

**REPORT OF PROCEEDINGS BEFORE**

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

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**At Sydney on Tuesday, 25 November 2003**

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**The Committee met at 2 p.m.**

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**PRESENT**

Mr P. G. Lynch (Chair)

**Legislative Council**

The Hon. Jan Burnswoods

The Hon. P. J. Breen

The Hon. D. Clarke

**Legislative Assembly**

Mr G. Corrigan

Ms N. Hay

Mr M. Kerr

**TERENCE PETER GRIFFIN**, Commissioner, Police Integrity Commission, 111 Elizabeth Street, Sydney;

**GEOFFREY (TIM) ERNEST SAGE**, Assistant Commissioner, Police Integrity Commission, 111 Elizabeth Street, Sydney, and

**STEPHEN ALLAN ROBSON**, Commission Solicitor, Police Integrity Commission, 111 Elizabeth Street, sworn and examined, and

**ALLAN GEOFFREY KEARNEY**, Director, Intelligence and Executive Services, Police Integrity Commission, 111 Elizabeth Street, Sydney, affirmed and examined:

**CHAIR:** You have provided written answers to questions on notice. I take it that you would wish to have those included as part of your sworn evidence?

**Mr GRIFFIN:** I would seek to tender those.

**CHAIR:** Do you wish to make an opening address?

**Mr GRIFFIN:** If it suits the Committee.

**CHAIR:** Absolutely.

**Mr GRIFFIN:** Thank you for the opportunity to make an opening statement.

Previously I have commented upon the accountability to Parliament of the Police Integrity Commission and, although there is a formal regime for us to report, in practical terms, accountability is achieved most notably through this Committee. The commission is mindful of the importance of the relationship between Parliament and itself and remains committed to the principles that govern the independence of the commission and the ultimate authority of the Parliament. Short of compromising operational matters or putting personnel in harm's way, the commission will do all it can to provide information to members of the Committee today.

Committee members will have received responses prepared by the commission to the questions on notice from the Committee. If there are issues that arise from those responses I trust we, the attending senior members of staff, can provide clarification during today's meeting. If there are matters we cannot resolve we will provide whatever information we can as soon as possible. It is not my intention to repeat the information contained with the responses. That document is or is meant to be self-explanatory. However, I would like to comment on several developments or highlights since the last general meeting and touch on the body of work being undertaken by the commission.

2002-2003 was a sound year in terms of the number and significance of results achieved by the commission in different areas. Briefly, the commission has referred a number of briefs of evidence to the Office of the Director of Public Prosecutions, continued to expose serious corrupt conduct through the Operation

Florida public hearings and made a substantial number of recommendations to the police for improvements to systems and the conduct and management of internal investigations. The commission is at a stage now where some important and long term matters have come or are coming to a conclusion.

Operations Florida and Malta and the qualitative and strategic audit of the reform process, which I would much prefer to call QSARP, and I hope I can do that, are three matters I would like to touch on. All commenced before I was appointed as commissioner. Although two have been concluded and the last, Florida, is almost finalised, all three have generated considerable publicity over a number of years. They have represented a major commitment in terms of the commission's resources and featured prominently in the commission's annual reports and reports to this Committee. They have also been responsible for achieving some significant outcomes.

Turning first to Malta, since the last general meeting the Commissioner has furnished a report to Parliament, the report being tabled in February 2003. Members of the Committee will recall that this investigation commenced in October 2000 as a result of allegations that senior police were obstructing the reform process.

I would only like to make two observations, first through its operation and report in Operation Malta, the commission clarified the circumstances surrounding allegations of serious misconduct in the NSW Police. As I noted in the annual report, it should be reassuring to the community that there was no evidence of obstruction of the reform process by senior police identified by the commission.

Second, as noted by the inspector of the Police Integrity Commission in his June 2003 report on the practices and procedures of the Police Integrity Commission, the matter was highly unusual and perhaps unique in so far it involved the highest echelon of NSW police administration and generated a great deal of publicity. As the inspector further noted, it would have been out of the question for the Commission to have dealt with the allegations in any way other than in a public hearing.

Turning now to Florida, Operation Florida was an investigation conducted jointly by the Commission, NSW Police and the NSW Crime Commission and arose from the joint NSW Police Crime Commission investigation code name Operation Mascot. This investigation uncovered serious and entrenched corruption in the northern beaches area of Sydney during a period of more than a decade in the early 1990s. The last day of public hearing occurred late in 2002, although investigations continued, the last private hearing was well into 2003.

The commission is currently preparing a report in relation to this matter and it will be furnished hopefully quite soon. Without wanting to pre-empt the report, Operation Florida can be seen as a landmark investigation into very serious forms of police corruption. Although difficult to measure, the public exposure of this matter is likely to have had a significant impact in terms of deterring police who may be contemplating acts of corruption. This investigation demonstrated the importance of committee resources to long-term covert operations to uncover and obtain evidence

on the most secretive and serious forms of police corruption. It also underscored the value of partnerships between the commission and other law enforcement agencies.

I do not believe that any one of the three partner agencies alone could have obtained the results that have been achieved through the joint effort in Operation Florida.

The third area of work I would like to mention is QSARP. As members of the Committee would be aware, the Royal Commission recommended that an external auditor be engaged by the commission to carry out a qualitative and strategic audit of the reform process in the police. In March 1999 the commission engaged consultants to conduct an audit over three years. The audit was completed in December 2002 with a public release of the third and final audit report, the two earlier reports being released in February 2001 and January 2002.

As indicated in the commission's annual report, the final QSARP report found that there was demonstrable progress in a number of individual reform activities in NSW Police. The commission finds its underpinning work to be encouraging in terms of providing a solid foundation for reform work.

With QSARP now concluded, the commission's role in overseeing the audit is also complete. The separate audit reports speak for themselves; however, it bears repeating that the commission considers reform as being critical to the long-term effectiveness and well being of NSW Police. In the commission's view, the NSW Police must continue to build on its recent work and the commissioner and his executive team must maintain a commitment to reform.

I would now like to turn to a new body of work which was commenced earlier this year. We expect it will extend well into 2004. As members of the Committee are probably aware, on 6 November this year the commission commenced a public hearing into the use and supply of illegal drugs by some police, the abuse of prescription drugs by some police and the association between some police and the suppliers of legal drugs. The matter has been named Operation Abelia. Some officers have already admitted to using illegal drugs in their evidence at the commission's hearing. Electronically recorded material that reveals illegal drug use by other officers has been heard by the commission also.

Investigations into drug use and the supply by a number of officers and related matters are currently in train and consideration will be given to hearing evidence publicly in relation to those matters under the auspices of Operation Abelia. Equally, it is notable that private hearings will continue in relation to Operation Abelia throughout its course.

The commission's interest in this area, particularly the use of drugs by police, has been longstanding, concerns first having been aroused during its Operation Saigon investigation. Evidence and information of use of illegal drugs has frequently come up in a number of other subsequent commission investigations and in that regard I draw the Committee's attention to section 5 of the annual report, the summary of review of operations, where information of illegal drug use or possible

illegal drug use by police officers features in four separate investigation summaries. It is noted that some of those investigations revealed evidence and information of illegal drug use by several officers.

Almost without exception I read the complaints that come into the commission and I can tell the Committee that a large number of them relate to illegal drugs, allegations of either use of illegal drugs by police or police associating improperly with people involved in such drugs. Members of the Committee will also recall that the commission flagged its concern about this issue during the Committee's hearings in September 2002 concerning trends in police corruption. The commission commenced planning its research relating to drug use by police in March of this year. Since that time it has taken a number of steps, including consulted with other police agencies and oversight bodies in Australia and overseas regarding their policies, procedures and training material. The commission has conducted interviews with experts in such areas as assessing the extent of drug use and drug testing. It has also consulted with researchers both in Australia and overseas and reviewed quantities of academic material pertinent for the subject.

In Operation Abelia the commission is therefore seeking to combine a long-term research project into the issue of drug use by police with active misconduct investigations. It is our belief and expectation that this approach will help to ensure that the final product emanating from Operation Abelia, which will be a report to this Parliament, will be well informed and will provide sound insight into the nature of the problem. Hopefully we will also identify ways of dealing with the issues.

I said at the sixth general meeting that beyond helping to expose, prosecute and discipline corrupt police officers, there is a preventative role for the commission. I saw that then as being critical and I do now and in that vein the focus and emphasis of the commission's endeavours in Operation Abelia is very much on preventing or minimizing a form of police misconduct.

In its investigations and research the commission will be seeking to identify the best agency-wide remedies available for preventing, deterring and otherwise discouraging officers from using drugs, as well as the most effective strategies for dealing with those who have been caught or alternatively, have come forward.

It is the view of the commission that illegal drug use and the abuse of prescription drugs by police officers has potential to cause significant harm. It can impair the ability of individual officers to discharge their duties, it can compromise the integrity of officers, it can affect their health and it can impose a risk to members of the community and to their colleagues.

I am pleased to acknowledge that Operation Abelia is progressing with the full co-operation of the NSW Police. The Commissioner of Police made a statement during the opening day of the Operation Abelia public hearing and has actively supported the operation since.

Other discussions are occurring between the two agencies and I expect will continue throughout the life of the operation. It is our intention that the commission

will consult with the NSW Police and the Police Association by way of round table discussions in relation to policy and procedural issues in particular as they are identified.

It is most noteworthy that Abelia is progressing in this manner. In the wash up of Operation Malta, the time taken for and the cost of the operation were much discussed. Various figures were bandied about and even though it was subsequently demonstrated that the commission's costs were only a fraction of the total, it was clear to many that such adversarial proceedings were inappropriate.

To be able to inform this Committee that the NSW Police and the Police Association have accepted that we have a common goal in this matter gives me great pleasure. Not only should the operation progress more quickly, it should also prove to be far easier on the public purse. In my opinion it is a great credit to both organizations and their chief executives that they have adopted such a course. The co-operation that is occurring between the commission and the NSW Police in relation to Operation Abelia is indicative of what I believe to be an improving professional relationship between the two agencies.

I would like now to briefly touch of some other developments and outcomes that have occurred since the last meeting.

In June 2003 the commission furnished another Dresden report. As far as the commission is concerned, this continues to be an effective way of monitoring the quality of NSW Police investigations, identifying weaknesses and shortcomings and ensuring that a focus is maintained on the continuous improvement in this area of NSW Police business. It is the commission's present intention to conduct at least one further Dresden type audit.

In the last general meeting with the Committee I noted that I had made several changes to the management structure and internal decision making processes of the commission. I note briefly that these changes appear to have been bedded down and operating satisfactorily. There were, as noted in the annual report, no changes to the commission's organizational structuring during the 2002/2003 reporting year.

Since the last general meeting the Committee has conducted a research projecting examining trends in police corruption. The commission was pleased to have been able to provide input to the process through its responses to the Committee's questions on notice and by appearing at the Committee's hearings. As noted in the correspondence with the Committee Chairman in March this year, the report is a useful contribution to the discussion on the difficult question of the measurement of trends in serious police corruption. It is also a useful collection of relevant research into corruption, policing and policing oversight in NSW.

In closing I note that within the last twelve months the commission has developed and implemented a new corporate plan and performance measurement framework. The performance measurement framework was used for the first time in the commission's 2002/2003 annual report to report its outgoings. As far as the corporate plan is concerned, we have retained the same mission as before, that is to

be an effective agent in the reduction of serious police misconduct. This remains a relevant and valid statement of the principal objective of the commission and appropriately reflects the fact that it needs to work collaboratively with other agencies in dealing with serious police misconduct whilst retaining its independence.

The performance measurement framework has seven separate outcome areas. Without going into each of these, it is relevant to note that the emphasis is on high level outcomes that are intended to have a positive and agency-wide effect on the NSW Police and assist in assuring the community of this state that there is a vigilant and effective oversight of the police force.

Finally, I thank the Committee for its serious and considered contributions to the effective management of the task before the commission and if it pleases the Committee, we will now endeavour to answer any questions.

**CHAIR:** When you mentioned QSARP you made the point that the Police Commissioner and the leadership of the police must continue to maintain a commitment to reform. How do you measure that? How can you tell whether they continue to have that commitment?

**Mr GRIFFIN:** I suspect that the only measurement will be history and hindsight. However, having said that, the processes that they are putting in place, which flowed from recommendations in QSARP - and so far as we know are adopted - should, if maintained, go a long way to providing information that will allow it to be tested. There is no doubt in my mind that if there were a commissioner who had no interest in reform that process could be stalled a thousand different ways probably, but, given the commitment that the commissioner and his executive have, have expressed and have done things to achieve at some level without another QSARP, I think you and we and the community will need to accept that as a genuine attempt and see what happens. The concept of commencing QSARP again seems to me to be a very expensive and not necessarily effective way of going about monitoring what is really a management exercise by the New South Wales police.

**CHAIR:** You touched on Florida in your opening comments and made the point that three different agencies or bodies working together got a better result than individual bodies would. I am wondering whether that is typical of the work of the PIC in that is there a lot of cooperation with other agencies, or is that an unusual thing? What is the balance of how it breaks down?

**Mr GRIFFIN:** I think it is driven by the size of the adventure to a large extent. Florida would have been greater than either the Crime Commission or the Police Integrity Commission could have managed just by the number of bodies, so the police resources were important, but, as a breakdown, we do most of the catching and dealing with our own in terms of investigations and we sometimes set up small task forces. The effectiveness of the commission's powers in Florida came well after the Mascot Operation, which was a joint operation that had been going for some time. We are sometimes approached by the police to use the powers of the commission to aid their investigations into police misconduct and we, all else being equal, help

where we can, but the Florida thing I think is so extraordinary that it is not a very good paradigm for how we do our work.

**CHAIR:** You would start to wonder why there is a separate agency if all you are doing is cooperating with other agencies all the time. That is why I was interested in exploring it with you.

**Mr GRIFFIN:** I think that is right, and some of this flows from what I said about Operation Abelia. The Police Integrity Commission has extraordinary powers, and that is why we are here, because they need to be oversighted, and we need to apply them very carefully. But having them in the back pocket is much better, it seems to me, than having the stick out and belting people with it all the time. We have the powers, everybody knows it, so when we need something done it behoves us to ask nicely in the first place. In Abelia we saw an opportunity to get on with the job rather than having fights about peripheral issues and we asked nicely. We have the stick in the bag if we need it, but we did not need it. Now that, I am sure, will save a great deal of time and it will not impact on our independence at all because if there is a change in heart or not a genuine approach to get the job done we have all the power and certainly there will be no hesitation about using it. It seems to me that it is just a sensible way to proceed, at least in the first place.

**Mr KERR:** When did the Florida inquiry commence?

**Mr SAGE:** Well, the public hearings commenced on 8 October 2001, but the actual investigation commenced in the Crime Commission - and I do not have the date, Mr Kerr - some two years before the public exposure.

**Mr KERR:** So that would take us back to 1999?

**Mr SAGE:** That is right.

**Mr KERR:** Commissioner, I think you have said that you will be reporting to Parliament soon. Does that mean weeks, months, years?

**Mr GRIFFIN:** I think I said "hopefully soon". I would hope that the writing would be done by the end of this year. The exigencies of trying to have things printed - and we have been caught by this before - at Christmas time will probably mean that the printed report is available early next year. They are our current intentions. There are things that might still happen in Florida, it is not a closed investigation.

**Mr KERR:** One would expect the report in the first half of 2004 on present indications?

**Mr GRIFFIN:** Well, I have no reason to change my earlier answer. I expect, and we hope, to have it done early next year. I cannot see any point in me trying to say it will be ready by--

**Mr KERR:** I am not asking you to be a prophet, I am asking you for a ballpark date.

**Mr GRIFFIN:** Nothing firmer than I have given you.

**Mr KERR:** You introduced the word "soon" into your evidence here today.

**Mr GRIFFIN:** You will appreciate, I am sure better than most, that this is a massive operation. There were 418 separate investigations in Florida and the thing involves a great deal of work. There are eight separate segments. We took a view - conscious and considered view - that we would need to report at the end of the segments rather than report each segment as they arose for the reason that there were some officers who were the subject of complaints or allegations that went across segments and to try to write a report, deal with an officer, have him or her crop up in the next segment and then have to deal with the affected persons became impossible. The last segment will be written before the end of the year, short of catastrophe, and when that is done it will only be a matter of publishing and that should certainly be finished early in the beginning of next year.

**Mr KERR:** I understand that. It has now been going longer than World War I, of course.

**Mr GRIFFIN:** I am not very good at history, sir, but I would not have thought that was quite right.

**Mr KERR:** World War I went from 1914 to 1918.

**Mr SAGE:** It was covert for most of the time or half the time at least.

**Mr KERR:** They did not declare war until August 1914.

**The Hon. JAN BURNSWOODS:** It actually finished four and a quarter years after it started, so World War I is ahead at the moment.

**Mr KERR:** Not on the forecast of the completion of Florida. If I could ask about category 1 matters, what is involved in category 1? Have you heard that expression?

**Mr GRIFFIN:** I have heard that expression. I might ask Mr Kearney to read out the category. I am sure you would have seen these, sir; if not, we can provide them.

**Mr KEARNEY:** It is quite lengthy. Do you want me to read it out?

**Mr KERR:** It can be tabled.

**Mr KEARNEY:** It tends to be the more serious areas of police misconduct.

**Mr KERR:** Are there timeframes applied for police in regard to the investigation of category 1 type matters?

**Mr KEARNEY:** There are. We looked at this in Dresden and there are timeframes for reporting. If I recall correctly, it is 90 days. So, if all things are equal, a matter should be finalised within 90 days or, alternatively, a report made seeking an extension.

**Mr KERR:** Does the PIC set benchmarks for its own investigations as to timeframes for them to be completed?

**Mr GRIFFIN:** No.

**Mr KERR:** How many PIC investigations completed prior to 1 January 2003 are still outgoing or awaiting the issue of a final report? You may want to take that on notice.

**Mr GRIFFIN:** I think so, I would prefer to, if you do not mind.

**Mr KERR:** Of course.

**Mr GRIFFIN:** Prior to 2003 that have not been reported on in the last eight or nine months?

**Mr KERR:** Yes, they are still awaiting reporting and are still ongoing.

**Mr GRIFFIN:** You will appreciate that we do not report on the majority of our investigations.

**Mr KERR:** But the ones requiring a report or that you will be reporting on.

**Mr GRIFFIN:** Right.

**Mr KERR:** In relation to Operation Abelia, what is new in that that was not covered in Saigon?

**Mr GRIFFIN:** I am sorry, I do not understand the question.

**Mr KERR:** Saigon dealt with drug-taking in the police force.

**Mr GRIFFIN:** Amongst other things, yes.

**Mr KERR:** That was a completed report?

**Mr GRIFFIN:** Yes.

**Mr KERR:** So that was investigated and dealt with in terms of drug-taking. How is this operation different from Saigon? What is new? What is fresh?

**Mr GRIFFIN:** Well, I should say that I would not concede, if it is your proposition, that there should be anything new because if we see this as a serious problem, as we do, and we see it having implications across the force, as we do, I

believe we should be looking at it. However, having said that, the Saigon matter was quite a narrow investigation. It looked at activity and came across and dealt with drug-taking activity and drew some conclusions from what it saw. The efforts of Abelia are aimed at providing a much better understanding of drugs in NSW Police and maybe from that what is happening in the community as well, across the board, and it is certainly, I hope, going to have some geographic and demographic information that Saigon did not contemplate at all.

You would know, I think, that this work is not undertaken adequately anywhere in the world. If we manage to do this, and I am perhaps being slightly broad brush here, but if we manage to do this as we hope, it will be seen by a great number of the law enforcement agencies around the world as useful work that they have not been able to do. So we are taking on a lot. It is broad-looking, it is combining research with instances of drug-taking, which is what Saigon would have given us and we would have used, and still might look at those, and hopefully we will come up with a much broader solution than we would have ever got from looking narrowly.

Again, at the risk of boring everybody with Abelia, we see an important problem with associations of police who break the law by using drugs because they have to buy them and the people they buy them from. I have said it before in this place and others: If you have a police person, who is supposed to uphold the law, buying from a dealer, the dealer has an advantage in that relationship from then on. Those relationships tend to grow and they have proved to be, in the past, serious problems where historically detectives were going out drinking with the villains. There is a parallel there that we think is something we really need to get on top of before it becomes a major issue.

**Mr KERR:** Could you summarise the goals you set for Abelia?

**Mr GRIFFIN:** We would like to type, if we can, the drugs that are being used by police. We do not think that we can achieve any sort of quantitative stuff, we do not think we can say a percentage or a number because I do not think that information will be available readily. We would like to find out if there are demographic issues that can help us. We would like to determine whether there are things about the police recruitment processes, testing prior to recruitment and training, whether there are areas about the actual testing regimes, whether random testing and targeted testings are the right things to do. We would like to find out whether a zero tolerance policy in relation to management of individuals is going to be more effective than a rehabilitation policy. I have probably forgotten some other things that Allan will remind me of: The legislation and policy will need to be dealt with to prop up any of those things if we conclude that they need to be dealt with.

**Mr KERR:** The legislation and policy as it relates to the police force?

**Mr GRIFFIN:** As it relates to the police force, applying those things that we determine, if we can, need to be fixed. There may well be some things where the legislation is important.

**Mr KERR:** You mentioned the abuse of prescribed drugs, so we are not here talking about illicit drugs, we are talking about drugs that have been obtained quite lawfully under prescription?

**Mr GRIFFIN:** Yes, or perhaps. The reason that that is within the terms of reference is that we have concerns about the use of steroids. Steroids are drugs that can be obtained legally and they are also drugs that are used, we understand, quite widely, whether or not they are obtained legally, perhaps not, I understand that there is a considerable use of veterinary steroids in body building areas.

There are research papers that indicate that the use of steroids increases or can bring on what they call “roid rage”, a serious change of personality. We would like to make sure that we included that in Abelia because we have, if there is a problem, the possibility that people are taking legally obtainable drugs, whether they obtain them legally or not, and then involving themselves with the police duties in a condition where you would not want them.

So that was the nature of the legal drugs in the Abelia project.

**Mr KERR:** Sure, but the term prescription implies it is prescribed to deal with a medical condition, I mean, police officers, as members of the general community, obtain prescribed medication and nobody is suggesting that simply being on medication is wrong I take it.

**Mr GRIFFIN:** Well, I would have thought that is inescapable. I mean, all we are doing is leaving open the opportunity to look at, and not prohibiting ourselves by our terms of reference from looking at things that are legally prescribable, whether they are obtained that way or not, but nevertheless being misused. I mean, I would imagine there are quite a number of drugs, some of the “stay awake” pills that truckies use, you would not want your truck drivers using them in a way that would make them dangerous drivers, but you would not preclude an inquiry into truck drivers from looking at those drugs. It is just giving us the opportunity to look, no-one is suggesting that an officer who takes a heart pill is going to fall within our ambit. We are not interested in those things.

**Mr KERR:** You would not preclude somebody from receiving a prescribed medication if it goes to meet a proper medical condition?

**Mr GRIFFIN:** No, if that will help the record, certainly not. I have not heard that suggested.

**The Hon. JAN BURNSWOODS:** Is Abelia including alcohol?

**Mr GRIFFIN:** No it is not. There has been a lot of work done on alcohol. The principal difference that we see in that is that we are looking at excluding the stuff Mr Kerr is talking about, illegal drugs, because it goes to the oath of office taken by police, their law enforcement role and opens up the association with criminals. So you do not get that when you apply alcohol, although I accept it is a significant problem in the community, not just the area we are looking at.

**CHAIR:** At some of our hearings we have had some evidence that suggests alcohol consumption, especially on duty, is dramatically less than it used to be amongst police officers and whilst it would have been a notorious problem a number of years ago, it is nowhere near that level of seriousness now. Is that a fair assessment of it all?

**Mr GRIFFIN:** I think that is the accepted wisdom. The indications are that the testing regime in relation to alcohol has been extraordinarily effective. The alcohol testing people apparently feel free to enter wherever they like, whenever they like and test and that has had a great effect. There has also been, I think it is fair to say, a major change in the community's use of alcohol.

**The Hon. DAVID CLARKE:** During Operation Abelia you would have obtained a great deal of information on non-police drug dealers, drug cartels and so forth I would imagine. What do you do with that information?

**Mr GRIFFIN:** It is early days and yes we will. We have seen some dealers already come through our investigative stages. The process to date, and we will drive it operationally by how much mileage we can make out of each case and how much potential damage there might be if we did nothing but to date we have delivered the offending individuals to the NSW Police to deal with and they have been charged. In one recent case one of the people who was dealing to the police was charged with, I think, commercial quantities of drugs in relation to dealing. So we have in place, and this is one of the beauties of the co-operation we have when we are not hammer and tongs with the police, we can deal with those matters swiftly and without any concerns that it is going to affect what we are doing with Abelia.

**The Hon. DAVID CLARKE:** Those involved in the drug industry, the drug dealers, have you detected, even at this early stage, any common factors between these dealers?

**Mr GRIFFIN:** I do not have any knowledge of that. It is not the sort of thing that we personally are looking for in relation to them except in so far as they are dealing with police.

**The Hon. DAVID CLARKE:** But anything that would come out incidentally.

**Mr GRIFFIN:** It may very well at the end of the report but it will be incidental to what we are doing and I think probably all of our experience indicates, as with the Courts, that they come in all shapes and sizes and I would be surprised if there was any common denominator, but we have not found one, and it is early days.

**CHAIR:** You mentioned just then and it was echoed in your opening comments, you talked about the co-operation from the Police Association and especially the police. That seems to be a very pleasant change from the Malta experience. Am I correct in detecting a generally better relationship, that the police are not going to the bunkers every time the PIC puts their head up?

**Mr GRIFFIN:** I believe that is so. This was a mammoth step for the commissioner and he agreed not to seek to be represented before our hearings. I cannot commend him enough for that because it was against the advice he was getting within the police service as far as I know and whether it was or not, it certainly is an indication that we are doing our business in the right way, in my view. There is no separate charter for the police in what we are doing in Abelia, we are ad idem and for that to be recognized at the early stage, as I said in the opening, it should save the community a great deal of money because the costs in Malta were high and I think we can get the job done more quickly. In answer to your question, we have a drug dealer, we have police, we do not have to worry about whether or not they are on our side or not. If that is writ, and whilst it works we are delighted with it.

**Mr KERR:** Can I just ask a question arising from that, in terms of this inquiry out outlined the goals, all of which would be embraced by the hierarchy of the police and by the hierarchy of the Police Association. Would that be correct?

**Mr GRIFFIN:** So far as I know.

**Mr KERR:** Yes. They would have a lot of explaining to do if they do not and I would have thought since the commencement of the police force, the commencement of the union, all of them would have publicly subscribed to the goals which you have outlined. Is what the public, the minimum the public would expect of its police force.

**Mr GRIFFIN:** Sorry?

**Mr KERR:** Let me put it this way, the public expects its police force to be free of drug abuse.

**Mr GRIFFIN:** I would have to take your word for it, I do not know.

**CHAIR:** I think the real point that was being made, was that whilst everyone would ostensibly commit to a series of goals and aspirations, at practice when enquiries are conducted and investigations conducted, quite often an organization can become very defensive, seek to be represented, fight against any potential adverse criticism and that seems to have been the process of what happened in Malta.

**Mr GRIFFIN:** I see what you mean. Malta was a perfect example of just that. You would have said, I am sure, the same thing about the aims in Malta, where if there was some effort to prevent the proper processes in the police service the hierarchy and the community would have expected those things not to be the case.

**Mr KERR:** No, subject to what the translator says. In Malta there was a series of allegations that were made against the police commissioner, and as you said in your opening, these allegations were that senior police sought to prevent reform being effected. Now, I would have thought any commissioner, any person having had allegations made against him would want legal representation. The difference here is

that this operation, there have been no allegations levelled at the commissioner or the police hierarchy. Isn't that the situation?

**Mr GRIFFIN:** That is certainly true at this stage.

**Mr KERR:** At this stage, yes, and you do not have any actual knowledge that the commissioner was advised to obtain legal representation, do you?

**Mr GRIFFIN:** No, I do not have any knowledge.

**CHAIR:** What is the relationship between court and legal services and the PIC now?

**Mr GRIFFIN:** One of the things that happened in Abelia, which would be the best test of that, was that court and legal services are not directly concerned with the management of the matter from the police service's point of view. So, I am not able to say until we have an opportunity to test that, I would assume that they are going about the business of the police service but in relation to Abelia, it has not arisen because they are not in the loop of dealing with Abelia, it is being dealt with differently.

**CHAIR:** To everyone's benefit I would suspect. Further questions arising out of the opening or related topics?

**Mr KERR:** Just in relation to Malta. I think we have now had the benefit of the inspector general's report and the benefit of hind sight in relation to Malta, I am just wondering what is your view why it took longer than it should have?

**Mr GRIFFIN:** Malta?

**Mr KERR:** Yes.

**Mr GRIFFIN:** I was not there at the beginning.

**Mr KERR:** I understand, but you have read all the material. In fact, you wrote part of the report or contributed to the report?

**Mr GRIFFIN:** I could not take it further or say it better than the inspector said it in his report, I would not add anything to that and I have accepted what he said in relation to the report without any queries. There were issues about how the PIC was perceived and that being the principal tool that the PIC was able to apply in setting up a new standard for Abelia, that is clearly this is the way it was perceived of the court, etcetera and can get past that, everyone accepted it.

**Mr KERR:** What about conflict of interest with counsel, was that a major contributing factor?

**Mr GRIFFIN:** Every time counsel before any hearing wants to appear for more than one person there is likely to be a problem. You would know that better than I.

Counsel have rules that apply. I think it is fair to say that the commission is enlivened to the dangers in conflict of interest more than it has ever been probably but I do not think that it is likely to be a factor that would delay matters before the commission in the future with the benefit of hind sight.

**Mr KERR:** With the benefit of hindsight, are there new procedures that have been laid down?

**Mr GRIFFIN:** The procedures practice guidelines, I believe we have a copy of them here for you. We brought these on the basis that they might usefully be tabled, Mr Chairman, and there are guidelines and notes. They touch on the issues that the inspector noted and we accepted. They also deal with the questions that Mr Kerr is asking.

(Documents tabled)

**Mr KERR:** Mr Ryan's biography, the former police commissioner –

**Mr GRIFFIN:** No sir, I have not read Mr Ryan's biography in any form.

**Mr KERR:** You have not had any of the matters that are raised there summarized to you?

**Mr GRIFFIN:** No I have not.

**Mr KERR:** Could I take you to page 289 where it is said:

Ryan was forced to sit and fume for an astonishing sixteen months after the press conference first aired the damning allegations until he was finally invited to have his say at the PIC on 4 March 2002. Even then he was alerted to journalists to the date he was to appear, he hadn't even been told.

Now in terms of your procedure with witnesses, well first of all, is that a correct account of the way he was dealt with as a witness?

**Mr GRIFFIN:** I have no idea but I doubt it.

**Mr KERR:** Does Mr Sage know?

**Mr GRIFFIN:** You are asking us to comment on how Mr Ryan was behaving.

**Mr SAGE:** I would have to go back and check the records in relation to that but my memory is that that is not how the arrangements were made with Mr Ryan. My memory is, and I will need to check it, that there was some discussion with his office and we finally settled on the date in March to suit his diary.

**Mr KERR:** I would be grateful, basically in terms of procedure with witnesses. You would appreciate that the way witnesses are treated by the commission is very important and they are entitled to be advised, like in any court matter.

**Mr GRIFFIN:** I would not concede that for a moment, Mr Kerr. I think that in the appropriate case we would put our hands on somebody's collar in the street and wheel them in. That is the first thing. I mean we are not a court. Secondly, in relation to Mr Ryan, a lot of this stuff from your book--

**Mr KERR:** It is not my book.

**Mr GRIFFIN:** Are you sure? It goes around and around. I spoke with Ryan on a number of occasions in the early part of the year when he was apparently sitting and fuming about attending in the witness box and he was not available to do that and I would have had that conversation with him on two or three occasions. So the essence of what you put, to my mind, is a nonsense because I was talking to him personally, but as to particular dates and who told him and what "informed" means and how his mental state was, I do not think we can take it any further.

**Mr KERR:** I am simply interested in the procedure.

**Mr GRIFFIN:** The normal procedure is that we issue process and witnesses have an obligation to answer that, as you know; they are given opportunity to seek legal representation, which they do, and it is done with a minimum of fuss and a great deal of cooperation. If we had somebody who did not want to play that game, we have the capacity to do other things, but there is not an issue, so far as I know, about how the PIC deals with witnesses. I do not think it is an event. In any event, practice and guidelines are around and we are a very courteous organisation.

**Mr KERR:** You are not a court, but you would still extend courtesy to citizens?

**Mr GRIFFIN:** Absolutely.

**Mr KERR:** In terms of collaring people off the street, I take it that is an extreme situation?

**Mr GRIFFIN:** I cannot imagine it arising, but I would not concede that we could not do it if it arose.

**Mr KERR:** No, but it would have to be in extreme circumstances and not your preferred course of action?

**Mr GRIFFIN:** Certainly not.

**Mr SAGE:** Mr Ryan was represented by senior counsel and a legal team and they had been on the record and appearing at every hearing, from my memory, from day one of the public hearings. One would anticipate that there would have been discussion with at least senior counsel about his availability and they were on notice for quite some time that Mr Ryan was going to be called, so for him to be sitting around fuming, I would have expected that there was plenty of opportunity for him to get on with the commissioner role that he had in the police service and have the

benefit of some knowledge, not necessarily the date, but the knowledge that in the near future he was going to be called, at least before the end of the hearing process.

**Mr GRIFFIN:** I hate to go back to this book, but I am, in my own mind, certain that Mr Ryan would not allege what is alleged in that book.

**Mr CORRIGAN:** It is not an autobiography.

**Mr GRIFFIN:** That is my view of the circumstances at the time. I suspect that there has been a little bit of literal licence taken with that document in relation at least to that paragraph.

**Mr KERR:** Has anybody spoken to Mr Ryan since his retirement?

**Mr GRIFFIN:** I hope somebody has; certainly I have not.

**Mr KERR:** Mr Sage?

**Mr SAGE:** No. I have spoken to someone who has spoken to him recently, but I have not spoken to him.

**Mr KERR:** Anything retold that was relevant to this?

**Mr SAGE:** Absolutely not. It was about his role in Greece with the Olympic Games.

**The Hon. DAVID CLARKE:** I would like to touch on the question of funding. Is the proper performance of the commission's duties restricted in any way because of funding limitations?

**Mr GRIFFIN:** I do not think it is, except we could do more and to do more we would need more people. The essence of what we do with the complaints that come in, and with Abelia we are trying to be active or proactive, if anyone likes the word, but mostly we react to complaints. I look at them all because I choose to, but we do a very small proportion of them. Frequently I look at a bundle of complaints and think it would be really nice to do these six, but we can do one of them, because all our investigators are out, or two. It does not mean that they do not get dealt with, it just means that we do not apply our resources to them. So to the extent that we could do more effectively and comfortably, but not without more staff, the resourcing is the limitation, but to the extent that we manage the process and the rest of the complaints are picked up and dealt with adequately by the Ombudsman and the police under the arrangements, it is not a major issue, I think.

**The Hon. DAVID CLARKE:** So there are other important additional things you could be doing if you had additional funding?

**Mr GRIFFIN:** I do not think there is any limit to the work of a commission like the PIC. If, for example, we wanted to do a research based project, as we are in Abelia, in other areas, you could have a whole university of people working on it.

There is no sensible limit or parameter that I can think of. What we can say I think is that those matters that must be investigated by the PIC are matters where there are senior police who may not otherwise be properly looked at by the police service, or systemic problems. We have the capacity to deal with them - and do - and it has not been an issue to date.

**The Hon. DAVID CLARKE:** Well, to cover all of those things that you would like to cover, would that require additional funding?

**Mr GRIFFIN:** I am sorry, I need to correct that. They are not things I would like to cover because if we created something in a police type commission, which is quite a boutiquey, small and focused organisation, that dealt with all the research and did all the programs, it would be a much bigger task to manage and we see some advantage in dealing with the sharp end of where we are going, so it is not something I would seek to do because I think being narrow and small and focused is a great advantage to the work we do, but in answer to the question, if you wanted to do all of that stuff, you would certainly need more resources. Now that bit of the cake is out there, it is just a matter of where you cut it between the Ombudsman and the police and ourselves, I believe.

**CHAIR:** In relation to resources, there seems to have been a significant decrease in the level of operational staff from 77 in June 2001 to 67.7 in June 2002. I am wondering why that happened; what implications there were flowing from it and whether that was related to difficulties with resources?

**Mr GRIFFIN:** I would have to ask the man who has done the figures because I suspect it is how you count them. The operational staff I think are important to the PIC and we need to keep the numbers up. There is always a danger you can drift one way or the other. I will ask Mr Kearney to tell me about the drift in a minute.

**Mr KEARNEY:** Actually I am a little confused.

**Mr GRIFFIN:** I thought we had been going the other way.

**CHAIR:** Let me give you the figures again: 77 in June 2001 and 67.7 in June 2002. There is probably a higher figure then for June 2003.

**Mr KEARNEY:** Are they percentages or numbers?

**CHAIR:** They are numbers I think. It is obviously going in an upward direction at the moment, but it had gone down quite significantly.

**Mr GRIFFIN:** I think it might be how we count them. With a bit of luck we can deal with it.

**Mr KEARNEY:** We were carrying some vacancies at that particular time and I think recruitment took some time.

**Mr GRIFFIN:** One of the problems is just that there are 100 people in the place. At the moment I think we are eight or nine down. They are percent when you translate them to investigators and there was a time when the Western Australian royal commission started coincidentally and some of our people went over there, as did one of our senior investigators, so it could easily be just that. There has not been a change in approach. I am surprised by your figures.

**CHAIR:** They are your figures, not mine.

**Mr GRIFFIN:** Sorry, I appreciate that. There has been no change in our approach or our capacity to do the work in relation to operations. If we need to go into this in any more detail we would probably need to take it on notice.

**Mr KEARNEY:** As I recall, it was just to do with some vacancies we were carrying at the time. Those figures would not have been an average for the whole year, they would have been the state of play at June 2002. Recruitment action has since taken place and we are now running at a full-time equivalent of 101.8. The staffing mix is around about the same as it was in the two previous years.

**CHAIR:** You said a moment ago that you have seven or eight vacancies now waiting to be filled by a normal recruitment process?

**Mr GRIFFIN:** Well, yes, except that we have difficulty obtaining people. If the Committee would give us the capacity to employ New South Wales police we could probably do better. I should put on record that we do have difficulty recruiting. One of the problems is the cost of real estate. To bring somebody from another State or overseas into Sydney is a major expense for someone and the investigators do not think that they should carry it at whatever they are getting a year because they can get that at home and I have resisted, and I will try to keep resisting but I fail now and then, the expectation that we will provide rental allowances or housing. Those things, rental allowance and housing, would be a major imposition on the commission, so getting qualified, clever people to come to Sydney, New South Wales, is a difficult thing to do for us.

**The Hon. DAVID CLARKE:** But additional funding would overcome that.

**Mr GRIFFIN:** Well, juggling our budget would overcome it too. It is just that I do not think we should do it that way, but it is a difficulty. If we had unlimited funds it would certainly overcome it.

**CHAIR:** The staff that are at the commission are employed under the Public Service Management Act?

**Mr GRIFFIN:** Very few, I think. It might be none. We employ under our own Act, almost exclusively under contract. There has been some talk about Public Sector Management Act personnel, but generally there are none. I am told it remains at none, so we employ under contract under the PIC Act.

**CHAIR:** Everyone who works there is under a specific contract, term limited?

**Mr GRIFFIN:** Yes, varying conditions, but yes.

**Mr CORRIGAN:** I recently became aware that in NSW Police an undercover operative was installing listening devices and the team helping him did not let him know that they had lost sight of the subject and the subject came into the house and he had to dive under the house for 12 hours and is now on stress leave. Have you had any incidences of your operatives having to go on stress leave or serious occupational health and safety concerns resulting from surveillance operations?

**Mr GRIFFIN:** Not that I know of. I will just check with Mr Sage. Historically have we had any?

**Mr SAGE:** No.

**Mr GRIFFIN:** No. So that goes back well before my time. It is nevertheless an occupational problem, as you can imagine. I may have to amend that. The director of operations reminds me that we have had difficulties with surveillance operators working and having to get out of where they were fairly quickly, but it has not brought on the additional bit that you ask about, that is stress problems - at least not yet.

**Mr KERR:** I do not wish to verbal you but, in relation to Malta, I think you mentioned that there were serious allegations made and they were shown to be incorrect or false. What do you see as the achievement of the Malta inquiry?

**MR GRIFFIN:** I think just that, I think the public would be delighted to know that the commission was not inundated with evidence of the police trying to do dreadful things. The fact that that they were doing the right thing or not doing anything wrong, I would have thought would be comfortable to the public. That is a great negative result, I think. The result of inquiries should not be: Gee, we have got three scalps. It would be much better, in my view, if every time we did an inquiry into serious police misconduct, we could not find anything.

**Mr KERR:** It is very important that in fact if an innocent party has an allegation made against a police officer, that they are exonerated as quickly as possible. That would be one of the roles of the PIC?

**Mr GRIFFIN:** Well, whether or not it is, I agree it would be a good idea if it could be done.

**Mr KERR:** Yes and in relation to the evidence there which you looked at before, you helped to write the report, it was evidence that was diametrically opposed witnesses, you could not reconcile the accounts?

**Mr GRIFFIN:** You could take that view, yes.

**Mr KERR:** Was any consideration given to charging anybody with perjury?

**Mr GRIFFIN:** Not that I know of.

**Mr KERR:** I think Mr Tink has expressed a concern in Parliament about the role of Judge Urquhart in this matter and his term being extended in terms of the appointment. To your knowledge did Judge Urquhart make a contribution to the final report?

**Mr GRIFFIN:** I understand that he did. It is a matter that you should probably put to him but certainly he was involved in the process.

**Mr KERR:** Did you oversee the process of that report?

**Mr GRIFFIN:** I was party to it and he was party to it in the sense that I was then the commissioner; I oversaw it. In the sense that I demanded that my views had precedence or should be considered more heavily than anyone else's, I did not, but the process was one that involved both Urquhart and myself and others, as you know.

**Mr KERR:** Yes, but I think you told the Committee last time the report was your responsibility.

**Mr GRIFFIN:** Certainly.

**Mr KERR:** Does that mean if you took a particular view that your view would prevail?

**Mr GRIFFIN:** No, I do not think it means that.

**Mr KERR:** Did it ever come to that?

**Mr GRIFFIN:** Not that I can recall.

**Mr KERR:** There were never any disagreements?

**Mr GRIFFIN:** There were discussions about things throughout, I say that in general terms, I do not recall any of them but I know there were discussions about nuances and editing and language but I do not recall any major disputes about interpretations of the matters.

**The Hon. PETER BREEN:** Just on Malta, was the case of Ken Seddon an embarrassment to the commission? Ken Seddon was charged with fraud when he went back to England, there was a newspaper suggestion that he represented a lost scalp, if you like?

**Mr GRIFFIN:** Well, not it was not an embarrassment to the commission but I do not know the report that you refer to. I know that he was dealt with and those matters I think were well known to the commission.

**The Hon. PETER BREEN:** He was not the subject of the commission inquiries?

**Mr GRIFFIN:** No.

**The Hon. PETER BREEN:** Can I just ask a question about the research project in the context of Operation Abelia, is there any conflict between the commission undertaking a research project and being at the pointy end of an investigation? It seems to me that the disciplines are quite different and I was just wondering if there was a precedent for this kind of combination of inquiry and research?

**Mr GRIFFIN:** I do not know but I can say that there is some tension between what researchers would like to achieve and what operational people would like to achieve. In the commission we manage it because that could otherwise possibly impact on how the matter progressed by having the operations drive the example, the exemplar sort of stuff that we hope to put forward and the research dealt with separately, but tension arises when or would arise if we did not ensure that the investigative type matters had free reign in relation to where they went and what they could produce. I mean, it would be perhaps tempting if you had a good target, to get them in and say: Oh well, tell us all you know about how you got onto drugs and where you first met them and who you buy them from and we won't bother about investigating you. We do not, at least, have not chosen to at this stage, do that. We have just done the investigations as investigations and they inform, hopefully, the public hearing process.

Our plan would be that we will not try and call a whole lot of people who use drugs in the police service. It does not seem to me to serve any end to name and shame a whole lot of people. What we want to do is inform the public that there are problems in steroids and eccies and heroin, if that is the case, and then leave the examples alone. Although the case studies may be dealt with, if there are briefs they will be dealt with and leave the research people to try and, from the examples and the research work, cut some cloth to make a decent set of clothes out of.

**The Hon. PETER BREEN:** I get a sense from your answer that there is less emphasis on prosecuting those people that might be found involved in the drug trade somehow.

**Mr GRIFFIN:** Sorry, if I gave that impression, that is certainly not the case. If we can find a brief, it will be put together and that will be dealt with in the normal way. It will go to the DPP and they will decide whether they want to prosecute. There is no suggestion that we would not follow that to the nth degree.

**The Hon. PETER BREEN:** I think earlier in your answer to another question you said that you would hand an investigation over to the police rather than undertake it yourself. Are there any precautions in place to make sure that police doing an investigation are not somehow connected with those that are under surveillance?

**Mr GRIFFIN:** What I think I said was we have handed some over and there is no general rule, what we think we have done is achieved the capacity to do that when we choose to. In relation to the ones where we have proceeded to give them to the

police we have known the players very well, who they were dealing with, we have dealt with special crime and internal affairs police, in whom we have confidence and there has been no hint of a problem in dealing with them in that way, but the occasion may well arise where, and in fact we are investigating matters at the moment where we would not necessarily choose now or further down the track to bring police in – not because we do not think it is secure but because we would like to develop the matters ourselves and see where they go.

**The Hon. PETER BREEN:** It is not a hard and fast rule everything goes over to the police?

**Mr GRIFFIN:** Certainly not and if it were it would probably be a bit daft because eventually there would be some lines crossed, probably.

**The Hon. PETER BREEN:** There is a view I think on the Committee that the relationship that you have built up with the police is a good one and it is productive and fruitful in terms of both police and the PIC but there is another view that it is a bit too cosy and it does not lend itself to proper oversight of the police. Do you have a view about that?

**Mr GRIFFIN:** I do. I was probably clumsy in trying to express it before. I do not think that moving gently and politely in the first instance necessarily should be taken as a sign of weakness. If we are required to use the clout we have, I do not think the police are in any doubt, even if there is some doubt in the Committee that we would do so, my view is they know that the commission will do whatever is necessary and it is because of that that they are prepared to adopt the relationship that they have. I think if they thought they could put it over us they would not go the way they have gone. So I think it is useful and a mark of respect to the commission. They know the powers we have got. We can all read the Act.

**The Hon. DAVID CLARKE:** Does the Honourable Member have any instances of this cosiness?

**CHAIR:** The questions go to the commissioner, not the Committee members.

**The Hon. PETER BREEN:** I was actually going to ask the commissioner just that question in fact, is there any data or any surveys that have been done or do you have any hard examples of the product or the fruits of this better relationship with the police? I mean, it must show up somewhere in the statistics?

**Mr GRIFFIN:** At the end of Abelia I suspect it will show up in about \$8 million worth of unspent fees but I do not have anything that I can point to. What I can say is that if there is a problem now between the police and myself I can speak to the commissioner and the problem is usually solved very quickly. I know that if I need to issue process, I need to involve my lawyers, get the process done, serve it on their lawyers, have it go into the bunker, it is a very slow way of dealing with things. Now, if that has to be done, I do not have the least hesitation in pulling the stick out of the bag, but it seems to me it is sensible not to do it until it needs to be done.

**The Hon. PETER BREEN:** I have to say my own experience with the police is they prefer the new relationship obviously?

**Mr GRIFFIN:** I do not know if that is good or bad. But look, I think it is working.

**The Hon. PETER BREEN:** It makes life better for them. I do not know in terms of corruption whether it works better but in terms of giving them peace of mind I think it is better.

**Mr GRIFFIN:** Well, if that translates, as I believe it does, to us being more efficient and more professional, I think that is good.

**The Hon. PETER BREEN:** I have one final question, the appendix at the back of your answers refers to what appears to be a marked increase in telephone intercepts, on page 4 of the appendix. I was just going to ask you whether these are warrants issued by the commission or do you issue warrants for other people?

**Mr GRIFFIN:** No it does not. We have sought a substantial number of telephone intercept warrants. It is almost an accident of who our targets are. We find if we are dealing particularly with people who deal in drugs – this is anecdotal, I am not supposed to do anecdotal stuff – but they use two or three mobile phones and if we hear about the numbers, we want to put them all off, so the sort of target we have will drive the number of warrants but we always and have no option but to go to the court and we prepare the affidavits and they are judged on their merits.

**The Hon. PETER BREEN:** This, I suspect, would be almost entirely due to Operation Abelia, this large increase?

**Mr GRIFFIN:** Substantially in relation to matters that involve drugs and they will therefore turn up in Operation Abelia but they did not necessarily start that way. Operation Abelia is going to be a basket that catches a lot of stuff that we have been doing and will continued to do but they are driven by operations that stand on their own, they do not start off being: Let's go and find some drug dealers for Operation Abelia. We get a complaint, it involves the police using drugs or associating, we pursue it and then because it is a good example, if it is, we would bring it into Abelia, but it is more the nature of the work that we do.

If we were doing a fraud type matter it might very well be that we would issue a lot more 26 or 25 notices. It is just that the nature of our work at the moment has been stuff that requires telephone intercepts.

**The Hon. DAVID CLARKE:** I guess commissioner you would be concerned about any allegations of cosiness between the commission and the police and if there was any specific allegations as opposed to general sort of all encompassing statements, you would be interested in hearing details?

**Mr GRIFFIN:** I would. I would be horrified and I would be very keen to hear details, because it is an easy thing to say, a lot of things that the commission touches

on, people have got a whole lot of things they think they know and that would be an example where it would be very easy to de-stabilise what we are trying to do by saying: Well, they are too cosy, they are too close, you know, they are not getting their job done. If there were examples, I would be horrified and I would certainly want to know and we would do something about it if we could.

**The Hon. DAVID CLARKE:** And if I was aware of any I can raise them?

**Mr GRIFFIN:** I hope you would.

**The Hon. DAVID CLARKE:** On the question of Operation Malta where you are dealing with false allegations against the police, I mean allegations can be innocently made or they can be malicious to a purpose hindering the police in their duties. I think this was touched on earlier. You are not aware of whether any action was taken against those who made maliciously false allegations against the police?

**Mr GRIFFIN:** I am not.

**The Hon. DAVID CLARKE:** Into whose realm would that matter have fallen? I do not know whether you can assist us on that.

**Mr GRIFFIN:** Well, I cannot because, with respect, it is a very general matter. If a member of the public made allegations against a police officer it is highly unlikely to be something that would fall within our charter unless it was peripheral to something we were doing. That would probably be a matter for the police, peculiarly enough, and in any event there is a huge difference between, as we well know, allegations and evidence and allegations that are not supported by and are unlikely to be supported by evidence are not going anywhere by any investigative authority, so they are almost non-events I think.

**The Hon. DAVID CLARKE:** Except maliciously inspired allegations.

**Mr GRIFFIN:** Difficult to prove.

**The Hon. DAVID CLARKE:** Yes, but if they can be proved. We need to stamp out corruption, but the innocent also need to have their reputation protected.

**Mr GRIFFIN:** Certainly. If a police officer was making maliciously inspired false allegations, that would be police misconduct in my view. Whether we investigated it or not would probably depend upon all the things that we have talked about today, but it would be a matter that would be open to investigation if there was evidence as opposed to conjecture.

**Mr KERR:** If I can return to examining the appendix at page 4.9, telecommunications, it appears from that that in the 2002-2003 fiscal year the PIC obtained 81 telephone intercept warrants. I take it they do not include the telephone intercepts obtained by the police and the New South Wales Crime Commission in relation to Florida and Jetz, the joint operation, do they?

**Mr KEARNEY:** No, they do not, and for those particular investigations they would have been a couple of years beforehand.

**Mr KERR:** This may be a question you would want to take on notice, but how many operations did the deployment of the 81 TIs involve?

**Mr GRIFFIN:** I would like to take that on notice.

**Mr KERR:** How effective were the use of those 81 TIs?

**Mr GRIFFIN:** How do you seek to measure effectiveness in that respect, Mr Kerr?

**Mr KERR:** Does the PIC have a measure of effectiveness in relation to that?

**Mr GRIFFIN:** Do you have any particular view in mind?

**Mr KERR:** No, just how you rate effectiveness.

**Mr GRIFFIN:** Thank you.

**CHAIR:** Could we have a copy of the table and the submissions from the commission to the Law Reform Commission, the material that is referred to in the answer to question 3?

**Mr GRIFFIN:** Certainly. I think we might be able to table those.

**Mr ROBSON:** I think I have a copy of the Law Reform Commission's report on surveillance that I can table.

**CHAIR:** Does that include the table?

**Mr ROBSON:** Yes, there is a letter by the commissioner dated 10 August 2001 and quite a lengthy table, not all of which contains problems with the legislation, but observations, comments and so on.

(Documents tabled)

**CHAIR:** The annual report at page 54 has reference to the accidental misuse of a credit card that was reported to management and funds subsequently repaid to the PIC. In what circumstances did that occur; has it occurred at other times and is there a system to make sure it does not occur again?

**Mr GRIFFIN:** I am going to claim old age here because I knew about this about 15 minutes ago and I have forgotten entirely. Do you remember the details, Mr Sage?

**Mr SAGE:** No, I do not. The issue that sticks in my mind is that the officer brought it to our attention shortly after it happened, but the detail I cannot recall.

**Mr GRIFFIN:** Would the Committee be happy if I took that on notice and provided the details? I am sorry, I know them and I was satisfied when I heard the explanation that it was trivial - it needed to go on report, but trivial - and the systems we have in place are, in my view, excellent in terms of dealing with both covert and overt credit cards, but I will need to get the details. I apologise.

**CHAIR:** From what you say, this was a case where the person misused it and immediately reported it or subsequently came forward?

**Mr GRIFFIN:** Came forward and said, "I accidentally bought some petrol for my private car with my covert card", I think - it was that sort of nature, although I might be confusing the issues - and paid the money and was told that it was all right, but not to do it again.

**The Hon. DAVID CLARKE:** Trivial in nature.

**Mr GRIFFIN:** That is certainly the case, yes.

**CHAIR:** If when you get the full details it is of that nature, I do not particularly need anything in writing.

**Mr GRIFFIN:** Thank you. I am certain it was that, I just cannot remember whether it was a meal or petrol or a tyre or something of that nature.

**CHAIR:** Has the commission had a draft Cabinet minute sent to it following on from the discussion paper of the Police Integrity Commission Act review? When did you get the minute and what is your understanding of the legislative proposals that have been drafted?

**Mr GRIFFIN:** Yes, sir, we did receive such a document and Mr Robson has the details, I think, of the timing.

**Mr ROBSON:** It was received last week, I think it might have been the 20th, and the timeframe for response was by the 29th. The commission generally agrees with the proposals in the Cabinet minute. There is one issue about the amendment to section 142 which concerns the giving of a concurrence by presently the Minister and, as proposed, the Commissioner of Police to the use of police officers in a commission investigation. There is a bit of fine-tuning in relation to that, but nothing which cuts across the general tenor of the proposed amendment.

**Mr GRIFFIN:** I should say that in relation to that it was something that we previously conceded was not a problem and Mr Robson has pointed out an issue that might in some circumstances cause us difficulties. It is not a major issue. So far as they were concerned, we were happy with it.

**CHAIR:** Can I ask Mr Robson if he is able to give us a precise date and time when you received the document?

**Mr ROBSON:** I cannot recall as I sit here.

**Mr GRIFFIN:** Can we take that on notice and provide it?

**CHAIR:** Yes, that is actually what I was trying to say in my convoluted fashion: Could you drop us a note about the precise time and date?

**Mr ROBSON:** Certainly.

**CHAIR:** The annual report notes that in the last year you established an internal audit committee. Does that mean that prior to that there had been no internal audit committee?

**Mr GRIFFIN:** Yes, I think it does mean that.

**CHAIR:** Is there any reason you have only just had one?

**Mr GRIFFIN:** In my case it was ineptitude. When I arrived at the commission I thought that there ought to be one - there was not one - and I was then overwhelmed by what I was trying to do and only got around to it more recently. It is, I believe, an important and useful idea. In fact I think probably it is something that everyone should have one of, and ours is working all right I think.

**Mr KERR:** I am wondering whether you are aware that a former assistant commissioner, Geoff Schuberg, is doing a report in relation to police promotions. I think it may have been mentioned at previous Committee meetings with a police sergeant complaining to the PIC at some stage about promotions - Mark Fenlon or someone?

**Mr GRIFFIN:** I do not remember, but I know Mr Schuberg is looking at a process.

**Mr KERR:** Would you expect to be given a copy of the draft report?

**Mr GRIFFIN:** I really have no idea. I will ask Mr Kearney: Would we?

**Mr KEARNEY:** There has been no discussion about it.

**Mr GRIFFIN:** We have not been party to the process and you can probably tell by the reaction at this end of the table, I do not think we expect it. It is a ministerial inquiry as far as I know and we have not been party to the process.

**Mr KERR:** Given that it relates to the system of promotion, it is a matter you are almost a stakeholder in, is it not?

**Mr GRIFFIN:** No, I do not accept that. I must say that I think promotions within the police service, given that they are not corrupt or being manipulated, are very much a matter for management of the police. I do not think, unless there is

some suggestion that the process is being abused or misused, that the commission has a great interest in it.

**Mr KERR:** If there is any reform to the system of promotion, you would want it to be fair, as transparent as possible and as corruption-resistant as possible.

**Mr GRIFFIN:** I think that is certainly true, but I do not think we would suggest that we were the only people that could come to that position. If we found a difficulty with it we would not be shy about commenting, but I do not think we see promotions as part of the work of the commission per se.

**Mr KERR:** Do you have a large number of complaints about police promotions?

**Mr GRIFFIN:** No, not a lot; some.

**Mr KERR:** You do get some?

**Mr GRIFFIN:** There are some, yes; there have been some over the years.

**Mr KEARNEY:** They tend to be category 2 complaints more than category 1.

**Mr KERR:** I would have thought it would be a wise course of action for your views to be sought in relation certainly to corruption prevention in any reforms.

**Mr GRIFFIN:** Well, I suppose, Mr Kerr, that is a matter for Mr Schuberg or the Minister or whoever is controlling it. If we were asked, it may well be if we saw something useful we would comment, but we have not been part of the process. I do not see it as a matter that would cause us a great deal of concern unless there was a problem.

**Mr KERR:** In relation to Dresden 1, what was the timeframe for that from commencement to completion?

**Mr KEARNEY:** Can I just clarify, Mr Kerr: Are you talking about the duration from which the sample was taken?

**Mr KERR:** Yes.

**Mr KEARNEY:** I think it was about two and a half years.

**Mr KERR:** That was Dresden 1, was it?

**Mr KEARNEY:** Dresden 1, yes.

**Mr KERR:** What about Dresden 2?

**Mr KEARNEY:** Dresden 2, three years.

**Mr KERR:** When you make recommendations, given that they extend over years, does the situation occur that, as you would be addressing a situation two years prior to when the report is made, the police force may have moved on during that period of time?

**Mr KEARNEY:** That is correct, and that is why we are planning on doing a third Dresden over a similar period of three years. I think if you look at Dresden 2, any outcome of the recommendations from Dresden 1 would probably only have been seen in the last year.

**Mr KERR:** So has the planning for Dresden 3 been completed?

**Mr KEARNEY:** Not yet, but it will be starting probably next year.

**Mr KERR:** The planning will be starting next year?

**Mr KEARNEY:** Yes.

**Mr KERR:** How long would you expect the planning to last?

**Mr KEARNEY:** I would not expect it to last more than three months. The project needs to be discussed internally and resourced and what not, but if all goes smoothly I would expect it to be well and truly under way by late next year.

**Mr KERR:** I suppose there are reasons why a plan for Dresden 3 would not be in place at the completion of Dresden 2?

**Mr KEARNEY:** Other priorities.

**Mr KERR:** Other priorities?

**Mr KEARNEY:** Yes, we have moved on to other priorities since the conclusion of Dresden 2.

**Mr KERR:** Would you be able to provide a report on Dresden 3 each year, given that it is over a three year period?

**Mr KEARNEY:** I am sorry, Mr Kerr, I do not understand the question.

**Mr KERR:** Would you report on how it is going each year? Three years is a long time.

**Mr KEARNEY:** I am sorry, perhaps I have not been terribly clear. When I say three years, it will not take three years from the end of next year before Dresden 3 is completed. What I am saying is that the period we will be taking the sample from will be a three year period and that three year period I think started at the end of Dresden 2, which was 2001, so 2001-2002 will be the first year, 2002-2003 will be the next year and the year it concludes will be the financial year 2003-2004.

**Mr GRIFFIN:** The cases we would take to look at will come straight on the back of the concluding date of Dresden 2 and forward for three years. That is our sample database. We will then plan and examine those cases to determine whether or not there are trends and so on. That is what happened in the previous matters.

**Mr KERR:** If I can take you to question 42, is that related to that article which was in The Australian in September 2003. Are you familiar with that article?

**Mr GRIFFIN:** Yes, in broad terms I am familiar with what it said.

**Mr KERR:** I think basically you said that there could still be people charged as a result of Florida, is that correct or has everybody who was going to be charged been charged?

**Mr GRIFFIN:** There is a segment that is not concluded and whether there will be people affected as opposed to charged from that segment is not determined so far as I know yet, but most likely - the difficulty I am having and the reason I am being cautious is that it is not a matter for us, of course, that is a question for the police whether people are charged and there may well be some matters that are in the melting pot of the police decision making process about charges. I probably cannot take that question.

**The Hon. PETER BREEN:** I think earlier you said there were 22 people referred to the DPP, I am assuming that is all your investigations, not just Operation Florida?

**Mr KEARNEY:** It is 49 charges have been referred, 49 charges for 12 people.

**The Hon. PETER BREEN:** I thought it said 22.

**Mr GRIFFIN:** I think Mr Sage is saying that is correct. What I was talking about was the year under review for the commission being 22, not Florida. The Florida figures are at page 21 of the answers to the questions on notice and I think the point is made there Mr Kerr that there may be a small number of matters where the police might decide to proceed criminally but it really is a matter outside of us. You will understand the police have the capacity to deal with these things at any stage through the process when they are minded to or conclude that there is a prima facie case, they are entitled to do what they like. It is not a matter for the commission.

**Mr KERR:** And dealing with question 43, which was a complaint by Mr Davison to the commission, it was a newspaper article in The Australian dated 8 September. It said:

Former Sgt Paul Davison has since been retired medically unfit since the Police Integrity Commission had declined to investigate his allegations, the basis of Mr Davison's complaints is that he and his men were used as pawns during the inquiry into police corruption. He said their operation put their lives

in danger and involved them in telling lies to their superiors and allegedly breaking the law over a search warrant.

Is that an accurate summation of the complaints do you know?

**Mr GRIFFIN:** I have no idea I must say. You would have to say that the decision made at the time was that his complaint did not rate amongst the complaints that were around and was passed on to the police for investigation.

**The Hon. DAVID CLARKE:** But if the reported allegation is correct?

**Mr KERR:** I would have thought it was an allegation of police serious misconduct.

**Mr GRIFFIN:** I am sure that if it was correct it would be serious police misconduct. I do not cavil with that but I need to reiterate I think that we get a number of complaints about serious police misconduct. We deal with a very small number of them, mostly because they are more serious than the ones that are below. Sometimes we choose complaints that are serious complaints because they have some systemic problem but the fact that there is a complaint about serious police misconduct does not really inform the decision of its own, about whether we take it on, but we are comfortable generally and sometimes seek reports about whether or not the police have looked at them in a particular way but the system seems to work terribly well and the fact that Mr Davison is not happy with us not looking at his complaint is reflected in a number of complaints, I must say, because we do not look at a lot of them and everybody's complaint to them is very important.

**CHAIR:** Just a couple of brief final things: The PIC annual report 2002/2003 says that the recommendation from Operation Saigon concerning the mandatory blood testing of officers involved in critical incidents has twice been sent to the Minister for Police for legislative action. Has that matter been considered in the review of the Police Act and has that matter then been referred back to the commission to consider in Operation Abelia?

**Mr GRIFFIN:** It is a matter that will be looked at in Abelia. I am not aware of it having been referred back to this commission in any formal sense but it would be clear from our association about Abelia that that is where we are going. So to that extent the commissioner would be aware that Abelia will look at it but I do not recall it being referred and I might consult. I do not think we have any knowledge of a formal referral.

**CHAIR:** Finally, does the PIC consider that the audits of the Protective Service Group need to continue?

**Mr GRIFFIN:** That is a hard question. The PSG seems to be in a state of flux at the moment. The counter terrorist command seems to have subsumed it. The audits that are undertaken in relation to the PSG, which are driven, as you know, by the concerns that arose out of the police commission, have probably been very well received by this commission. The PSG appear to be staying within their charter in the

past and doing what it was that they were supposed to do in accordance with the concerns about the special branch. I think that is a reasonable thing to say. So, to that extent, the past shows that they are proceeding properly and effectively.

Having said that, the difficulty that I find myself in is the problems that arise from the counter terrorist subsuming that command and nobody being quite sure how it is going to work. For what it is worth, Mr Scipione, who the counter terrorist control command comes under, has said that in relation to any complaints that he receives about what that command is doing, he will treat them all as category 1's and inform us immediately, which goes some way to dealing with concerns that we might have about how the powers are being used, but until the relationship between the two groups is a bit clearer and the charter of the PSG, if it is to exist, is formalized, it is my view that probably the audit should stay.

It is not a particularly definite answer but it is a very difficult area at the moment and you would imagine that having focus put on these management issues is relatively difficult because concerns are about the real issues of counter terrorism.

There are concerns, I mean Mr Robson has mentioned and identified some concerns about the definitions in the Act that might bother us later on. There is a section that deals with the authority not being challenged in any court and so on and you would be familiar with that. Maybe I will get Mr Robson to explain it but basically the difficulty might be that we are precluded from investigating things that the Act purports to say for us.

**Mr ROBSON:** The potential problem might be that given the very broad terms of section 13 of the Terrorism (Police Powers) Act which prohibits any questioning or challenge of the validity of an authority in a court of law or any other legal proceeding, that is all well and good to protect the decision maker under the legislation. It does not preclude the commission from investigating misconduct short of the grant of the authority, but the question then is what happens at the conclusion of a commission investigation? It is not necessarily an end in itself, there might be prosecutions that need to be considered in the light of the commission's assessments. Questions might arise in any criminal prosecution or disciplinary proceeding, which is a legal proceeding after all, if the question of the validity of the notice is a central issue, whether the proceeding can in fact be taken.

Questions might also arise in criminal trials similar to those which presently arise in relation to illegally or improperly obtained evidence in relation to warrants. Courts can generally collaterally review the validity of a warrant and determine whether or not the warrant is valid in certain respects and then that would enliven the exercise of a discretion to exclude evidence obtained under the warrant. The situation in relation to this legislation would seem to be, given the very, very clear and broad terms of section 13, that the court may well not have a discretion to exclude evidence obtained under the authority of an authorization, because the authorization cannot be challenged, questioned in any way, so there are questions about what can flow from a commission investigation or indeed, the right of any person in a criminal proceeding to seek the exercise of the usual kinds of discretions that the court has in relation to evidence.

If I may go back a little bit in relation to the Protective Security Group, you of course understand, Mr Chairman, that the role of the commission is to monitor the conduct and effectiveness of the audit. The commissioner's comments in relation to the appropriateness of the audits is quite correct with respect but there were some early problems when the audits were initially conducted after the establishment of PSG, in terms of the scope of the audit, the issues that were looked at, perspectives and those kinds of things. But by the time of the second or third, all of those problems were bedded down and the audits generally proceeded with proper consultation with the commission and no major problems were discovered in relation to the activities of the PSG. But of course, that was the PSG as it then existed and the PSG as it exists at the present time in the present climate is somewhat different. It can actively investigate rather than gather intelligence and so on and I personally think there is a need for audits to continue and for oversight of the process.

**Mr KERR:** Are persons who are adversely named in a report by the PIC, if it is publicly released, informed that they are going to be adversely named?

**Mr GRIFFIN:** Yes.

**Mr KERR:** If an officer or non-serving officer is interviewed or subjected to private hearings, do they get the opportunity to make submissions on the evidence?

**Mr GRIFFIN:** It would depend on how they were being viewed.

**Mr KERR:** What sort of viewpoints are there?

**Mr GRIFFIN:** Well, there are a number of officers who just give evidence to private hearings. It is not a question of whether or not they are likely to be adversely named or considered. That might well be the majority. If there is an adverse finding, or likelihood, they are given an opportunity.

**Mr KERR:** They are given an opportunity to make a submission on the evidence?

**Mr GRIFFIN:** Yes.

**Mr KERR:** This might be a question you would want to take on notice, but I was wondering how many serving or non-serving police officers are being investigated by the PIC and are still waiting for a determination to be made in relation to their conduct?

**Mr GRIFFIN:** Investigated in relation to personal misconduct?

**Mr KERR:** Any misconduct.

**Mr GRIFFIN:** I would be happy to take that on notice.

**Mr KEARNEY:** If I could just clarify: These would be people who are aware that they are being investigated?

**Mr KERR:** Yes, and the investigation has been completed.

**Mr ROBSON:** The commission does not necessarily express an opinion or make an assessment in every case where it investigates a particular person or officer. The question is whether it is making a public report or reporting any adverse assessment or opinion. That is the point at which the rules of procedural fairness require the extending of an opportunity to the person concerned to dissuade the position of publishing that adverse opinion or assessment, so we may investigate matters, but there is to be no public report or any recommendation which affects the interests of that person, in which case we do not then make a final determination on the matter and say whether or not that person has engaged in corruption. It is just an investigation at the end of the day. It differs from a police investigation insofar as the commission makes reports to Parliament and publishes assessments, but it is not necessarily the case that in every investigation where we have investigated an officer there will be some final opinion expressed on the matter. In reports to Parliament, that is where you have the requirement for the commission to express an opinion one way or the other, but certainly not in relation to matters where there is no report.

**Mr GRIFFIN:** Or no finding.

**Mr KERR:** In terms of the morale of the police officers, if they have been investigated and the investigation is completed, it could well remain as a sword of Damocles over their head?

**Mr ROBSON:** Well, if there is no adverse assessment or no disciplinary proceedings initiated as a result of investigation, I think they can take it as read that the matter is finished.

**Mr KERR:** It is just an assumption on their part?

**Mr ROBSON:** I cannot say what the commission does in every case where it undertakes an investigation. It may communicate with the NSW Police that there is no assessment or opinion or recommendation in relation to that officer. I cannot say with certainty whether it happens in every case.

**Mr GRIFFIN:** I think we are at cross-purposes. It must be clear to the Committee that we investigate officers that do not even know we are doing it.

**Mr KERR:** I am talking about officers who are conscious that they are being investigated.

**Mr GRIFFIN:** Whom we are naming in public?

**Mr KERR:** Not even in public, but they know that they are being investigated and the investigation has been completed. Of course, if you placed yourself in that

situation, as a police officer investigated by the PIC, you would want to know the outcome, I take it?

**Mr GRIFFIN:** Yes, perhaps you would. In that case, it would not necessarily happen, and we might sometimes gain some benefit from them not knowing, but if they were to seek promotion then at that stage that information is likely to be given to the police so they would get to know about it in that course. If nothing happened in that way, it may be they would not. If we had a villain that we could not catch, it might be that that was appropriate.

**Mr KERR:** Or an innocent man who could not be exonerated.

**Mr GRIFFIN:** There is strength in innocence probably there.

**Mr KERR:** Sorry?

**Mr GRIFFIN:** The individual would have strength in innocence perhaps.

**Mr KERR:** Not necessarily, because you are aware that other officers know that an investigation is going and their reputation could suffer.

**Mr GRIFFIN:** Sure, I can understand it. I mean the police must face the same thing on every occasion they investigate somebody too and it is often the case that people are not told.

**Mr KERR:** But there is still a presumption of innocence for the civilian?

**Mr GRIFFIN:** Well, that applies here too.

**The Hon. PETER BREEN:** There is a practice I think of giving draft reports to people who may be adversely affected and asking them to consider the issue before the report is finally published?

**Mr GRIFFIN:** If we are talking about public reports then before we publish about people that are affected we obtain submissions in relation to what we propose to say. I think that just accords with the normal rules of natural justice and we do it in every case, so far as I know.

**CHAIR:** Do you give draft reports to complainants as well?

**Mr GRIFFIN:** No, not as a rule. I cannot imagine any occasion when we would.

**The Hon. PETER BREEN:** What if a complainant drives you mad?

**Mr GRIFFIN:** It is not good enough reason, although tempting.

**Mr KERR:** How long has the PIC been in existence now?

**Mr GRIFFIN:** Six and a half years, I am told, six and a bit.

**Mr KERR:** What would you see as the PIC's major accomplishments?

**Mr GRIFFIN:** I would have to ask Mr Sage to answer that, sir, because I am coloured by my term.

**Mr SAGE:** I think one of the major achievements is that we have contributed to change in the nature of corruption in the police service. We have also achieved a number of policy changes in the police service.

It is always hard to assess the impact and effect of a body such as the Police Integrity Commission or any other oversight agency. If you were not there, would the Police Service be in the state that it is in today? I do not believe it would be. I believe it is much healthier now, although there are a number of problems that we are probably all aware of, one being the large number of young police that have been recruited since the Royal Commission, and I think Commissioner Moroney has gone on the public record and said it is somewhere around 5,000 that have come on board since the Royal Commission, and they bring with them some new and emerging problems, some of which we have talked about today, but the systemic corruption that the Police Royal Commission identified and exposed so publicly, apart from the experience of Florida-Mascot in the northern beaches, I am not aware of and I would hope that that type of corruption in the detectives is not continuing.

Some of you know that I have been in Belfast and London as recently as a fortnight ago and I met with a lot of senior law enforcement officials, particularly from the anti-corruption branches of law enforcement. The Police Integrity Commission is well-known to most of the major police services in the western world and the powers that the Parliament has given the Police Integrity Commission are the envy of most of the jurisdictions overseas because they do not have those powers. As the Commissioner said earlier, the powers are there. They are not used in every case, but they have a very, very deep effect, I believe, on the Service, that the Commission has the power to investigate very, very effectively the activities of the Police Service and is well-equipped to do that.

I think the changes that we have seen in the Police Service, the contribution through QSARP and the appendix 31 committee, the fact that we are there and continue to be there with the powers and things we are doing is keeping the Police Service from that cycle that has been referred to by Mollen in his report into the New York police service and the sentiments that he expressed or the findings that he recorded in relation to the cycle of corruption and the need to have a continuing oversight to break that cycle. I think that the Police Integrity Commission has been effective in breaking the cycle that has been seen throughout the world in police services where there is an inquiry or there is a major investigation and there are reforms put in place, but not a continuing body, and then there is a re-emergence of corruption maybe five or ten years later and the need for another inquiry. Hopefully that cycle has been broken by the initiatives of Parliament in this State.

I think there is a healthy fear in police officers of the Police Integrity Commission and what it can do. We have seen in the Abelia investigation a number of police officers resign and publicly state the reasons for their resignation because of the fact that the Police Integrity Commission was investigating them. Now I think that that is a good thing. If the Police Integrity Commission was not there, would they resign? I doubt they would. They would continue on and they would take their chances of being caught.

I still would say there is a lot of work to be done, but there have been some major achievements in the time of the Police Integrity Commission's life. It is only a short life. It is a difficult area to investigate. There have been some very, very hard cases of corrupt officers that have been investigated and, one way or the other, they are out of the police service now, and that is a good thing for the police service.

I think they are probably the major achievements.

**Mr KERR:** In a democratic society, of course, great powers require great justification and you have said that the PIC has changed the nature of corruption, but what was the nature of corruption pre-PIC which no longer exists post-PIC?

**Mr SAGE:** I think it has reduced the effect of corruption too. We have seen some entrepreneurial one-offs or two-offs involving corruption, but not the large groups of corrupt police that could call on their mates to be involved in a corrupt activity. The Magnum investigation that we conducted in Operation Florida publicly was an investigation into the activities of a group of detectives in 1991 where some evidence was given that the entire team of 16 to 20 officers were all prepared to act corruptly if they needed to - and did in some cases - so I am not sure that there is that capacity within the police now to draw those large groups together in a joint corrupt enterprise. I hope there is not.

**Mr KERR:** You do not say that the move from the potential for systemic corruption to private entrepreneurial activity has changed?

**Mr SAGE:** Pardon?

**Mr KERR:** Is that the change?

**Mr SAGE:** What I am saying is that there is a reduction in the level of corruption. That is the change, the reduction in corruption.

**Mr KERR:** But that is not a change in the nature, that is a change in the quantum.

**Mr SAGE:** And that is a good thing. I do not think we will ever eliminate corruption in a police organisation the size of this one, there will always be some corruption, but I think the level of corruption has been reduced and reduced dramatically.

**(The witnesses withdrew)**

**(The Committee adjourned at 4.15 p.m.)**