



LEGISLATIVE COUNCIL

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

5 December 2014

Mr Scott Weber
President
Police Association of NSW
PO Box A1097
SYDNEY NSW 2000

D14/30710

Dear Mr Weber

**Inquiry into the conduct and progress of the Ombudsman's inquiry
"Operation Prospect" – Welfare considerations for inquiry participants**

I write in response to your letter of 2 December 2014 regarding welfare considerations for members of the Police Association of NSW involved in various inquiries, including that of the recently established Select Committee into the conduct and progress of the Ombudsman's inquiry: "Operation Prospect."

We share your serious concerns that Association members involved in such inquiries may be precluded or dissuaded from seeking mental health support due to concerns about the confidentiality of their discussions and the possibility they may be pursued for breaching statutory secrecy provisions or privilege. Indeed, prior to receiving your letter the committee had resolved to write to the NSW Police Force, NSW Ombudsman, NSW Crime Commission and the Police Integrity Commission, seeking clarification of their position regarding this very issue.

Please be assured that the welfare of inquiry participants is of the utmost concern to myself and my committee colleagues.

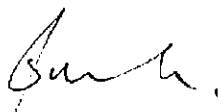
Our advice to potential inquiry participants will be that the committee has no intention or desire to stand in the way of officers receiving appropriate professional welfare or mental health support, even if it involves revealing to a health professional on a confidential basis matters they may have raised in submissions or evidence. We will of course need to advise officers that such discussions would not be protected by parliamentary privilege but if such discussions occur on a confidential basis I cannot at this time envisage that there would be any reason for the committee to take any action as a consequence.

Your letter asks us to outline our protocols for vulnerable officers, including officers at risk of self-harm. As the secretariat advised Association representatives at a recent meeting, the committee is eager to finalise these arrangements. Initially, we thought that we might refer inquiry participants to the NSW Police Force's Employee Assistance Program, however, your representatives advised that this is not a confidential counselling service, which in our view would preclude this as an option. We will follow this matter up with the Police Commissioner as well as initiate a discussion with the Ombudsman in order to establish an appropriate protocol and will advise you accordingly.

We take our responsibilities in relation to inquiry participants very seriously and we welcome the opportunity to work with your Association and the oversight agencies relevant to our inquiry, to ensure former and current NSW Police Officers can participate freely in the select committee inquiry while seeking professional welfare or mental health support if they so require.

If you would like to discuss this further please contact Ms Beverly Duffy, Clerk Assistant Committees on (02) 9230 3367.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Borsak', with a small flourish at the end.

Hon Robert Borsak MLC
Committee Chair

CC
Police Integrity Commissioner
NSW Crime Commissioner
NSW Ombudsman
NSW Police Commissioner