



New South Wales
Crime Commission

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9 December 2014

The Hon Robert Borsak MLC,
Chair,
Select Committee on the Conduct and Progress
Of the Ombudsman's Inquiry "Operation Prospect",
Parliament of New South Wales,
Macquarie Street,
SYDNEY. NSW. 2000.

Your Ref: D14/30688

By email: robert.borsak@parliament.nsw.gov.au

Dear Sir:

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

Thank you for your letter of 5 December 2014. I had received the letter from the Police Association of New South Wales dated 2 December 2014 and I enclose a copy of my reply.

You will note that I pointed out that the operation of s 80 of the *Crime Commission Act 2012* is subject to s 80A of the Act which allows or requires evidence to be given to the Ombudsman by the Crime Commission, and any officer of the Commission, and the manner in which the information is then to be handled is a matter for the Ombudsman. I indicated that it is not my function or intention to interfere with his conduct of his Inquiry.

I am supportive of the establishment of protocols for providing mental health support to witnesses. In that regard, I note that the Ombudsman offered the provision of services at the time of the service of summonses, and a similar arrangement would be desirable.

Views may differ about the legality of providing secret information to counsellors or medical practitioners when receiving mental health support, but whatever the position at law punitive action for doing so is not something that I would support.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Hastings'.

Peter Hastings QC,
Commissioner.



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5 December 2014

Mr Scott Weber,
President,
Police Association of New South Wales,
P O Box A1097,
SYDNEY SOUTH, NSW, 1232.

By Email: scott.weber@pansw.org.au

Dear Mr Weber:

RE: WELFARE CONSIDERATIONS FOR NSW POLICE OFFICERS MEDICAL TREATMENT

I refer to your letter of 2 December 2014 and to the letter to you from the Ombudsman dated 4 December 2014.

The context in which I assume your concerns arise is Operation Prospect being investigated by the Ombudsman and the Parliamentary Inquiry into it. The operation of s 80 of *Crime Commission Act 2012* is subject to s 80A of the Act which allows or requires evidence to be given to the Ombudsman by the Crime Commission and any officer of the Commission, and the manner in which the information is then to be handled is a matter for the Ombudsman. It is not my function or intention to interfere with his conduct of the Inquiry.

I note that the Ombudsman has informed you of the arrangements in place for the provision of legal and counselling services, and I am comfortable with them and see no need to put any additional processes in place.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Hastings', written in a cursive style.

Peter Hastings QC,
Commissioner.