the other stuff is management stuff—yes, it has got to be dealt with, but it has got to be dealt with differently.

CHAIR: Under the proposition you are putting forward if a complaint was dealt with by the local area by the local manager there would be no record of that on the personnel file?

Mr CHILVERS: There would be a record on the c@tsi file. For example, if it is a complaint because this person has made a genuine mistake about procedural law, it is recorded on c@tsi. It is dealt with by the local manager who sits down with the person and says "Look this is an issue that is not going to go against you in your career but we need to have you extra trained, we need to do whatever it is to deal with the problem. We need to also have perhaps an ADR with the complainant" or whatever. "But it is not going to destroy your life. It is not going to be the end of your career as a police officer. It is not going to be brought up against you for the next umpteen years, it is part of your development."

It is a way of making that sort of complaint process a learning process rather than an adversarial process, because as soon as you put these sorts of things into the formal complaint under part 8A of the Act and disciplinary procedure it becomes an adversarial model not a learning model. I think good contemporary management practise says that we need to use these sorts of complaints as a tool for learning in the organisation.

CHAIR: In your written submission recommendation 2 states:

There should be one specialist police oversight body. That body should logically be the Police Integrity Commission. This body should continue to oversight allegations of serious misconduct, corruption and criminality. It should also continue to investigate ways on improving processes and strategies to prevent such activities.

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I want to give you the opportunity to clarify this matter for me but it seems the inference is that the Police Integrity Commission would not have a role in investigating serious corruption, it would just be overlooking?

Mr CHILVERS: I think you will find that currently I do not think the Police Integrity Commission actually physically investigates a significant number of these matters. My understanding is that, in fact, it overlooks investigations by the NSW Police Professional Standards Unit for the majority of cases. I think that is extremely healthy and a sign of a very healthy police organisation that can carry out investigations of its own people with a very significantly high success rate, let me say.

CHAIR: Certainly but the Police Integrity Commission still presently does its own investigations?

Mr CHILVERS: Yes, and I think that is appropriate in certain circumstances and I am sure that the Police Integrity Commission will give some evidence in relation to that. It seems to me that there are going to be certain circumstances when there is sufficient concern about conflict of interest or whatever potentially that it would be necessary for the Commission to carry out its own investigations. We have seen some of them very recently.

CHAIR: I thought that would probably be your position. I just wanted to make sure that that would not be misinterpreted at some other time.

Mr CHILVERS: The issue of the oversight body is quite significant because when the Police Integrity Commission was first established during the Royal Commission—I think at the time the Commission made a recommendation for a police corruption commission and it was subsequently renamed as the Police Integrity Commission; it was a new body—it had been shown that the Independent Commission Against Corruption had not been effective in investigating issues of corruption. Certainly the Ombudsman at that time did not have the resources to do what was proposed for this body. It was a new body and I think that it was appropriate at that time for the two bodies to continue, if you like, side by side or in tandem because it would have simply been overwhelming for the Police Integrity Commission to take on everything in terms of oversight.

It needed to establish itself. It needed to establish some runs on the board. It needed to develop a certain level of expertise to develop its procedures et cetera. I think it has done that. I think it can be seen and shown that there is now a significant level of expertise in a single police-focussed body that has runs on the board and has shown itself to be an effective investigator of certainly serious corruption and criminality. I think it is an expertise that needs to be encouraged and developed and resourced. I think at this stage it would be appropriate. The policing environment and the powers that police officers have, and the levels of accountability that are required from police officers, are not the same as other public sector

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agencies. They are very different, and it is our belief that you need, if you like, a very specific focussed specialist body to provide oversight of the policing agency. It strikes us that it is appropriate at this point in time that the Police Integrity Commission should be that body.

CHAIR: Flowing from that is one of the things that does trouble me a bit about your submission. If your submission were adopted the Police Integrity Commission would do the serious investigative work, as well as a whole lot of oversight work, or a greater amount of oversight work than it currently does. One of the strengths of the Police Integrity Commission, it seemed to me, was that it was precisely what you have described it as a solely police-focussed body which had a great focus on investigation rather than simply getting overwhelmed with complaints. How would you respond to that potential criticism of your submission?

Mr CHILVERS: First of all, I think there are obviously resourcing implications for what we are proposing and the Police Integrity Commission would require some further resources. But I think what we are also suggesting is that a lot of the things that are currently classified as complaints in terms of part 8A of the Act for the purposes of the Act, and therefore put into a formal investigative process, should not be there; they are human resource management issues and should be dealt with there.

CHAIR: A lot of them are not subject to Ombudsman oversight at the moment?

Mr CHILVERS: They are all subject to notification and they are all put into a formal investigative process and they all require reports at the end of the process to the Ombudsman. We believe that is inappropriate for many of these matters and, in fact, they should be removed. They should be recorded and available for viewing by the oversight committee or an audit on a regular basis, whether that is formal by the oversight body or the Auditor General or whatever—I think today a report will come out about sick leave by the Auditor General—the same as any other public sector agency. But we believe that by sorting out what constitutes a formal complaint for the purposes of the Act we would actually reduce a significant number of these matters that necessarily have to go to the oversight body.

CHAIR: A comment in your submission is that the Ombudsman lacks the operational experience of dealing with complaints against the police. Does it flow from that that you think the only body that can oversight or investigate complaints is one that consists of current or former serving police officers?

Mr CHILVERS: Not necessarily. Indeed, at the moment the Police Integrity Commission Act does not allow for current serving New South Wales police officers to be investigators. I am not quite sure I see the point of that now.

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CHAIR: That is another argument for another day. The Committee has recently made a detailed report on that which you might want to look at.

Mr CHILVERS: That aside—no, not necessarily. Over a significant amount of time, with the focus on a particular area, what has happened is that there has been a development of a level of expertise and a body of knowledge in the body that is focussed on one particular agency, that is, policing, but I think they have started to develop an expertise. I think they have got a very good understanding of what is happening with policing and how police operate at the moment that I think means that, combined with the fact that they have police as investigators working with them, it has given them that expertise.

CHAIR: As you say there is an employment prohibition on Police Integrity Commission investigators. Interestingly enough there is no such prohibition on employees of the Ombudsman. Is there a particular reason why police are not able to be employed by the Ombudsman?

Mr CHILVERS: No. I think in the past they were.

Mr TUNCHON: There has been in the past a number of secondments to that organisation but it is not a current-day trend.

CHAIR: Are there any reasons why that would be impractical? Are there any reasons that should not or could not happen?

Mr TUNCHON: No, I cannot see any impediment to it.

The Hon. JAN BURNSWOODS: You mentioned before, Mr Chair, the way in which certain complaints are dealt with by police, reviewed by the Ombudsman, go back and sometimes come back again. I am aware of a case where there has been a considerable delay in that process. From what I can gather, the delay—if I might call it an unreasonable delay—seems to have occurred both in the Ombudsman's office and in the police force. There is a process: it goes off, it comes back, it is looked at, it goes back again and it comes back again. Do you have any comments on both sides of that process when dealing with a relatively serious matter?

Mr CHILVERS: I have a couple of comments. We could take on notice the issue of delays because I think Phil will be able to get some figures in relation to our concerns about delays.

The Hon. JAN BURNSWOODS: I think they would be useful because I think there are some arguments that, with long delays, part of the point of the whole investigation is lost.

Mr CHILVERS: Indeed, particularly in those areas that are fundamentally human resource management issues. Some of the delays in that area are outrageous. The fact that it goes into a formal process, has to be

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notified, has to go to a complaints management team meeting, has to have an investigator appointed and all that sort of thing for relatively minor matters is bound to increase delays.

The Hon. JAN BURNSWOODS: The case that I am talking about is a relatively serious matter.

Mr CHILVERS: Okay. Again, there is a good argument to suggest that serious complaints should be dealt with more quickly even than the public service type of issues. Part of the problem also then becomes the distinction between how you make the organisation accountable for the decisions it makes and allowing the organisation to manage itself while at the same time oversighting the organisation. I guess the role of the oversight body is to hold the organisation ultimately accountable to the public and the Parliament for its performance; it is not to manage the organisation. I would be concerned if there was a back and forth, back and forth, back and forth too much, certainly about relatively minor matters. I cannot comment about the specific case that you have mentioned. We certainly have concerns about delays.

The Hon. JAN BURNSWOODS: Delays within the police service? You could argue that both sides have delayed unnecessarily, or perhaps unconscionably, in this case. I need to stress that it is both sides.

Mr CHILVERS: I think a lot of the time it is the actual processes that are in place at the moment that cause these delays. For example, we have got some major concerns about delays with the 181D process. Phil has some figures on that.

Mr TUNCHON: It is another bureaucracy in itself post the complaints stage. From the date of notification of an individual for processing for 181D until the date the order is signed it is an average of 422 days. That is absolutely unacceptable.

Mr CHILVERS: That is more than 12 months. There is something wrong there.

The Hon. JAN BURNSWOODS: To continue with my case, I suppose that I am seeking your comment. If a report is done and the Ombudsman's office examines it and finds it wanting in certain respects there is some problem. Let us assume the Ombudsman's office is correct and there is some problem with the investigation and the report that has been done. I am interested in your comments about what should happen. If it is not the Ombudsman, should that sort of role be done by the PIC? If we take it as given that there are some inadequacies in the investigation and report and then there was another process going on for more months while those things were re-examined in some way and a subsequent report done, there are certainly some problems with delays and perhaps bureaucracy. If those problems are within the police service, what is your suggestion as to how to

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speed things up there? I guess you could also have some suggestions about delays at the Ombudsman's end.

Mr CHILVERS: Regardless of the oversight body, if we are talking about a relatively serious matter and a report goes to the oversight body, which then criticises the way that the investigation was carried out or the conclusion that was drawn or whatever, I think it is eminently appropriate that that sort of communication should be had and sent back to the police service. Ultimately, however, in those sorts of circumstances unless the oversight body is to undertake the investigation itself, it is a matter for the police service to manage its investigations and to be held accountable for them—whether through reports by the oversight body to the Parliament or whatever. It is difficult to comment about actually seeing the case. If it was just an argy-bargy back and forth—I think this and we think that—it is pointless. The body that is ultimately accountable for its investigations and for managing its people has to take a stand. That is what the public pays them lots of money to do.

The Hon. JAN BURNSWOODS: But in the meantime a report that should be made available publicly is still mired in the process of toing and froing.

Mr CHILVERS: I cannot comment on that.

The Hon. JAN BURNSWOODS: I cannot give you details of the case. I realise that makes it more difficult. But it seems to indicate that there is a major problem.

The Hon. DAVID CLARKE: Mr Chilvers, is the Ombudsman's role in investigating complaints in the police department not exactly the same as it is when investigating complaints within other public instrumentalities?

Mr CHILVERS: Indeed.

The Hon. DAVID CLARKE: So why would we draw a difference between its overview with regard to the police and its overview with regard to other public instrumentalities?

Mr CHILVERS: There are two reasons. Why have two oversight bodies? That is number one.

The Hon. DAVID CLARKE: Are you suggesting that it is doing its job inefficiently?

Mr CHILVERS: No. I am suggesting that there is probably too much oversight. It strikes me that the role of oversight is to oversight and ensure that the body that is taking complaints is dealing with them efficiently and effectively and managing its resources appropriately. Under the Public Sector Management Act the vast majority of these complaints that are taken for other

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agencies are not subjected to the sorts of rigorous investigation and processes that the police do because under part 8A of our Act—section 122 specifically—all these matters become formally notifiable and investigatable, if you like, for the purposes of the Act. Take aside the class in kind matters, but nevertheless they still require investigation by police officers when complaints are written down and received. That is not the case under the Public Sector Management Act. Not all those matters are even notifiable to the Ombudsman.

We are saying that we have two bodies oversighting police and, because of part 8A, section 122, we have a much more rigorous process for formalising, if you like, a whole range of matters that we do not believe should be formalised and should be human resource management accountabilities for local area managers and commanders. It should be recorded; no problems. It should be open to audit to make sure that the organisation is doing its job. I think there should be regular surveying of the public to ensure that they are happy with the way that their police officers respond. But it is the formalisation of these matters that is stopping and preventing people from managing their own people quickly and efficiently. So in fact they are treated differently from others in the public sector because under the Public Sector Management Act and the Ombudsman's Act these matters are not formally notifiable to the Ombudsman. Under our Act they are.

The Hon. DAVID CLARKE: Thank you.

CHAIR: One of the criticisms that is sometimes made of the system as it currently exists is that when the police investigate a complaint the investigating officer is perceived not to be independent of the person complained about—it is their mate, their buddy or their co-worker doing the investigation. Is that a problem that the Association has turned its mind to? Do you have a view about that?

Mr CHILVERS: I am a solicitor.

CHAIR: Is that meant to help or hurt?

Mr CHILVERS: My disciplinary committee gets the same sorts of complaints. Who are the expert investigators? They are the police officers. We are attempting to develop, and there has been an enormous move down the path of developing, a professional policing organisation in New South Wales. Dare I say that we are in many ways streets ahead of other jurisdictions both in Australia and around the world? I think we have a police force that is highly professional and in which the vast majority of police officers are hardworking, professional people who are committed to the people of New South Wales. I hope that I can say that about my own profession. I think if you are going to have people investigating police officers the most appropriate people to do it would be police officers because they have the skills to do it.

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Mr TUNCHON: I think that argument could have been sustained 10, 15 or 20 years ago but I do not think it is a current-day trend.

CHAIR: Do you perceive that there is a particular problem with the level of auditing by the Ombudsman's office as opposed to the other things that they do—the auditing of local management matters, for example?

Mr CHILVERS: I do not think so, no. In fact, I think that is an approved function for an oversight body, wherever it is. That is different from a more intrusive role.

CHAIR: You suggested in your submission that the review of police legislation by the Ombudsman should continue. Do you think that not having a role in the oversight might make it harder for them to continue those reviews of police legislation, and indeed some of the other reviews that they have to carry out?

Mr CHILVERS: I guess in some respects it could be a better system to have them not involved in the complaints and to do it outside the complaints process because they come in fresh. A lot of the reviews of police powers look not just at the way that police operate and whether it helps them operate but at the way it impacts on the public and stuff like that. I do not think our number three is as strong a commitment as the other two. But it strikes me that it may well be advantageous to have someone totally independent from the police complaints system process body looking at the impact of legislation. I do not know. It is an area that we did not feel was necessary to remove.

Mr MALCOLM KERR: What about overseas experience in terms of oversight of police forces? There have been scandals in the London Metropolitan Police. Have you researched or looked at what happens overseas in terms of police force oversight?

Mr CHILVERS: Yes, certainly. The oversight capital of the world, of course, is the United States of America. It is difficult because it is like comparing apples to oranges. If you talk about police problems, police corruption and police complaints in the United States, almost without exception they talk about the use of force—the case in New York and all that sort of thing. It is all about force. A number of years ago Mr Tunchon and I were in the United States looking at oversight agencies in particular. At one stage I was speaking to the guy who was the head of the Commission to Combat Police Corruption. We talked about the definition of corruption. They were not talking about quids and stuff like that, they were talking about abuse of police powers and force specifically.

Mr MALCOLM KERR: They were not talking about bribery?

Mr CHILVERS: No.

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Mr MALCOLM KERR: They were talking about abuse of power.

Mr CHILVERS: Some of them are loose bodies where a few concerned citizens get together to establish their own body, and others are formally established by the State, the city or whatever. We probably have better processes in Australia than the vast majority of what I have seen overseas, certainly in a sense of what is like the Police Integrity Commission, which has very strong coercive powers, powers to investigate and powers to use all sorts of technology, including wire taps and listening devices, et cetera. These sorts of things quite often are not available to oversight agencies overseas, particularly in the United States where they are more likely to be available only to the internal affairs agencies. You may have heard of the Mollen Commission in United States. Mr Tunchon and I had the pleasure of speaking to Judge Mollen when we were over there sometime ago. I can remember clearly asking him at that time what he thought was absolutely essential to reform, to having a good solid police service and he said a well-resourced and excellent internal affairs was number one. Then he went on to talk about oversight. The implication was that you have to get the organisation dealing with its own problems.

The Hon. DAVID CLARKE: Who investigates bribery issues in New York, is it the Police Department?

Mr CHILVERS: Internal Affairs, and they are very, very well resourced.

The Hon. DAVID CLARKE: No outside body?

Mr CHILVERS: No.

Mr MALCOLM KERR: When you have an Internal Affairs, for example if you were to beef up internal affairs in New South Wales, the officers are part of the police hierarchy. Do you think that what we are doing with Internal Affairs can be improved to take away some of the duplication? Would you see a wider role for Internal Affairs in New South Wales?

Mr CHILVERS: I think we are doing a pretty good job. If you had Assistant Commissioner Carol in here I guess he would ask for more money and more resources. You could always do that.

Mr MALCOLM KERR: We have had him here. That is always a given. But are there aspects that are tackled by the Ombudsman or the Police Integrity Commission that could be better left to Internal Affairs?

Mr CHILVERS: We spoke about this earlier. The majority of serious criminal investigations against police officers in New South Wales are carried out by internal investigators and oversight by the Police Integrity Commission, which investigates only a small number.

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CHAIR: The figure suggests that 95 per cent go back to Internal Affairs.

Mr CHILVERS: And they have the runs on the board. It is an excellent group.

Mr MALCOLM KERR: You are happy with that arrangement to continue?

Mr CHILVERS: Absolutely. Indeed, at one stage many years ago the Association had a policy that said that all investigations of police misconduct should be done by an outside body in reaction to that very suggestion that police should not investigate police. I think we have come a long, long way from that. We do not support that at all now. In fact, it is absolutely essential that police should deal with their own dirty linen because the vast majority of police officers do not want police officers engaged in misconduct and corruption.

The Hon. DAVID CLARKE: Why not?

Mr CHILVERS: Because the vast majority of police officers are hard-working, honest members of the service trying to provide a service to the people of New South Wales, and they see other police officers engaged in this sort of behaviour as bringing discredit upon them and their profession.

Mr MALCOLM KERR: I take it that is a total reversal of the Association's policy?

Mr CHILVERS: We have not held that policy for quite some time.

Mr MALCOLM KERR: It is a reversal of an earlier policy?

Mr CHILVERS: Yes. That is a policy probably from the mid 1980s.

(The witnesses withdrew)

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CHARMAINE LEE SMITH, Solicitor, Indigenous Justice Project of the Public Interest Advocacy Centre, Level 9, 299 Elizabeth Street, Sydney, and

SIMON JAMES MORAN, Principal Solicitor, Public Interest Advocacy Centre, Level 9, 299 Elizabeth Street, Sydney, both sworn and examined:

CHAIR: We have received a submission from the Public Interest Advocacy Centre [PIAC]. Is it your wish that that submission be made public, and included as part of your evidence?

Mr MORAN: It is, yes.

CHAIR: Would you like to make an opening statement?

Mr MORAN: I would not mind making one small amendment to the statement, if I may. We have referred to part 8, which, clearly, is a reference to part 8A—my apologies for that. We will make a very short opening address, because I think it will help to put our submission into perspective. PIAC engages in the process of assisting indigenous clients to make police complaints. Our submission is informed by the experiences of those clients. I think it is important for the context for our submission that, in general, the experience of our client is one of distrust with the New South Wales Police Force. We do not question on what basis that distrust has been aroused, but I think in general we can say that that is the experience of our clients. In informing our submission it makes relevant and forceful our first major submission, which is that the police complaints process is, we consider, flawed in principle because the system relies on internal investigation of reports, or self-regulation, as we have put in our submission.

The process would have greater force if there were an independent body that were fully resourced to undertake a full investigation of complaints. This is not the case, and we acknowledge in our submission that it is unlikely to be the case as a result of this inquiry or future inquiries. We see that the current system is embedded at the moment, so in the second part of our submission we have made a number of submissions on how we believe the process could be fairer as it currently stands. One of the most important points for our clients in making the system fairer is ensuring that they receive copies of the investigation of the complaint. Many of our clients are frustrated at the conclusion of the complaints process because they do not understand why decisions have been made and why recommendations have been made.

CHAIR: I was interested in your submission where you point to two instances of complaints being made and the investigating officer being a co-worker or a mate of the person under complaint. Is that something that occurs primarily in the rural part of New South Wales where there might be a limited number of police officers, or is that something that happens in urban centres as well, in the experience of PIAC?

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Mr MORAN: I am not sure if Ms Smith wants to add anything.

Ms SMITH: Generally once the written complaint has gone to the Ombudsman that is referred back to the police station or the Local Area Command where the police officer complained of is situated. In just about every instance, in my case experience, a police officer within the same station or command has undertaken the investigation. In some cases the investigating officer has become quite informal and started calling the police officer complained of by a nickname or affectionately, or referred to past experiences, which has been of some concern to us.

CHAIR: At the very least it goes to the appearance of bias, if not actual. That is largely in rural areas, is it?

Ms SMITH: I have noticed that also inner-city areas, too. We make a number of complaints that are related to two police officers in the Redfern area.

CHAIR: Are there instances you have come across where the officers of the Ombudsmen are present during interviews that are being conducted by police?

Ms SMITH: That has happened on only one of our files, and they were fairly serious allegations that formed the basis of the complaint. It was classified as a category one. Somebody from the Ombudsman was appointed to sit in on all the interviews that took place, but generally it is not what takes place.

CHAIR: That was a category one complaint?

Ms SMITH: Yes.

CHAIR: One of the points raised by the Police Association was a concern that the Ombudsman's office lacks an appreciation of the operational demands of contemporary policing and, therefore, is unfit to conduct investigations into these sorts of complaints. Do you have a view about that?

Mr MORAN: I do not have an in-depth knowledge of the skills of the staff at the Ombudsman's office, so I cannot comment on their skills. However, one comment about the understanding of the police operations very much comes from a fellow police officer's perspective. It does not necessarily come from a consumer of the service, and here the consumers of the police service are really the people of New South Wales. So their complaints are not necessarily concerns that officers would share. So I do not necessarily know that it is relevant for Ombudsman's officers to have a clear understanding of the imperative for individual officers. Clearly, it is for officers in responding to a complaint to say, "This is the reason why this action occurred", and then it is a matter for the Ombudsman to assess whether or not that is appropriate in the circumstances of that particular complaint.

CORRECTED TRANSCRIPT

CHAIR: In relation to the systemic issues you have raised—written complaints, sworn statements and so on and so forth—can you give us an indication of how many of your clients have complained about that? Is it all of the clients you see? Is it part of them? How widespread is it amongst your clientele?

Ms SMITH: I have an exclusive Aboriginal client base and I get my referrals through Aboriginal community organisations. So generally, from the outset my client does not ring me up direct and say, "I have got a complaint and I would like to make it", and they do not have an aggressive or an assertive response to it. I have got a call from a health worker at a medical service that has said, "Look, there is some issue that you might want to look into" when I go and visit my client at his or her home and we will talk through the issues. In every instance I have written a complaint on behalf of my client and read out that complaint to my client to get their feedback on what they feel about it and then they have endorsed that and given me their consent to forward that on.

I do not know really what the level of written complaints would be to the Ombudsman without the assistance. The Ombudsman does have an indigenous unit based within its offices who I understand also assist Aboriginal complainants with putting their complaints into writing.

Mr MORAN: I think the majority of our clients have been requested to give a statement to a police officer for the matter to be pursued.

Ms SMITH: Once the written complaint has gone in, which is fairly extensive—a two, three or four-page document—and then the investigating officer from the police station has made contact with us, or the complainant, there is a second tier involved that involves a meeting with the police officer and a statement being taken in addition to what has already been given. It is at that stage in the process that the investigating officers, in pretty much each instance we have encountered, have insisted on a sworn statement before they will even proceed with investigating the complaint.

CHAIR: The Police Association in its submission and in its oral comments today gave a flavour of, "Look, there are a whole lot of unimportant courtesy-type management issues". Am I right in assuming that the sorts of things that informed your submission are much more serious allegations than that that you are dealing with? The concerns you guys have got and your submission comes from much more serious allegations than those?

Mr MORAN: I would say that is right. Charmaine is in a better position to answer this than me but I will go ahead and answer it anyway. The overwhelming majority of calls we get about police complaints we probably do not assist people to make those complaints, so the cases that we actually take on would be the more serious complaints.

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Ms SMITH: If there is an instance where, for example, a person has been called a derogatory name from a police officer, an abusive name on the street—which, in itself, is offensive, it is unprofessional, and a complaint should probably be made about that so that that police officer is aware that that behaviour is unacceptable—that might not be the sort of complaint which would warrant the Ombudsman's involvement. But again, there is the issue of that complainant being able to walk into that police station and go to the counter and voice that complaint and be taken seriously about it. There is a lot of intimidation and fear about crossing that threshold and, in a sense, ringing up the indigenous worker at the Office of the Ombudsman, even for a matter which might be considered to be trivial, is a much safer and more empowering option for the person making the complaint.

CHAIR: Have you had much dealing with the indigenous workers or the indigenous unit at the Ombudsman's office?

Ms SMITH: I do personally through my work commitments and being on various committees with them, and we do have a referral system in place.

Mr MALCOLM KERR: In relation to page five of your submission where you give a case study in 5.3, the accountability mechanisms built into the system, you mention:

PIAC assisted Mr A, a homeless Aboriginal man, to make a complaint to the Ombudsman. He alleged that a police officer assaulted him and on another occasion while in custody at the police station the same officer, noticing fresh scars on his arm following a recent suicide attempt, demonstrated a more effective method to take his life, which was to cut up the length of his vein. This act was captured on CCTV footage.

Have you seen that CCTV footage?

Ms SMITH: No. At the time we were told about the footage and the investigating officer has reviewed the footage and can confirm that an action similar to the one described by the complainant did in fact take place. He has a different reason for why that occurred.

Mr MALCOLM KERR: What was the reason, do you recall?

Ms SMITH: That the police officer was describing a fishing accident and a scar that he had sustained as a result of a hook. In that instance we requested to look at the video footage and the investigating officer said yes, he would forward us a copy of the footage. We did not receive the footage so we wrote to the investigating officer, putting our request into writing, and we received a response back that we would have to go to the Ombudsman for that footage, which had been supplied to the Ombudsman. The Ombudsman's office, in turn, has a policy where they do not release any documents or materials that have been supplied by other departments. So we are now in the

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process of completing a freedom of information application, at expense to our client and with the additional time involved, to get a copy of the footage.

Mr MALCOLM KERR: So that is ongoing?

Ms SMITH: Ongoing.

Mr MALCOLM KERR: So the outcome of the investigation was reported verbally to the PIAC and neither the written report nor the CCTV surveillance footage was made available to Mr A. What were you told was the outcome of the investigation?

Ms SMITH: In that particular investigation the investigating officer only took a statement from the complainant. The investigating officer did not take statements from any of the police officers named or any of the other people, the homeless people that had witnessed the assault. The investigating officer had informal discussions with the police officers. As I understand it, there were no adverse findings except that the officer was warned that it was inappropriate to have discussions in general of that nature with someone with a mental illness.

Mr MALCOLM KERR: It certainly could not be described as an exhaustive investigation. You say following the investigation there was no further contact from the Ombudsman to advise the outcome or follow ups. Have you made any attempt or has the PIAC made any attempt to follow up with the Ombudsman?

Ms SMITH: In every case I guess you could say we go through the motions. So we will write a letter to the investigating officer, for the record, requesting a copy of the outcome, and we would do the same thing to the Office of the Ombudsman so that we have a formal response that both of these departments will not give us a copy of the report. Then in each instance we just go through the freedom of information application process. There is a case study in our submissions, I think it is Mr C, which was the category 1 complaint. After many months we actually got a copy of the freedom of information documents, but they were quite considerably edited. The report itself had been blanked out—approximately 30 per cent of the report had been blanked out, and only a copy of the statements of the complainant and the complainant's mother had been included.

There were seven other police officers that have provided statements and they were not included in the documentation. We were not provided with copies of the photographs of the complainant's injuries sustained in the incident. So what we did in that case was we sought an internal review of the decision under the Freedom of Information Application Act. We requested that review, at an additional cost of \$20, on 29 August last year. On 3 February this year we again wrote to the internal review section asking them where their review was at and seeking some sort of a timeframe so that we could advise our client. We did not receive a response, and my last communication was on

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24 May. So we still have not received a review when we are approaching the one-year anniversary of lodging the application.

Mr MALCOLM KERR: In general terms have you ever been given any reason why there is this reluctance to provide written reports as opposed to verbal?

Ms SMITH: I have not been provided with a reason because the investigating officer is obviously preparing a written report and that is going to the Ombudsman. It might be that there is a set of internal policies which are not reflected in the legislation that are operating to exclude the complainant from the process.

CHAIR: One thing I have heard put is that the FOI section of the police is dramatically under-resourced. Is that something that would be consistent with your observations?

Ms SMITH: They do take a long time to get back to us.

Mr MORAN: I think most FOI units in most departments are under-resourced, so I would imagine it is consistent with the police.

Mr MALCOLM KERR: You are unaware of any reason, apart from lack of resources, why there is this reluctance to provide in writing what you have been told verbally?

Ms SMITH: We have not really been provided with a reason for that.

Mr MORAN: I think we made the point in our submission that there is no statutory requirement to provide those reasons to the complainant. So if pushed I would imagine the Ombudsman and the police service would say, "There is no requirement to provide it so we are not going to".

CHAIR: The Police Association put to us that the Ombudsman's oversight role in relation to complaints unnecessarily detracts from the ability of the police managers to appropriately manage what are largely complaints about performance in customer service issues. I am wondering whether you have a view on that proposition?

Mr MORAN: I think the experience that informs the submission is that they do not really relate to customer service issues, they are more serious. For PIAC it is a fundamental point to have independent review, so I think we would say that it is the Ombudsman's, at minimal, oversight and I think to some extent from the various documentation that we have cited is that the oversight is fairly minimal and probably the current operation is the bare minimum.

The Hon. JAN BURNSWOODS: Have you got any statistics about the cases that you have dealt with in this project and what percentage of them

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end up in a bit of a black hole that you describe in the case studies where neither you nor your client end up getting a formal report on the outcome of the complaint and the investigation? Can you quantify that in any way?

Ms SMITH: At this stage I can say 100 per cent of our clients have not received a copy of the full and exhaustive written investigation report, and one client has received a heavily edited version.

The Hon. JAN BURNSWOODS: That is the one in case C that you talked about, is it?

Ms SMITH: Yes.

The Hon. JAN BURNSWOODS: When you say 100 per cent, is that putting together whether or not the request or the obligation was on the police or on the Ombudsman to provide the report?

Ms SMITH: I think in every instance the investigating officer has prepared the report and has just provided it the Ombudsman but not to us.

The Hon. JAN BURNSWOODS: In some of the examples you give, you seem to have asked the police for the report, and in others you ask the Ombudsman. Maybe you generally ask both: I am not quite sure from the way you have worded it. For instance with Mr A you say there was no further contact from the Ombudsman to advise of any outcomes or follow-up, but I think with Mr C you have sought the report from the police service under FOI.

Ms SMITH: Yes.

The Hon. JAN BURNSWOODS: I am sort of trying to get straight how you approached them and why you perhaps approached them slightly differently.

Ms SMITH: Yes.

Mr MORAN: I think our general experience over the last five years, and that is the time frame in which we have been undertaking this sort of work, is that we have not been able to obtain reports—a copy of the investigation report—from either the Ombudsman or the investigating police directly. So what we have tended to do is make freedom of information applications and then try to obtain whatever documentation we can through that process. But even that process, as Charmaine has explained, can be difficult, time-consuming and, in the end, not provide us with a full report.

The Hon. JAN BURNSWOODS: If I am right, of the FOI attempts you have made, only one of them has produced anything. That is what you have said.

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Ms SMITH: Yes. As the process becomes more and more protracted, in some cases we simply lose contact with our clients or our clients might instruct us to put the issue to bed and not pursue it further, or there are other issues that come into play, which might not see us see the matter to fruition.

The Hon. JAN BURNSWOODS: Can you give us an indication of how protracted? What would be an average length of time between a complaint coming in and you getting some outcome?

Ms SMITH: It is difficult to say.

The Hon. JAN BURNSWOODS: Six months, a year, 18 months?

Ms SMITH: Longer than a year.

Mr MORAN: I suppose there are two different time frames here. There is one to have the resolution of the complaint and then for the client to actually get information, to get the report about the complaint. I think three to six months probably to deal with the complaint itself, and then getting copies of the investigation report can be open-ended, as we have found.

Ms SMITH: Yes.

The Hon. JAN BURNSWOODS: When you say that when you separate the resolution of the complaint from getting a report, in what way is the complaint resolved if you do not get that report?

Ms SMITH: That is resolved with a telephone call and that telephone call is either to me or direct to my client—that is, the investigating officer verbally reporting the outcome of the investigation.

The Hon. JAN BURNSWOODS: If it is a telephone call, then in most cases the outcome does not produce very much for the client. Would that be a fair assumption?

Ms SMITH: Yes. The written report is important because it is something tangible for the person who has made the complaint. It is stating the reasons and what has been undertaken in the investigation, particularly when there have been fairly serious matters that have been complained of. With a two-minute telephone conversation, particularly in an instance where it might be direct to my client who suddenly has an inspector of the local area command calling them at home taking them unawares, my client in that situation is going to say, yes, and nod, and let the matter lie like that. So it is not really a good outcome for us, getting a telephone call.

The Hon. JAN BURNSWOODS: Would such a telephone call say, for instance, "Your complaint has been upheld"?

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Ms SMITH: In one of my recent matters, I have had the police officer tell me that there have been a couple of adverse findings that have been made about handcuffs. But, again, not much reasonable rationale has gone into that, nor have the outcomes or any disciplinary outcomes really been articulated to us.

The Hon. JAN BURNSWOODS: So it would not be true that because it is only a phone call it means that the complaints have not resulted in any particularly adverse findings?

Ms SMITH: It might well be that the complaint has been dealt with most satisfactorily and it is not just getting communicated very well to us in that telephone conversation.

Mr MALCOLM KERR: In relation to the case study of Mr C when you were told by the Ombudsman's officers that the policy was not to supply copies of reports, is there any statutory requirement to provide even a verbal report of the outcome?

Mr MORAN: I think there is. I would have to go through the Act.

Mr MALCOLM KERR: Perhaps I could ask you that on notice. I would be quite interested to see what the statutory requirement is in relation to reporting outcomes.

Mr MORAN: Okay.

Mr MALCOLM KERR: On page 9 in the case study where you represented Mr D, that was a fairly serious allegation of harassment, false imprisonment and assault which required medical treatment. I think the complaint there was that the Public Interest Advocacy Centre [PIAC] was contacted by a distressed witness after the investigating officer and his partner arrived unannounced at her home on the weekend to interview her in relation to the incident. They had not contacted her before to make an appointment. The investigating officer had also made a number of comments that suggested that he had looked up her police file prior to the visit. The outcome of the investigation was reported verbally to the complainant. But once again, no written report was provided. What was the report that was verbally communicated to the complainant, or the outcome of that inquiry?

Ms SMITH: This particular matter was one I just talked about just then. There were some adverse findings made. But we are at the moment in the process of making freedom of information applications to fully find out what those were.

Mr MALCOLM KERR: So you do not know what the adverse findings were at all?

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Ms SMITH: Something to do with the complainant having been placed into handcuffs and the police officer stating that he could not find the keys. My client said he sort of tormented him with that. So my client was left in handcuffs for approximately 20 minutes while the police officer tried to locate the keys to unlock the handcuffs. Throughout the incident, my client had not been arrested so it was a case where he was in handcuffs for this extended period of time. I believe from memory the adverse findings was for police officers needing to keep the keys on them for the handcuffs. Technical.

Mr MORAN: I can provide an answer to your previous question. Under section 150 (b) of the Act, the Commissioner must provide the complainant with any advice as to any action already taken and as to the Commissioner's decision concerning any action to be taken, so that is after the finalising of the investigation report. That is if the police undertake the investigation. If the Ombudsman undertakes the investigation under section 157 (3), the Ombudsman is to provide a copy of the report to the complainant, the Minister and the Commissioner. So there is a differentiation of disclosure requirements between investigations undertaken by the police and by the Ombudsman. In the case of the police, there is no requirement to give the complainant anything other than advice as to the actions to be taken. However, with the Ombudsman, if the Ombudsman undertakes the investigation, then they are required to give a copy of the report to the complainant.

Mr MALCOLM KERR: A copy of the report, but they have not been doing that, have they?

Mr MORAN: That is where the Ombudsman undertakes the investigation. The overwhelming number of investigations are undertaken by the police, and in the cases that we would be dealing with, the investigation is undertaken by the police.

Mr MALCOLM KERR: Have you had any case where it has been undertaken by the Ombudsman?

Ms SMITH: No.

Mr MORAN: I do not think we have, no.

Mr MALCOLM KERR: You have not?

Mr MORAN: No.

CHAIR: The reality is that the Ombudsman has incredibly wide-ranging powers, but I guess what you are saying is that they are very rarely used.

Mr MORAN: Yes. I think there is one provision in the Act that says that the Ombudsman can decide to investigate where he believes that it is in the public interest, but I would assume that that is a very small number of cases.

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The Hon. JAN BURNSWOODS: So when you do an FOI, you are seeking the written report that section 150 (c) says the Commissioner must make available to the Ombudsman. So in other words there is a written report, but there is no obligation on the police to make it available to the complainant.

Mr MORAN: No.

Mr MALCOLM KERR: But in relation to that special requirement, is there any obligation on the police to make any report to the complainant?

Mr MORAN: In section 150 (b) it says that they must provide advice of what action is to be taken, and that is the only obligation.

Mr MALCOLM KERR: But that is not really—

The Hon. JAN BURNSWOODS: Section 150 (c) states:

(c) must provide the Ombudsman with:

(i) a copy of the finalised report ...

Section 150 (c) makes it clear that there is a written report.

Mr MORAN: Yes.

The Hon. JAN BURNSWOODS: But section 150 (b) only obliges the police to refer the report.

Mr MALCOLM KERR: In relation to advice which may well not even talk about or touch the outcome of the inquiry.

Mr MORAN: Yes, that is right. Could I just make one further point? It probably goes right back to your first question about the expertise of the various organisations investigating the complaints. It seems to us really that the police expertise relates to investigating criminal matters and that is why we have, in relation to these complaints, the focus on written, sworn statements. I would assume that that is the practice that they have used in prosecutions and so that is the general practice of the police. In many other areas in which we deal with complaints of a civil nature, that process is not followed. I would say that the Ombudsman has much more experience in dealing with civil complaints—complaints that do not lead to criminal action—as opposed to the police where their experience is very much focused on criminal matters. I think it is an important distinction that may have been lost by the Police Association.

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Mr MALCOLM KERR: Arising from that, though, is that they might respond that the investigation is to establish facts, whether those facts have a civil or criminal consequence. What would your response be to that?

Mr MORAN: In many of the cases that we have dealt with in a different context where there have been complaints, it is very much a matter of the complainant putting their side and the respondent putting their side, and then the matter will be dealt with by the independent body. That process works very well in most cases in our experience. So it is not so much a matter, I suppose, that requires an independent investigator. In this particular case, we do not have the independent investigator. It is really relying on statements from the two parties whereas if you are putting your side, it is not necessarily the requirement at that stage to have written out a sworn statement.

The Hon. JAN BURNSWOODS: Chair, coming back to a point made earlier, can I ask about your recommendation 7, that the Commissioner require that all investigation officers to demonstrate that they do not know and do not have a close relationship, et cetera. Is that practicable, the "do not know" part? Is that practicable, give your answer before about the source of the majority of complaints?

Ms SMITH: I think it would be just a matter of having a senior officer from a different local area command oversee the investigation. So, for example, if you have two towns, Narrabri and Moree, which are both rural towns in close proximity with each other, you just would not have someone within Narrabri investigating a complaint about a police officer in Narrabri.

The Hon. JAN BURNSWOODS: You might say that probably the officers in Narrabri know the officers in Moree, and vice versa. You might actually need to go further afield. But I guess you are saying that it would be better if the investigation officer at least came from a different command or at least came from a different town.

Ms SMITH: At the moment.

Mr MORAN: I suppose that every step further away from the initial police station is better, and what we would say is that what is best is to have an independent body.

CHAIR: I have just one further question from my perspective. How long has PIAC been doing this sort of work? What sort of range of time is your submission based on?

Mr MORAN: Approximately 5½ years. We have had an Indigenous Justice Project that is part-funded by one of the major Sydney law firms. One of the key areas of work while we have had that project over the last 5½ years has been police complaints. Our focus has really been on pursuing those such as unlawful imprisonment or malicious prosecution cases so, to some extent, this work is a spin-off of that work. But for the last five years or so.

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CHAIR: Is the project funded into the future?

Mr MORAN: It is. Funding is always—at the moment funding is fairly secure and we are hopeful that it will continue.

CHAIR: If there are no further questions, I will thank you for your attendance and for your assistance.

(The witnesses withdrew)

The Committee adjourned at 2.31 p.m.
