



POLICE ASSOCIATION OF NEW SOUTH WALES

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2nd December 2014

The Hon Bruce James QC
Commissioner
Police Integrity Commission
GPO Box 3880
SYDNEY NSW 2000
Email: contactus@pic.nsw.gov.au

Mr Peter Hastings QC
The NSW Crime Commissioner
PO Box Q566
QVB Post Office
SYDNEY NSW 1230
Email: crimecommission@crimecommission.nsw.gov.au

Mr Bruce Barbour
NSW Ombudsman
Level 24
580 George Street
SYDNEY NSW 2000
Email: nswombo@ombo.nsw.gov.au

Mr Andrew Scipione APM
Commissioner of Police
Level 15
201 Elizabeth Street
SYDNEY NSW 2000

The Hon Robert Borsak MLC
Chair
Select Committee on the Conduct and
Progress of the Ombudsman's Inquiry
titled "Operation Prospect"
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000
Email: robert.borsak@parliament.nsw.gov.au

Dear Sirs

Welfare considerations for NSW Police Officers Medical Treatment

I am writing to you as a collective in an effort to have each of you make a public statement that any witness availing themselves of medical services, support or treatment will not be pursued for any potential breach of your various secrecy provisions or publication restrictions or privileges.

We are genuinely concerned for the welfare of our members, and believe the current situation is totally unacceptable. Our members are essentially precluded or dissuaded from accessing medical treatment for fear of compromising their position or potentially being accused of breaching legislation or waiving a privilege.

This has become more complex as many inquiries are now being investigated by multiple parties, complicating and overlapping the obligations and restrictions placed on our members. This places our members in an extremely vulnerable position.

As you would be well aware, for counselling and treatment to be effective it needs to operate in an environment where officers feel able to freely disclose.

Our fear is officers may not seek treatment for fear they are breaching legislation, or if they do seek treatment they will self-edit, undermining the treatment. Further, in order to avail themselves of services they are often required to publish information in support of claims, again potentially exposing them to detrimental consequences.

Of particular concern is the s80 Secrecy Provision within the *Crime Commission Act 2012 No 66* which creates an impossible situation for our members who are sworn in under that Act.

A clear public statement from each of your agencies that seeking medical treatment is supported and encouraged, and your agencies will not seek to interfere or act against officers for doing so, would be of immense assistance.

Further, an undertaking is sought that your agencies will respect the confidentiality of those treatment relationships and not seek to access information or documents created, or that come into existence in the course of receiving or requesting medical treatment.

Officer at Risk Protocols

We appreciate that during investigations or inquiries you may become aware of an officer at risk of self-harm. We would request that you outline to us your protocols for officers at risk of self-harm.

Vulnerable Officers

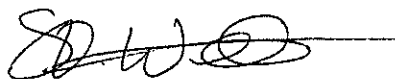
Further, the unique nature of the functions each of you perform allows you direct access to our members, and as such you have a moral, legal and professional obligation to manage the potential risks to our members who are left vulnerable following interaction with your various agencies.

Could you please outline to us how those risks are presently being managed and what arrangements are in place?

We also request those protocols be made publicly available so witnesses can avail themselves of those services should they require them.

Bearing in mind the number of high level and protracted investigations and inquiries which are presently being pursued, we seek your urgent response to our requests.

Yours sincerely



SCOTT WEBER
President