



## INQUIRY INTO THE CONDUCT AND PROGRESS OF THE OMBUDSMAN'S INQUIRY "OPERATION PROSPECT"

### TERMS OF REFERENCE

1. That a select committee be established to inquire into and report on the conduct and progress of the Ombudsman's Inquiry titled Operation Prospect, and in particular:
  - (a) the use by the Ombudsman of secrecy provisions contained in sections 19A, 19B and 19C of the Ombudsman Act 1974
  - (b) the impact on the NSW Police Force of the Ombudsman's Inquiry titled Operation Prospect
  - (c) consideration of Police and NSW Crime Commission Operation Mascot and Police Integrity Commission Operation Florida and Police Strike Force Emblems, and
  - (d) any other related matter.
2. That the House makes clear its understanding that a statutory secrecy provision in statute does not affect the power of the House or of its committees to conduct inquiries and to require answers to lawful questions unless the provision alters the law of parliamentary privilege by express words, and that this view is supported by the following authorities:
  - (a) New South Wales Legislative Council Practice, at pages 512-516
  - (b) Odgers' Australian Senate Practice, 13th edition, at page 66
  - (c) Mr Bret Walker, SC, in two advices from 2000 and 2012 published by General Purpose Standing Committee No. 4 in report No. 26 entitled "Budget Estimates 2012-2013", tabled in the House on 19 February 2013, and
  - (d) the Solicitor General and Ms Mitchelmore of counsel in a legal opinion provided directly to the Government on 9 April 2014 and tabled in the House on 6 May 2014.
3. That the House further indicates that the statutory secrecy provisions in the Ombudsman Act 1974 and other relevant legislation do not affect the powers of the select committee to require answers to lawful questions or impede in any way the conduct of this inquiry.
4. That the committee report by 25 February 2015.

## Committee membership

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<b>The Hon Robert Borsak MLC</b>	Shooters and Fishers Party	<i>Chair</i>
<b>Mr David Shoebridge MLC</b>	The Greens	<i>Deputy Chair</i>
<b>The Hon Niall Blair MLC</b>	The Nationals	
<b>The Hon Trevor Khan MLC</b>	The Nationals	
<b>The Hon Natasha Maclaren-Jones MLC</b>	Liberal Party	
<b>The Hon Adam Searle MLC</b>	Australian Labor Party	
<b>The Hon Lynda Voltz MLC</b>	Australian Labor Party	

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