

Findings

- Finding 1** 40
That almost all of the names on listening device warrant 266/2000 were included because they were suspected of engaging in or knowing about corrupt conduct and not because they were attending a function.
- Finding 2** 41
That in April 2002 the then Commissioner of Police, Peter Ryan, provided an erroneous explanation to the public through the media as to why such a large number of names were included on listening device warrant 266/2000.
- Finding 3** 41
That the NSW Police Force never corrected the record by publicly acknowledging the erroneous explanation provided by the then Commissioner of Police, Peter Ryan.
- Finding 4** 45
That the application and supporting affidavit for listening device warrant 266/2000 did not provide the necessary facts and grounds to justify 46 out of the 114 people having their private conversations listened to or recorded.
- Finding 5** 65
That on the evidence before this inquiry there is a compelling case to make a specific apology to Mr Kaldas, which we now do, and we call on the NSW Government to do the same.
- Finding 6** 65
That on the evidence before this inquiry there is a compelling case to make a specific apology to Mr Barrett, which we now do, and we call on the NSW Government to do the same.
- Finding 7** 83
That the failure of the then New South Wales Crime Commissioner to co-operate with Strike Force Emblems prevented the effective completion of that investigation.
- Finding 8** 83
That the failure of respective commissioners of police to demonstrate leadership by overcoming the barriers confronted by Strike Force Emblems has compounded the grievances of the complainants.
- Finding 9** 83
That the committee commends the members of Strike Force Emblems for conducting a thorough and professional investigation of serious allegations regarding police misconduct, including their pursuit of material necessary to complete their investigation.
- Finding 10** 110
That the NSW Ombudsman should not have incorporated both the legality of warrants and the leaking of confidential information into a single inquiry. Combining these two issues has resulted in participants being considered both complainants and perpetrators, and has delayed the completion of the inquiry.

Summary of recommendations

Recommendation 1

46

That the NSW Government establish an open and independent inquiry to review the current system for granting surveillance device warrants, to:

- ensure legislative compliance
- promote the integrity of the system
- consider the establishment of an Office of Independent Counsel to provide independent legal representatives to test the veracity of surveillance device warrant applications by law enforcement agencies.

Recommendation 2

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That the Premier of New South Wales and the Commissioner of Police publicly apologise to any persons who are found by the Ombudsman to have been inappropriately named on listening device and/or telephone intercept warrants obtained by Special Crimes and Internal Affairs.

Recommendation 3

99

That the NSW Government amend secrecy provisions to provide for an automatic exemption to non-disclosure directions for publication to a medical practitioner, psychologist, or counsellor for the purposes of medical or welfare assistance, in the following statutes:

- *Ombudsman Act 1974*
- *Crime Commission Act 2012*
- *Police Integrity Commission Act 1996*
- *Independent Commission Against Corruption Act 1988.*

Recommendation 4

110

That the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission conduct an inquiry into the *Ombudsman Act 1974*, with particular emphasis on Part 3 regarding investigations and conciliations.

Recommendation 5

114

That the Premier of New South Wales and the Minister for Police and Emergency Services demonstrate to the community that Deputy Commissioners Kaldas and Burn can maintain a professional relationship, pending the Ombudsman's report expected in June 2015.

Recommendation 6

119

That the NSW Government establish a single, well-resourced police oversight body that deals with complaints quickly, fairly and independently.

That the Legislative Council Standing Committee on Law and Justice inquire into and report on the most appropriate structure to achieve this.