

Your ref -
Our ref AUSB103-719984 (PTG)

Kennedys

Kennedys (Australasia) Pty Ltd
ABN 31 119 302 742

Lawyers

Level 22
85 Castlereagh Street
SYDNEY NSW 2000
PO Box A65
SYDNEY SOUTH NSW 1235
Australia
DX 239 SYDNEY

T +61 2 8215 5999
F +61 2 8215 5988

www.kennedys-law.com.au

Direct Dial

T +61 2 8215 5901
F +61 2 8246 6601

email

Patrick.George@kennedyslaw.com

Date

9 February 2015

CONFIDENTIAL

BY HAND

Select Committee on the Conduct and Progress of the
Ombudsman's Inquiry 'Operation Prospect'
Parliament of New South Wales
Parliament House
Macquarie Street
SYDNEY NSW 2000

Attention:
Mr Samuel Griffith
A/Principal Council Officer
&
Ms Beverly Duffy
Clerk Assistant Committees

Dear Sir/Madam

SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN'S INQUIRY 'OPERATION PROSPECT'

- 1 We refer to our letter dated 6 February 2015 and Ms Duffy's email in response sent Saturday 7 February 2015 at 5.47pm.
- 2 If the Committee were to propose to release the material in question publicly, our client requests an opportunity to address the Committee personally or through counsel before a final decision is reached to explain why it is contrary to the public interest for it to be publicly disclosed.
- 3 We note that the NSW Police may also have a claim of public interest immunity and/or confidentiality, however, the Committee should be aware that that organisation has not been briefed regarding the content of our client's answers to the Supplementary Questions due to the ongoing secrecy provisions which are in force.
- 4 Please find enclosed our client's:
 - (a) Answers to Supplementary Questions;
 - (b) Answers to Questions on Notice;
 - (c) Documents referred to in the Answers to Questions on Notice; and

(d) Transcript corrections.

5 We would be grateful for a response to paragraph 2 above by close of business today.

Yours sincerely

per *MBull*

Patrick George
Senior Partner

SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE OMBUDSMAN'S INQUIRY
"OPERATION PROSPECT"

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

Supplementary questions: Ms Catherine Burn, Deputy Commissioner, NSW Police Force

Answers are to be returned to the Committee secretariat by 10am Monday 9 February
2015.

1. What were the precise allegations against Mr Kaldas made by M5 that you say gave rise to your 'reasonable suspicion'?

The '*reasonable suspicion*' I had in relation to Mr Kaldas arose over a period of time and not from one source. It should be understood and emphasised that this was not my suspicion alone amongst SCIA and the NSWCC and that the suspicion we held was honest, real and based on the information available to us, reasonable.

Without access to all the documents and information SCIA and the NSWCC had during the whole of the relevant period, I am unable to provide the thorough response that this question and those of a similar nature below deserves. But it is important to outline the allegations in general terms. I stress that much of this information is based on recall and memory.

Task Force _____ was a NSW Police internal corruption investigation being managed by Internal Affairs about complaints made in relation to persons arrested by Task Force Magnum during 1991. On 26 October 1998 _____ from the Internal Affairs Investigation Unit submitted a report through his chain of command outlining these allegations and recommended that the matters be initiated separately and returned to Task Force Ancrum, Internal Affairs, for further investigation.

In that report he identified several allegations involving an officer later to become known as M5 and other police officers (including two officers who through Mascot investigations later became known as N1 and F7). The _____ investigation was one of the catalysts for M5 coming forward initially.

In one complaint _____ outlined an allegation by _____ that he was falsely arrested on 3 April 1989 regarding a conspiracy to commit an armed robbery at Surry Hills. It was alleged that evidence was planted in a vehicle and that M5 and N1 fabricated alleged admissions in an official notebook and that _____ fabricated evidence about adopting the notebook entry.

Other allegations were made by _____ including one matter where he alleged that he was falsely arrested at Wyong by Detectives _____ and Nick Kaldas on 18 August 1992 re an armed robbery offence. It was alleged that the same

police planted firearm exhibits near a cemetery, which he allegedly led them to, and that Detectives [redacted] and Kaldas fabricated alleged admissions in an official notebook and that Detective Inspector [redacted] fabricated evidence about adopting the notebook entry.

The allegations suggested serious and systematic corruption by a number of police.

In a follow up report dated 9 December 1998, [redacted] noted that for the police involved in the [redacted] matters (including Mr Kaldas, [redacted] and M5) there was no likelihood of criminal charges but he intended to interview them with a view to managerial action. A note was made by the next in the chain of command, I believe [redacted] to the effect that he failed to see what would be gained due to the historical nature of the matter and the perceived lack of corroboration.

In late December 1998 however M5 admitted his extensive corruption over several years. He also admitted that [redacted] allegations involving him and other police officers were true. As a result, [redacted] allegations whose accuracy might previously have been discounted appeared credible. In such circumstances, SCIA was duty bound to investigate them. Later in Operation Mascot, two other Detective Sergeants the subject of suspicion in the [redacted] investigation also admitted their involvement in police corruption over many years (N1 and F7). Several of the officers were also found to have engaged in police misconduct when examined during one of the matters subject of the Magnum segment of the PIC Florida hearings.

Thus, on the information on hand prior to M5 coming forward there was a suspicion about Mr Kaldas in relation to these allegations and M5's admissions added credibility to this suspicion that those allegations, so far as Mr Kaldas was concerned, might be true.

At the time of Operation Mascot, there was an opportunity to attempt to further investigate and / or corroborate these serious allegations in an environment which was different from the traditional investigative approach whereby suspected officers were interviewed and denials recorded. Several former and serving police named through Magnum were included in such Mascot investigative strategies.

There is an additional matter, but separate to [redacted] that has been referred to during these hearings involving the theft of money. I do not have the necessary recollection or documents to outline what that related to other than I believe it refers to a matter known as the Orange Armaguard Robbery.

I was involved in the initial debriefing of M5 in which he detailed extensive allegations of corruption against many police officers. I do not recall whether he made any particular allegations against Mr Kaldas. He did however make allegations about some of the police officers involved in the arrest of [redacted] which led to Operation Mascot revisiting the Ancrum investigation.

As a result, Mr Kaldas was one of the officers there-named under suspicion. Operation Mascot pursued its investigations of those matters which meant that we held a reasonable suspicion that Mr Kaldas might have participated in the corrupt conduct alleged. However, I

wish to make it clear I did not see him as a central figure in relation to those allegations on my initial review of the report, but one of a number of police officers to potentially be investigated with the assistance of M5.

During Operation Mascot, M5 was deployed on several occasions to meet with Mr Kaldas with a view to further investigate the allegations. As should be plain, however, Mr Kaldas was one of many police officers placed under this surveillance and it is difficult to describe in this brief explanation the extreme complexity of this Operation and the vast extent of information that we had generally.

At some later time, in May 2001, a series of events occurred that added considerable weight to the suspicion against Mr Kaldas. M5 was to attend a lunch engagement with Detective Mr Kaldas and others including two Detective Sergeants (N1 and F7).

That lunch took place although and Mr Kaldas did not attend. In late June M5 attended another lunch engagement with N1, F7 and others. M5 was confronted by them with the proposition, from memory, that he had been wearing a listening device (which he was) at the earlier lunch in May. From my recollection they threatened to pat him down but I would have to review source documents to confirm whether this occurred but I do recall that he was grabbed at some stage. M5 was wearing a listening device that day.

At this lunch F7 told M5 that was the person who told him about the listening device and that he had been warned not to attend. From memory, the following day or two, M5 spoke with I who (unaware of the surveillance underway) identified Mr Kaldas as the person who had informed him of the information he passed onto F7 about M5 wearing a listening device leading to the confrontation with N1 and F7. From memory, it was then suspected that the Operation had been severely compromised. If Mr Kaldas was the source, his conduct would have amounted to a serious criminal offence. In addition, it may well have put M5's life and safety at risk.

In the course of my examination by the Ombudsman, I was shown documents originating from Operation Mascot which, from memory, specified this information, indicating that Mr Kaldas was the source of this leak.

A strategy was put in place to investigate this suspicion which included obtaining telephone intercept warrants for the phones of Mr Kaldas and A part of the strategy involved having M5 continue to meet with Mr Kaldas, in a controlled environment, to attempt to gain further information and evidence. I recall (although I would wish to see the documents, some of which I was shown during the Ombudsman's examination) that during one of these controlled meetings between M5 and Mr Kaldas, Mr Kaldas confirmed that he had spoken to about these matters. From memory, I also recall that during that conversation with M5, Kaldas mentioned that it was all to do with the Special Crime Unit and the Undercover unit. These matters strengthened my suspicion that it was Mr Kaldas who disclosed the fact that M5 was wearing a listening device.

After the exposure, arrangements were also being made to extract M5 permanently from any further investigation as his safety, and that of his family, was now at extreme risk. This matter became known as SOD 231 which was the last of the matters added to the list to be investigated. The matter was referred to the Police Integrity Commission.

These matters were known to those who participated in the operational meetings. As has been stated in evidence in this Inquiry, there were by this stage up to 20 participants. As these events were occurring over a period of time, the suspicions we held were discussed and strategies adopted accordingly. This included the necessary legal process supporting the Operation which was carried out by the Crime Commission Solicitor on the information of the particular investigating officer.

I have consistently maintained the position that there was a reasonable suspicion as to Mr Kaldas' conduct with regard to Operation Mascot.

2. What was the precise material provided by M5 against Mr Kaldas?

Without access to all the documentation I am unable to answer that question any further than I have in response to question 1.

I have heard from information provided through the Ombudsman hearing and through information provided to the Committee (Mr Giorgiutti's evidence) that M5 did not mention Mr Kaldas in his original debrief. I have also heard that either _____ or I mentioned Mr Kaldas' name to M5 during the debrief. I do not have an independent recollection of this, and if it did occur, I would need to review the debrief interview so I can refer to its context.

It is important to note that the original allegations contained in the interviews were broken down into about 100 matters, known as SODs (Schedule of Debrief). This grew to 231 over the course of the investigation.

However, it is important to emphasise that whether or not M5 mentioned Mr Kaldas, the information I was aware of from Ancrum together with what M5 said gave me a reasonable basis for suspecting Mr Kaldas. If any member of the Committee were to suggest that this evidence shows I had some form of vendetta against Mr Kaldas that suggestion is baseless.

3. What other steps did you take in relation to this material?

Operation Mascot was intended to investigate the entirety of M5's allegations, including those events that involved Mr Kaldas coincidentally or otherwise. Over the course of Operation Mascot, we investigated many of the allegations made against many people. This occurred with these matters also.

4. What precise material against Mr Kaldas did you have personal or first-hand knowledge of?

The material I had knowledge of is outlined in answer to Question 1 to the best of my recollection, however without reviewing all the relevant documentation it will not be complete, particularly with regard to the Orange Armaguard matter and the full extent of the investigation into the potential compromise of M5.

5. Other than M5, what were the precise sources of the information relating to Mr Kaldas that you say gave rise to your 'reasonable suspicion'?

Please refer to the answer regarding question one. Without access to the relevant documentation I cannot conclusively outline all sources of the information. The sources may have included Task Force files, complaint file information, Wood Royal Commission database information, and / or other information or evidence from other sources and the discussions that took place at the operational meetings throughout the course of Operation Mascot.

6. Other than information provided by M5, what were the precise allegations against Mr Kaldas that you say gave rise to your 'reasonable suspicion'?

See above.

7. What other steps did you take in relation to this material?

See above.

8. What form(s) did this information and allegations take? e.g. Informant allegations? Documents? Recordings?

See above.

9. What was the precise evidence you say existed against Mr Kaldas?

See above.

10. Where can that evidence be found?

The information I had access to was on hand to Operation Mascot based at the NSW Crime Commission. The Police Integrity Commission also had information relating to Mascot /

Florida. From evidence given in this inquiry it appears all such evidence is now in the hands of the Ombudsman.

11. What role were you in regarding Operation Mascot on or about 29 June 2001?

I commenced with Operation Mascot within the Special Crime Unit in December 1998 as a Section 66 Inspector. From 4 March 2002 until 4 July 2002 I relieved as the Acting Commander (Superintendent), Special Crime Unit. I left the Command in November 2002.

The Special Crime Unit was one of several units led by Superintendents or equivalent that reported to Special Crime & Internal Affairs (SCIA). There were several Team Leaders in all these units.

I was a Team Leader with Operation Mascot and I reported to Superintendent John Dolan who was the Commander of the Special Crime Unit. Mr Dolan reported to the Commander of SCIA. There were three Team Leaders attached to the Special Crime Unit. Each team also had Senior Sergeant positions, Sergeant positions and Constable positions as well as intelligence analysts from the NSW Police and the NSW Crime Commission.

12. Regarding Operation Mascot, who were your superiors, from the NSW Police Force and the NSW Crime Commission, on or about 29 June 2001?

NSWPF

Superintendent Dolan, Commander Special Crime Unit
Assistant Commissioner Scipione, Special Crime & Internal Affairs
Deputy Commissioner Moroney
Commissioner Peter Ryan

NSWCC

Assistant Director Mark Standen
Director / Solicitor John Giorgiutti
Commissioner Phillip Bradley

13. Mr Kaldas gave evidence to this Committee that not only was he the subject of covert surveillance by Police, but that this extended to his ex-wife and his former family home. On what basis was covert surveillance of Mr Kaldas' ex-wife and family conducted?

I do not now recall precisely which telephones were the subject of surveillance. I assume a telephone intercept was obtained for Mr Kaldas' home number and mobile.

14. Why was the phone at his former home subject to Police surveillance?

See 13 above.

15. Who decided to undertake this surveillance? If more than one person, please list them.

See 13 above.

16. What role, if any, did you play in undertaking this surveillance?

See 13 above.

17. What role, if any, did you play in the approval of and the preparation of the application and/or supporting evidence?

See 13 above. I do not recall whether I played any other role. The legal process in support of the Operation was usually conducted by the Crime Commission Solicitor under the supervision of the Crime Commission Assistant Director.

18. Who was involved in the approval of and the preparation of the application and/or supporting evidence? If more than one person, please list them.

See 13 above.

19. Have you ever seen the application for the telephone intercept on Mr Kaldas and his former home in 2001? If so, in what circumstances and when?

I may have been shown such an application during the Ombudsman's hearing but do not recall seeing it before then.

20. Can you confirm that no findings were ever sustained against Mr Kaldas arising from Mascot and/or Mascot 2?

Operation Mascot and Mascot 2 investigated the matter as far as it could using M5 and subsequently it was a matter to be finalised in either Operation [redacted] or Volta. I do not myself know what the outcome of those operations was and had no involvement with them after the conclusion of my involvement with Operation Mascot. As to the allegation made that Mr Kaldas had disclosed the fact that M5 was wearing a listening device, the allegation was referred to the Police Integrity Commission but I do not know the outcome of any investigation.

21. If the answer to 20 is no, then what is the status of the allegations against Nick Kaldas?

See 20 above.

22. Was any target of Mascot and/or Mascot 2 formally cleared by the Task Force? If so who and in what circumstances?

I am unable to provide a direct response to this question as I am not sure what Task Force is being referred to. But I am able to say that over 50 people were arrested and charged including 6 police and one former police officer. The six police were criminally prosecuted and received custodial sentences (Police Integrity Commission, Report to Parliament, Florida, 2004). Up to 200 charges were laid for a variety of offences including pervert the course of justice, supply commercial/indictable and large quantities of drugs including heroin, stealing, and soliciting and receiving bribes.

As referenced above, the Police Integrity Commission published a report on Operation Florida in 2004. It found that several officers had engaged in misconduct and it also found that although some officers were affected persons they were found not to have engaged in police misconduct.

From the Report it is noted that the Police Integrity Commission commenced the first day of public hearings on 8 October 2001 and finished hearings on 27 August 2003. This included 78 days of public hearings and a number of private hearings. 99 witnesses gave evidence, 95 in public hearings and four in private hearings. Of the 99 witnesses, 32 were serving NSW police officers at the time they gave evidence, 31 were former officers and 36 were civilians. Fourteen of the 32 serving officers had since left NSW Police, eleven of those as a direct result of this investigation.

An extract from the Report shows that the evidence presented in the public hearings revealed a range of corrupt conduct, including the following:

- Soliciting and receiving bribes from drug dealers
- Organising or "greenlighting" drug trafficking
- Stealing cash and property
- Reducing charges in return for payment
- Perverting the course of justice
- Assaulting suspects
- "Verballing" suspects
- "Loading" suspects
- Organising or "greenlighting" break and enter offences

The conduct in question was committed by officers attached to a number of different commands within NSW Police. It spanned a period dating from the late 1980s until 2001. In total, the investigation identified 418 incidents of police corruption or misconduct. Twenty-nine of those incidents were the subject of examination in the hearings. A Task Force set up by NSW Police investigated the balance of the matters. The Commission oversighted the NSW Police investigation of those matters (Police Integrity Commission, Report to Parliament, Florida, 2004)

The Task Force that was set up by NSW Police was called Volta. I was not involved in Task Force Volta and do not know its outcomes.

23. When did you become aware that Commissioner Ryan gave his interview to 60 minutes at 2 pm?

On listening to Mr Barrett's evidence to this Committee on 29 January 2015. I do not recall having any prior knowledge of the time of the interview.

24. How did you find this out?

See 23 above.

25. As one of the leaders of SCIA what official responsibility did you have in relation to warrants and affidavits?

I had no responsibility in relation to the actual preparation or checking or review of individual warrants or affidavits in support of applications for warrants and, as I have said, I did not see LD 266/00. That said, I saw it as part of my general responsibilities that procedures and systems were put in place to ensure that the affidavits were accurate and complied with all legal requirements.

With regard to my official responsibilities in relation to warrants and affidavits I had a responsibility to make sure that the process was followed and that staff knew of their responsibilities.

During the Ombudsman's hearing I saw a document which was an email from me dated 9 March 2000 to the Senior Sergeants on Mascot reminding them of their responsibility for the quality and correctness of affidavits. I also have a notation in my diary dated 4 March 2000 regarding notes for a team meeting. In that entry I have recorded several issues including 'affidavits-quality.' I also recall seeing an earlier email I sent to staff reminding all staff to consult with Mark Standen (the Assistant Director) before presenting them to the NSWCC lawyer, Mr Neil Owen.

In addition to the Senior Sergeants on the team, there was also a position of Quality & Review which from memory was a Senior Sergeant position.

26. Who, if anyone, had access to the list generated by yourself and M5 regarding the King sendoff? Did you provide this list to any other police officers or other persons?

I cannot recall who had access to the list and I don't recall what happened with it but a review of documents on hand at Mascot at that time might assist with this question.

27. How do you explain the presence of many of those on your list on the April and September warrants?

See 25 and 26 above. The warrants were part of the legal process.

28. Was it well known in the Mascot and Mascot 2 teams that Mr Dolan had a conflict of interest with regards to Mr Kaldas?

I do not believe it was well known.

I became aware at some stage during the Operation that there were issues involving Mr Dolan and Mr Kaldas regarding the Undercover Unit and that was known to the Mascot team. The extent of further conflict was known to me at some later time but I cannot recall when.

29. If the answer to 29 is yes, what was the conflict and when did you become aware of it?

See 28 above.

30. Did Mr Dolan ever excuse himself from decisions regarding Mr Kaldas because of a conflict of interest or perception of a conflict of interest? If so what reasons, if any, did he give for this course of action?

I do not recall this happening.

31. Did you know of any specifics of the break down in relations or falling out between Mr Kaldas and Mr Dolan while you were working on Mascot and/or Mascot 2? If so what were the circumstances you knew of and when?

See 28 above.

32. Did you author a memorandum regarding Mascot and/or Mascot 2 prior to May 2002?

I do not now recall and would be assisted by any document the Committee might wish to show me.

In the course of Operation Mascot and Mascot 2, from December 1998 to May 2002, I prepared many operational documents which might be described as '*memorandum*'. I am unable to assist the Committee without seeing the documents in question.

33. At the time of Mascot and Mascot 2 were you personally satisfied that there were legitimate reasons for Mr Kaldas to be targeted by M5?

Yes. This is what I said at page 72 of the transcript. I had a reasonable suspicion at the time in question and I believe now that that suspicion was reasonable.

MARCH 2000

4
SATURDAY

64-302 WEEK 10

appointment

dit

..

..

..

- Forearms / Conferences
- Duty books
- submits
- taxes
- equipment parts
- vehicles
- orders
- court premises
- Operational expenses
- TL effectiveness reports
- J. Linnhardt
- E.M.
- Prof. Mgt. level 1
- Affidavits - quality

evening

memo

JANUARY							FEBRUARY							MARCH							APRIL							MAY							JUNE						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
31	1	2					1	2	3	4	5	6	1	2	3	4	5	1	2						1	2	3	4	5	6	7	1	2	3	4	5	6	7			
3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29					27	28	29	30	31	24	25	26	27	28	29	30	29	30	31					26	27	28	29	30					

MARCH 2000

ESDAY

67-299 W/FEX 11

o/n/m/a

SLA - King

SL - Col - 11

[Large scribbled-out area covering the top half of the page]

[Two smaller scribbled-out areas in the middle of the page]

[A long, horizontal scribbled-out area in the lower middle of the page]

o/n/m/a

JULY							AUGUST							SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S
31				1	2		1	2	3	4	5	6		1	2	3					30	31					1	1	2	3	4	5			1	2	3	4	5		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31

APRIL 2000

3
MONDAY

94-272-WBFC 15

appointment [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Chas. Clus - family
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

JANUARY							APRIL							MAY							JUNE							
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	
31			1	2						1	2						1	2						1	2	3	4	
3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							
17	18	19	20	21	22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13	14	
24	25	26	27	28	29	30	26	27	28	29	30	31			22	23	24	25	26	27	28	19	20	21	22	23	24	25
														29	30	31					26	27	28	29	30			

4
TUESDAY

95-271 WEEK 15

opportunity
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
Sparks Club
[REDACTED]

event
[REDACTED]
[REDACTED]
[REDACTED]

JULY					AUGUST					SEPTEMBER					OCTOBER					NOVEMBER					DECEMBER																																																																																																										
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S																																																																																										
31				1	2		1	2	3	4	5	6						1	2	3	30	31					1																																																																																																								
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10	10	11	12	13	14	15	16	17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	16	19	20	21	22	23	24	24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30	23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31

**SELECT COMMITTEE ON THE CONDUCT AND PROGRESS OF THE
OMBUDSMAN'S INQUIRY "OPERATION PROSPECT"**

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

Questions on Notice: Deputy Commissioner Catherine Burn
Friday 30 January 2015

Mr DAVID SHOEBRIDGE: In 2001, Mr Brammer set out in a document the personal animosity or a version of the personal animosity between Mr Dolan and Mr Kaldas? Is that what you are saying?

Ms BURN: I would need to take that on notice about the exact date, but I believe it was late 2001 and it was about their history.

Response: During the Select Committee hearing on 4 February 2014 involving Mr Mal Brammer he was asked about this document and on page 32 of his uncorrected transcript he outlines his recollection of the document. I agree with his evidence as to my recollection of its contents. Mr Brammer also assisted me in identifying when he provided the document to me. Mr Brammer said, "...I think, in July 2001."

Mr DAVID SHOEBRIDGE: Mr Kaldas was not one of the original 19 named persons in the original reference, was he?

Ms BURN: I do not recall.

Mr DAVID SHOEBRIDGE: You do not recall that he was, or you do not recall one way or the other?

Ms BURN: I do not recall one way or the other if he was one of the 19.

Mr DAVID SHOEBRIDGE: Would you like to take that on notice?

Ms BURN: I can take that notice. I do not have a document that would assist me in answering that, however.

Response: I do not have any documentation that can assist my recollection any further.

The Hon. ADAM SEARLE: Is there a list of people who were to attend that event, a dedicated list?

Ms BURN: There was.

The Hon. ADAM SEARLE: And your task force had a copy of that list?

Ms BURN: Yes. I have got a copy of it. It was in my diary.

Mr DAVID SHOEBRIDGE: Could you provide us with a copy?

Ms BURN: I can provide you with a copy.

Response: Copy attached. I seek to request that this document remain confidential as it mentions many names of former and serving police as well as other people and those names may appear on warrants.

Mr DAVID SHOEBRIDGE: Who?

Ms BURN: From recollection, again from my duty books after examination—do you want me to name them?

Mr DAVID SHOEBRIDGE: Yes.

The Hon. ADAM SEARLE: Perhaps not.

CHAIR: No.

Mr DAVID SHOEBRIDGE: What about your commander? Was that one of them?

Ms BURN: No.

Mr DAVID SHOEBRIDGE: What about people senior to you?

Ms BURN: I have a recollection—I would need to take it on notice—but potentially Mr Bradley.

Response: I do not have access to my duty book for Saturday 13 April 2002 as it is in the possession of the Ombudsman.

Mr DAVID SHOEBRIDGE: "If in fact".

Ms BURN: Sorry, I was just going to—there was a notation made in a diary, my diary, in March 2000 about quality of affidavits, speaking to the team. But I am happy to read out the list of the things that I was engaged in, if you would like.

The Hon. ADAM SEARLE: No. I am happy for you to provide the document to the Committee, but my question is this:

Response: Copy attached. I seek to request that this document remain confidential as it mentions names of several former and serving police.

Mr DAVID SHOEBRIDGE: Could you provide the Committee with the King send-off list that you have?

Ms BURN: Yes.

Mr DAVID SHOEBRIDGE: Including the material so we can see where it came from?

Ms BURN: Yes.

Response: Copy attached along with the other material. Please remember that this constitutes only a small fraction of the information that was on hand to Operation Mascot and, it appears, now in the possession of the Ombudsman.

Mr DAVID SHOEBRIDGE: You said that you had some further basis upon which to support the material against Mr Kaldas but you were not providing it with names and the like—the other officers?

The Hon. NATASHA MACLAREN-JONES: No, I think she said she was happy to do it in camera and discuss it.

Mr DAVID SHOEBRIDGE: I might ask you some questions on notice rather than going through the in camera process.

Ms BURN: I am happy to do that if we could clarify what you are actually after.

Mr DAVID SHOEBRIDGE: I will put that on notice.

Ms BURN: Absolutely.

Response: See my responses to the Supplementary Questions.

The Hon. ADAM SEARLE: Is there any indication that Mr Finlay had access to the evidence that underpinned the warrant or were his examinations limited to the warrant?

Ms BURN: I do not recall exactly what Mr Finlay had access to.

The Hon. ADAM SEARLE: You can take that on notice if you would like.

Ms BURN: Okay.

Response: I do not have access to documentation that might assist but I am aware that the Ombudsman does.

In addition, I have been requested to provide copies of extracts from duty books from 13, 14 and 15 April 2002. The relevant duty book is in the possession of the Ombudsman.