



NSW Police Force
www.police.nsw.gov.au

OFFICE OF THE COMMISSIONER

Ms Beverly Duffy
Clerk to the Committee
Legislative Council Select Committee on the Conduct and Progress
of the Ombudsman's Inquiry "Operation Prospect"
Parliament House
SYDNEY NSW 2000

Dear Ms Duffy,

I refer to your recent correspondence providing a transcript of my appearance before the Committee on 4 February 2015, including a list of relevant questions taken on notice.

As requested, a copy of the transcript with marked corrections is attached at Tab A. My answers to the questions taken on notice, including relevant attachments, are at Tab B.

I would also like to clarify the role of the Ministry for Police & Emergency Services which I briefly mentioned in my evidence to the Committee. The Ministry provides independent advice to the Minister on issues affecting the portfolio as well as support in Parliament and developing laws. An extract from the Ministry's 2011 Annual Report is attached at Tab C. Additionally, I also refer the Committee to the correspondence from the former Director General/CEO of the Ministry in 2004 and in 2011 which forms part of bundle of documents supplied by the Inspector of the Police Integrity Commission to the Committee under cover of letter dated 4 February 2015 (the 2004 Memorandum also being included at Tab B).

I trust this information is of assistance.

Yours sincerely,

 A P Scipione APM
Commissioner of Police
11 FEB 2015



Questions on Notice arising during appearance by

Mr Andrew Scipione, Commissioner of Police - 4 February 2015

Question on Notice 1 – page 36 of transcript

Mr DAVID SHOEBRIDGE: Mr Scipione, can I say for the record now I would ask you to table the letter and the report whenever it is first convenient to you.

Mr SCIPIONE: The letter?

Mr DAVID SHOEBRIDGE: The letter that you are reading from and the report that you have referred to from Mr Levine.

The Hon. LYNDA VOLTZ: Is it Mr Levine's letter?

Mr SCIPIONE: No. I will repeat. The direction, that letter I am going to talk to you about, was reiterated in the letter dated 8 May 2003 from Commissioner Moroney to Deputy Commissioner Madden, which is referenced and drawn down and is part of the Levine report.

Mr DAVID SHOEBRIDGE: All right.

CHAIR: We have seen neither.

Mr SCIPIONE: The Levine report, sir, I might suggest, is one that is—it is large. It is certainly the advice that I received in the report related to its distribution and I was but one of a handful of people that was allowed, or in fact sent a copy.

Mr DAVID SHOEBRIDGE: Mr Scipione, I reiterate the request that you table the report and the annexures. This is clearly one of those annexures and the annexed documents.

Mr SCIPIONE: Thank you. I might take some advice from the chair.

The Hon. LYNDA VOLTZ: You can take that on notice.

The Hon. ADAM SEARLE: You can take that on notice, Mr Scipione.

Answer

The letter dated 8 May 2003 from the then Commissioner to the then Deputy Commissioner Operations is attached.

The Levine Report is not a NSW Police Force document. It is suggested that this Question be directed to the Minister for Police.

Question on Notice 2 – page 39 of transcript

Mr SCIPIONE: ... I have one question about the matter that was raised by Mr Shoebridge. Is it appropriate that I take on notice your request for Mr Levine's document?

CHAIR: Yes please.

Answer

This issue has been addressed in Question 1.

Question on Notice 3 – page 43 of transcript

Mr DAVID SHOEBRIDGE: When you said, "I will have the matter handled personally by the manager of SASC and provide you with advice accordingly," did you provide Mr Moroney with any further advice?

Mr SCIPIONE: I would need to go back and check those records. We are now talking about almost 15 years ago—one email from 15 years ago. I have not checked those records. I think the other thing that might be worth bearing in mind is that I have a feeling, although it might be better if I do not state it. I actually seem to think that the manager of SASC may have been the support person who went forward. I would need to clarify that as well.

Mr DAVID SHOEBRIDGE: You can provide us with some further detail in an answer on notice. But your last substantive involvement in this matter that you can recall was you referring it up to Mr Moroney and then referring it across, as you have set out in your evidence just now?

Mr SCIPIONE: Correct.

Answer

As at January 2000 Special Crime and Internal Affairs (SCIA) was organised into two arms, being Command and Operations.

The Operations arm comprised various units including the Strategic Assessments and Security Centre (SASC). Its purpose was as follows:

- Analyse and identify probity risks to the Police Service
- Provide intelligence support integrated with LACs, regions and Crime Agencies
- Internal affairs criminal investigations based on risk assessments and strategic analysis and deployment
- Integrity testing
- Processing information into tactical and strategic intelligence
- Probity assessments
- Investigative and joint agency projects
- Service CEO and SCIA security

I am unable to clarify whether I provided Mr Moroney with further advice on the matter, once it had properly been referred to the Manager, SASC.

Question on Notice 4 – page 51 of transcript

Mr DAVID SHOEBRIDGE: Two briefings were provided by your office to the Minister, you tell us, on 16 and 20 June 2011. Did those briefings say the matter had been resolved, that it had been finalised and there was no need for any further action?

Mr SCIPIONE: I would need to take that on notice. I have not got those briefings with me.

The Hon. ADAM SEARLE: Are you able to provide us with copies of those briefings?

Mr SCIPIONE: Sure, no problem.

Mr DAVID SHOEBRIDGE: Surely though, any rational review of the matters as at June 2011 would have had to conclude that it had not been resolved, that there was a substantial amount of information outstanding for the police as at June 2011 and that something should be done. Any rational review of the situation then would have had to conclude, would it not?

Mr SCIPIONE: I would like to see the reports. I would like to see what has gone on. I have taken it on notice and I am happy, Chair, to provide that to this Committee.

Answer

The two referenced briefings are attached.

**NSW Police**

www.police.nsw.gov.au ABN 43 408 613 180

COMMISSIONER'S OFFICEPolice Headquarters
Avery Building
14-24 College Street
Darlinghurst NSW 2010
Ph: 9339 5011 / 55011
Fx: 9339 5471 / 55471

TTY: 9211 3778 (Hearing/Speech impaired only)

NSWP/D/2003/77101-001

COPYDeputy Commissioner
OPERATIONS

8 May 2003

**COMPLAINT BY THE POLICE ASSOCIATION OF NSW (O.B.O. OF ITS MEMBERS)
REGARDING THE ALLEGED ACTIONS OF (NOW RETIRED) AND FORMER MEMBERS
OF THE SPECIAL CRIME UNIT, S.C.I.A. IN OPERATION 'MASCOT/FLORIDA'.**

-- oOo --

Doubtless, you may be aware that over the past 12 months, representations have been made by the Police Association of NSW on behalf of its members in respect of aspects of Operation 'Mascot/Florida'. Specifically, these previous representations have turned on the appropriateness (or otherwise) of the issue of Listening Devices Warrant 266 of 2000. Previously, these representations have been to a number of individuals.

On the 29 April 2003, the Secretary, Industrial Branch of the Association, Mr Peter Remfrey, wrote to me in the attached terms. Having viewed Mr Remfrey's letter of the 29 April 2003, I am of the view that the issues raised herein, both individually and variously, constitute a complaint within the meaning of the Police Act.

Accordingly, I have referred the original of Mr Remfrey's letter to the Commander, SCIA for assessment and initiation (see attached papers).

Given that some members of the Special Crime Unit are still attached to SCIA (and who may be the subject of any consequent investigation), it is not appropriate that that Command undertake any investigations associated with this complaint. After assessment and initiation, I have asked Commander Reith to refer all relevant papers to you for further attention.

On receipt of the original documents I ask that you convene an Executive Complaint Management Team (ECMT) meeting. Given that the current Deputy Commissioner, Support, was the Commander, SCIA during an important phase of 'Mascot/Florida' it is not appropriate that he participates in the ECMT. This latter aspect is more for transparency and openness.

Your ECMT should consider each of the seven issues raised herein and if an investigation is warranted in respect to any or all of those matters, I believe it

appropriate that initially a small Task Force be constituted to resolve any such matters.

I have attached relevant holdings from this Office which may assist in the deliberations of the ECMT. These holdings include -

- * Copy of Listening Devices Warrant 266 of 2000;
- * Copy of Listening Devices Warrant 095 of 2000;
- * Copy of correspondence (D/2002/60464) from Commander, SCIA to Manager, Operations Co-Ordination, Crime Agencies - 18/7/02;
- * Copy of PSW Article of 13/1/2003;
- * Extract of 60 Minutes interview between former Commissioner Peter Ryan and Mr Richard Carlton of 12/4/2002;
- * Copy of advice from the Hon. Mervyn Finlay, QC (former) Inspector, Police Integrity Commission;
- * Advice from Mr Ian Temby, QC and Mr Glen Bartley of Counsel, to the Commissioner of Police (F/2003/9331), 28/3/2003; and
- * Letter from Mr Steve Barrett regarding the inclusion of his name on Listening Devices Warrant (F/2002/17352).

Your interim advice on the progress of this matter should be the subject of weekly advice.



K E MORONEY
Commissioner



NSW Police

www.police.nsw.gov.au ABN 43 408 613 180

COMMISSIONER'S OFFICE

Police Headquarters
Avery Building
14-24 College Street
Darlinghurst NSW 2010
Ph: 9339 5011 / 55011
Fx: 9339 5471 / 55471
TTY: 9211 3776 (Hearing/Speech impaired only)

Commander
SPECIAL CRIME &
INTERNAL AFFAIRS COMMAND

8 May 2003

COMPLAINT BY THE POLICE ASSOCIATION OF NSW (O.B.O. OF ITS MEMBERS) REGARDING THE ALLEGED ACTIONS OF (NOW RETIRED) AND FORMER OFFICERS OF THE SPECIAL CRIME UNIT, S.C.I.A. IN OPERATION 'MASCOT/FLORIDA'.

-- o0o --

I have received the attached document from Mr Peter Remfrey, Secretary, Industrial Branch of the Police Association of NSW. I am of the view that the seven issues individually and variously raised in Mr Remfrey's document of the 29 April 2003, constitute a complaint within the meaning of the Police Act.

Accordingly, after assessment and initiation within SCIA, I require that these matters be referred to the Deputy Commissioner, Operations, in accordance with my direction to him of this date.

Given that the investigation of any or all of the issues raised herein possibly relate to still serving members of your Command, it is not appropriate that officers attached to SCIA investigate these issues and in accordance with the Dresden protocols, these matters are referred to Deputy Commissioner Madden for attention.

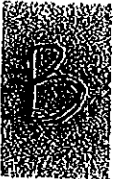
K E MORONEY
Commissioner

NSW Police Service
Highly Protected
Commissioner's Office

NSWP/D/2003/77101



CORRESPONDENCE - dated 29/04/03 from Police Association of NSW re Listening Device Warrant - regarding alleged actions of now retired and former officers of SCIA in Operation Mascot/Florida



ISSUE

Urgent request for advice on Strike Force Emblems, in particular, the outcomes of the Strikeforce and what actions have been taken in response to the recommendations of the Report of Strike Force Emblems.

BACKGROUND

Due to the complexity of the matter and the timeframe in which information is required, a précis of the outcomes and actions is provided. Relevant reports have been annexed to this document and further information can be provided at a later date if required.

Strike Force Emblems was formed in 2003 to investigate complaints about the conduct of the joint NSW Police, NSW Police Integrity Commission and NSW Crime Commission Operation 'Florida/Mascot'. These complaints included allegations of impropriety of Listening Device Warrant 266 of 2000, containing 114 names, and allegations concerning the management of the Special Crime Unit (SCU), SC&IA.

The investigation arose after the above issues were raised by the NSW Police Association in 2003, and they were accepted as a complaint under Part 8A of the Police Act.

The recommendations of the NSWPF Strike Force Emblems report of 22 March 2004 is at Tab A.

The NSW Ombudsman and NSW Police Integrity Commission were both notified, however both agencies, for various reasons, declined to oversight this investigation (tab B).

In declining to oversight, the NSW Ombudsman suggested that the NSW Police Minister might consider appointing an authorised person under s217 of the Police Act to review the matter, however this was not deemed appropriate in June 2004 (tab C).

In a report dated May 2004, by the lead investigator of Strike Force Emblems, he reported on the Executive Complaints Management Team's decision to close the Strike Force and the subsequent action taken to meet with the Association. This report is attached at Tab D.

That report and a second report from the Executive Complaint Management Team (CMT) of 11 May 2004 (tab E) were forwarded to the Minister via the Ministry for Police.

At tab F, the Executive CMT wrote to the Commander Professional Standards indicating that the Police Association (original complainants) would be advised of the outcome of the Strike Force investigation. The Executive CMT also forwarded the report's recommendations to the Commander Professional Standards for review and appropriate action.

The Commander Professional Standards replied to the Executive CMT on 28 June 2004 (tab G), indicating his position on the recommendations of Strike Force Emblems. He did not support many of the recommendations. He finishes the Memorandum by stating *inter alia*;

"...there would appear to be no avenues for further inquiry. It is my recommendation that the DCoP CMT should consider the investigator's findings, circumstances of the investigation and the PSC recommendations with a view to making a finding of 'not sustained' or 'unable to be determined'.

In response to the information provided to the Ministry, the Director General replied on 23 June 2004 (tab C) suggesting a number of avenues for consideration by the then Police Commissioner, Commissioner Moroney. This included referring the matter to the DPP or raising it at the NSW Crime Commission's Management Committee.

COMMENT

Whilst all the records relating to this matter have not been able to be located in the timeframe, the following information is available.

Referral to the DPP

On 8 December 2004, the investigating officer forwarded a submission to the Commissioner (tab H). The then Commissioner reiterated his previous directions that all material be referred to the ODPP for their consideration.

On 17 March 2005, Legal Services advises the investigating officer via email that they had received a response from the DPP and that on the material provided there is insufficient evidence to lay charges against any person (tab I).

Raising the matter at the NSWCC Management Meeting

At the meeting of 8 July 2004, Commissioner Moroney advised the meeting of the status of dealing with the complainants. He also noted that the report came to a number of conclusions, but that given the lack of access to the documents sought, they were unable to pursue the matter further.

Also at this meeting, the then Minister asked that the report be tabled at the next Management Committee Meeting where the Committee would decide on what action, if any, would be taken.

At the meeting of 26 July 2004, Commissioner Moroney requested that the report be tabled at the next meeting.

At the meeting of 26 August 2004, Commissioner Moroney tabled the Emblems report and said he would deal with the report at the next meeting, once the Committee had had a chance to read it.

At this stage the Crime Commission has not forwarded any further copies of the Minutes of the following meeting, however these have been sought.

Status of the recommendations

At the 1 September 2006 session of Budget Estimates, Lee Rhiannon asked Commissioner Moroney if he supported the recommendations of Strike Force Emblems. That question was taken on notice and advice sought. The advice provided by Professional Standards

summarises the status of the recommendations as of 19 September 2006. An unsigned copy of that report is at Tab J.

Essentially that report summarises the status of the recommendations as follows:

"Advice from Detective Inspector Galletta is that none of these recommendations have been implemented. Further to this, I have been unable to locate any documentation to indicate that these recommendations (as accepted by the ECMT) have been implemented, or indeed sighted by Commissioner Moroney. There is correspondence available to indicate that one of the recommendations, relating to the implementation of the document, *'Development of best practice for the conduct of internal covert investigations'*, has been progressed - even if not finalised. This was specifically referred to, along with the other recommendations detailed in the Strike Force Emblems final Investigators Report, by Assistant Commissioner Carroll in correspondence dated 28 June 2004.

It may well be that there was a delay in implementing these recommendations due to the fact that further efforts were made after the conclusion of the Strike Force to obtain the relevant affidavit under S17 of the Listening Devices Act 1984. Advice from the Operational Legal Advice Unit in December 2004 was to abandon this as it was 'not a viable path to pursue'. Further, it was asserted that advice should be sought from the Office of the Director of Public Prosecutions to ascertain whether there was sufficient evidence to support any criminal proceedings against any NSW police officers out of the investigation. Advice relating to this was received back from the ODPP in March 2005, citing insufficient evidence to proceed. These issues in themselves may assist in explaining delays in implementation of the recommendations as the findings would have been significantly different. However, the pursuit of these issues does not explain the recommendations not being implemented for the most part, which appears to be the case from the available evidence."

This is the last documentation on this issue able to be located at this time. It would therefore appear as if this has not progressed any further since 2006.

RECOMMENDATIONS

1. The Minister note the recommendations of the report of Strike Force Emblems;
2. The Minister note the current status of those recommendations;
3. The Minister advise if he would like those recommendations to be reviewed and advice provided on the viability of progressing them.

1. ^{20/6/11} Commissioner
2. Ministry
3. Minister

Director
Office of The Commissioner

Assistant Commissioner Paul Carey
Professional Standards Command

summarises the status of the recommendations as of 19 September 2006. An unsigned copy of that report is at Tab J.

Essentially that report summarises the status of the recommendations as follows:

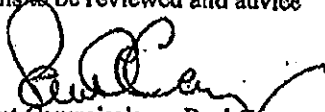
"Advice from Detective Inspector Galletta is that none of these recommendations have been implemented. Further to this, I have been unable to locate any documentation to indicate that these recommendations (as accepted by the ECMT) have been implemented, or indeed sighted by Commissioner Moroney. There is correspondence available to indicate that one of the recommendations, relating to the implementation of the document, *'Development of best practice for the conduct of internal covert investigations'*, has been progressed - even if not finalised. This was specifically referred to, along with the other recommendations detailed in the Strike Force Emblems final Investigators Report, by Assistant Commissioner Carroll in correspondence dated 28 June 2004.


It may well be that there was a delay in implementing these recommendations due to the fact that further efforts were made after the conclusion of the Strike Force to obtain the relevant affidavit under S17 of the Listening Devices Act 1984. Advice from the Operational Legal Advice Unit in December 2004 was to abandon this as it was 'not a viable path to pursue'. Further, it was asserted that advice should be sought from the Office of the Director of Public Prosecutions to ascertain whether there was sufficient evidence to support any criminal proceedings against any NSW police officers out of the investigation. Advice relating to this was received back from the ODPP in March 2005, citing insufficient evidence to proceed. These issues in themselves may assist in explaining delays in implementation of the recommendations as the findings would have been significantly different. However, the pursuit of these issues does not explain the recommendations not being implemented for the most part, which appears to be the case from the available evidence."

This is the last documentation on this issue able to be located at this time. It would therefore appear as if this has not progressed any further since 2006.

RECOMMENDATIONS

1. The Minister note the recommendations of the report of Strike Force Emblems;
2. The Minister note the current status of those recommendations;
3. The Minister advise if he would like those recommendations to be reviewed and advice provided on the viability of progressing them.


Assistant Commissioner Paul Carey
Professional Standards Command

1. Commissioner 
2. Ministry
3. Minister



Ministry for Police and Emergency Services

M110208

MEMORANDUM

TO: Andrew Scipione
Commissioner of Police

FROM: Les Tree
Chief Executive Officer

DATE: 15 June 2011

SUBJECT: **Strikeforce Emblems.**

The Minister's Office has sought your urgent advice on Strikeforce Emblems.

In particular the Minister's Office has sought a report on the outcomes of the Strikeforce, and what actions have been taken in response to its recommendations.

Please note that your advice is sought urgently and by no later than close of business tomorrow, **16 June 2011**.

Your assistance with this request is appreciated.

Many thanks,

Les Tree
Chief Executive Officer

Tab

ISSUE:

Oversighting NSW Police internal complaint investigation P0302636 – Strike Force Emblems.

BACKGROUND:

This investigation results from a letter received by the NSW Police on the 29 April 2003 from the Police Association of NSW.

Members of that association made a number of complaints about the conduct of the joint NSW Police, Police Integrity Commission and NSW Crime Commission Operation Florida/Mascot.

The investigation has been managed by the Executive Complaint Management Team and is being led by Assistant Commissioner Gary Dobson.

The complaint has been notified to the NSW Ombudsman and Police Integrity Commission.

Both of these agencies have declined, for various reasons, to oversight this investigation.

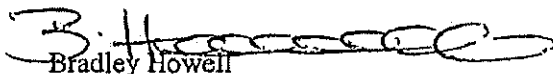
The NSW Ombudsman's response to the NSW Police is attached (**Attachment 1**).

The Police Integrity Commission response to the NSW Police is attached (**Attachment 2**).

The NSW Ombudsman has suggested that the NSW Police Minister can appoint an 'authorised person' according to Section 217 of the Police Act 47/1990 (**Attachment 3**).

RECOMMENDATION:

The NSW Police Minister consider Section 217 of the Police Act 47/1990 and appoint an 'authorised person' to oversight Strike Force Emblems.



Bradley Howell
Detective Inspector
Professional Standards Manager
Executive Complaint Management Team
12 September 2003.

1. Deputy Commissioner (Operations).
2. Commissioner of Police.
3. Ministry of Police.
4. Minister of Police.



Our Reference: P0302636

Enq: Simon Cohen
Ph: 9286 0953

Ken Moroney APM
Commissioner
NSW Police
Police Headquarters
Avery Building
14-24 College St
DARLINGHURST NSW 2010

Level 24 580 George St
Sydney NSW 2000
Phone 02 9286 1000
Fax 02 9286 2911
Tollfree 1800 451 524
TTY 02 9264 8050
Web www.ombo.nsw.gov.au

Dear Mr Moroney

Strike Force Emblems

NSW Police has notified my office of a complaint by Peter Remfrey, the Secretary of the Police Association of NSW (the Association), of 29 April 2003. This complaint canvasses particular matters arising from Operation Florida Mascot, a joint NSW Police, NSW Crime Commission (NSWCC) and Police Integrity Commission (PIC) investigation.

Matters the subject of investigation

I understand that subsequent to the receipt of the complaint, and as part of the assessment process, officers of the Executive Complaints Management Team met with the complainant and other members of the Association to clarify concerns and issues that may require investigation.

I have been provided with a copy of the investigation plan for this complaint. Matters the subject of investigation include:

- allegations of impropriety regarding listening device warrant 266 of 2000 – a listening device obtained as part of Operation Florida/Mascot.
- investigative decision making processes by the NSWCC, NSW Police and the PIC regarding target selection and operational strategies.
- whether the listening device was part of a controlled operation or integrity test.
- whether M5, a principle figure in Operation Florida/Mascot, was an informer or undercover operative.
- reviewing legal advisings provided as part of Strike Force Sibutu (a NSW Police investigation oversighted by the PIC).
- training and management of M5 and Special Crime Unit officers during Operation Florida/Mascot.

Oversight of investigation

I have been concerned from the outset that it is not appropriate for the Ombudsman to oversight this investigation. The reasons for this include the following matters:

1. The present investigation plan by NSW Police includes consideration of the conduct of officers of the NSWCC and the PIC. The conduct of both of those agencies is outside the jurisdiction of the Ombudsman – see Schedule 1 of the Ombudsman Act and Part 12 of the Police Integrity Commission Act. I am concerned that, should my office oversight Strike Force Emblems, any meaningful review would be limited by these legislative prohibitions.
2. Matters touching on the investigation have already been the subject of some review by the Hon M D Finlay QC, the previous Inspector of the PIC. In particular, on 29 April 2002 Mr Finlay reported on a preliminary investigation of some aspects surrounding listening device warrant 266 of 2000. I understand that a copy of Mr Finlay's report was divulged to you at the time of its provision to the Minister for Police.

The Inspector's conduct cannot be the subject of complaint, investigation, inquiry or other action under the Ombudsman Act – see Part 12 of the Police Integrity Commission Act. I am concerned that, should my office oversight Strike Force Emblems, my officers may be called upon to examine matters already the subject of comment by the Inspector. This is not something within the jurisdiction of the Ombudsman.

3. I am aware that already in Operation Florida/Mascot concerns have been raised by local commanders and other officers affected, that there was a confusion as to the roles of relevant agencies. With the review conducted by the Inspector, at least four agencies have already had a role in applying for or reviewing matters concerning listening device warrant 266 of 2000. In my view, a further oversight of matters touching on Operation Florida/Mascot by this office will only add to that confusion – to the detriment of affected officers and investigators. Because of the previous involvement of those agencies already, it is not in the public interest, or fair to the police officers involved, for a fifth agency (the Ombudsman), with jurisdiction to deal with only some of the matters the subject of Strike Force Emblems, to take on an oversight role.

For these reasons, I am declining to oversight investigation of this complaint.

I understand that the PIC was notified of this complaint by NSW Police in June 2003. My officers have already discussed oversight of this matter

with the PIC – in part because of PIC's involvement in Operation Florida/Mascot and in part because of PIC's oversight of Strike Force Sibutu. My office was advised by Mr Sage, Assistant Commissioner, in July 2003 that the PIC would not oversight investigation of this complaint.

While I am of the view that it is not appropriate for the Ombudsman to review the investigation of Strike Force Emblems, I am of the view that it is in the public interest that an external agency with appropriate jurisdiction have some role in the reviewing the matter.

I note the role of the previous Inspector of the PIC in respect of listening device warrant 266 of 2000. Whether the current Inspector, the Hon M D Ireland QC, should be considered to undertake some oversight role in respect of Strike Force Emblems may well be a matter for the Minister to consider. In this respect, I note that in addition to the Inspector's oversight role in respect of the PIC, the Minister may appoint the Inspector to report on various matters pursuant to s 217 of the Police Act – as occurred when Mr Finlay examined the listening device warrant on a previous occasion.

Request for further advice

I would ask that you consider this issue of oversight, and take any steps you consider appropriate to ensure an independent review of the outcomes of Strike Force Emblems.

I would appreciate your advice in due course as to this matter. Following completion of the investigation and any review, I would ask that this office be notified of the findings for our records and intelligence purposes.

I have attached for your information a copy of my letter to Mr Remfrey of the Association advising that the Ombudsman will not oversight the investigation of his complaint.

Your officers may contact Simon Cohen on 9286 0953 if there are any matters they wish to discuss.

Yours faithfully



Bruce Barbour
Ombudsman

12/8/03

CC: Mr Peter Remfrey, Secretary, Police Association of NSW

SENT BY:RESPONSE UNIT

12-9-3 : 10:20 :

PICLU & IA-SASC

61 2 93995995:# 2



AVG 22 970 714 310

9 September 2003

Our Ref: 11657/A

Mr Michael Egan
Manager
Police Integrity Commission Liaison Unit
Level 3
45 Clarence Street
Sydney NSW 2000



Dear Mr Egan,

Re: Strike Force Emblems (P0302636)

Please refer to your letter of 26 August 2003 (your ref: LU/7519) seeking advice in relation to the oversighting of the NSW Police Investigation concerning P0302636.

The Commission considered P0302636 in June 2003 and decided to refer it to the NSW Police and Ombudsman to be dealt with under Part 8A of the Police Act 1990. Having considered your correspondence of 26 August, the Commission's decision not to oversight this matter remains unchanged.

In his letter of 12 August 2003 to the Commissioner of Police, the Ombudsman raised the possibility that an appointment could be made under section 217 of the Police Act 1990 for the purpose of oversighting the police investigation. The Commission has no objections to P0302636 being oversighted by way of an appointment under s 217. However, it makes no comment as to who should be considered for that role.

A copy of this letter shall be forwarded to the Ombudsman for information.

Yours sincerely

T.P. Griffin
Commissioner

Section 217 Police Service Act, 1990 No 47

Part 12 Miscellaneous

217 Ministerial inquiries

- (1) The Minister may appoint any person (an *authorised person*) to inquire into, and to report to the Minister on, any matter on which the Minister wishes to be advised in relation to the management and administration of the Police Service.
- (2) For the purpose of conducting such an inquiry, an authorised person may at any time do any of the following:
 - (a) enter any police premises;
 - (b) call for and inspect all or any police records, documents, files or other matter, whether of the same or of a different kind, on police premises;
 - (c) question and seek information from any member of the Police Service.
- (3) A member of the Police Service who fails:
 - (a) to comply with any requirement made of the member by an authorised person under this section; or
 - (b) to give all assistance and co-operation to an authorised person,
 is guilty of an offence.

Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.

218 Industrial Relations Act 1996 not affected

- (1) The *Industrial Relations Act 1996* is not affected by anything in this Act.
- (2) Subsection (1) does not limit section 44 or 89 or any provision of the *Industrial Relations Act 1996*.

218A Police Band


- (1) There is to be a Police Band, which may consist of members of the Police Service or other persons approved by the Minister, or both.
- (2) The ceremonial and other roles of the Police Band are to be as determined by the Commissioner from time to time.

Tab

Ministry for Police



MEMORANDUM

TO:  23/6/04 2:50 pm
Commissioner Ken Moroney, APM

FROM: Les Tree, Director General

DATE: 23 June 2004

SUBJECT: Strike Force 'Emblems'

I refer to the attached 'pinks' relating to Strike Force 'Emblems'.

I note that the internal complaint investigation has been finalised and the investigation staff returned to their commands.

As previously advised, I do not consider it appropriate that any inquiry be established under Section 217 of the Police Act to further investigate the matter. If you believe further action is required you should refer the matter to the Director of Public Prosecutions.

Inspector Howell's 'pink' of 11 May 2004 contains a notation from you that 'It may also be that consideration of the issues herein, is relevant to the Minister's role as Chair, Management CTE, NSWCC'. If you wish to pursue this matter, it is open to you, as a member of the NSW Crime Commission's Management Committee, to raise any relevant issue in that forum.

In the circumstances, no further action will be taken in regard to these 'pinks' and no further pinks need be submitted in relation to this matter.



Les Tree
Director General

Tab



NSW POLICE

STRIKE FORCE EMBLEMS

Level 2 5-9 Butler Avenue
Hurstville NSW 2220
Ph: 9375 8016
Fax: 9375 8093
6 May, 2004

ISSUE

Strike Force Emblems

BACKGROUND

Strike Force Emblems was formed to investigate allegations of Impropriety of Listening Device Warrant 266 of 2000 containing 114 names, allegations concerning the management of the Special Crime Unit SC&IA and other issues as set out in the investigation plan. (c@ts.i P0302636). The investigation arose after a series of issues raised by the New South Wales Police Association (NSWPA) were accepted as a complaint under Part 8A of the Police Act.

Other investigations that formed part of the Strike Force Emblems investigation were

- CIS 99003865 – allegations that members of SC&IA induced an informant to breach his bail conditions and then the informant in court proceedings was influenced by SCU to perjure himself by giving false information.
- c@ts.i P0304808 & P0304811 & P0304008. Complaint by Detective Senior Sergeant Darren Mackay & Detective Cheryl Cook of the Special Crime Unit regarding management & investigation practices of SC&IA
- CIS 01004320, a previous investigation conducted by A/C Reith into the Operational activities of SCU that was oversights by the PIC regarding fictitious information to facilitate search warrant applications.

COMMENT:

Strike Force Emblems exhausted every avenue of investigation in attempt to resolve these matters. The strike force had limited access to information due to statutory restrictions of the New South Wales Crime Commission Act and after lengthy negotiations with the New South Wales Crime Commission (NSWCC) was unable to obtain the affidavit and associated material pertaining to the subject warrant. On 18 February, 2004 the Executive Complaints Management Team took the decision to suspend any further investigations and close the strike force.

On 6 May, 2004 Deputy Commission Madden, Assistant Commissioner Dobson and Detective Inspector Galletta of Strike Force Emblems met with Peter Remfrey and other delegates of the NSWPA. Emblems personnel advised the NSWPA of their lack of success in being able to provide a successful conclusion to the seven issues raised in the initiating correspondence that gave rise to the creation of Strike Force Emblems. Due to the large number of complainants the NSWPA was advised that they would be provided with a formal and comprehensive response to the issues raised. Further, the individual complaints would a personnel debrief from Assistant Commissioner Dobson and Detective Inspector Galletta with respect to their issues with particular reference to the reasons for them being named on the warrant.

NSW Police
Highly Protected
Deputy Commissioner's
Office - Operations

NSWP/D/2004/75906



CRIME PREVENTION AND DETECTION - Strike Force
Emblems - C@ts.i P0302636

During the course of the briefing the delegation raised a number of issues, the critical ones being the following:

1. Why the Minister for Police did not authorise as a member of the NSWCC Joint Management Committee the dissemination of the subject affidavit and associated material to S/F Emblems
2. Why did the NSWCC refuse to provide the subject affidavit
3. Why didn't The Office of the Ombudsman, The Police Integrity Commission and/or the Minister of Police provide oversight of the investigation
4. What is going to be done in relation to the statements by former Commissioner Ryan and former Senior Assistant Commissioner Walsh regarding an alleged function held that justified the names being on the warrant. As the function did not exist the NSWPA requested access to the briefing given to Mr Ryan that lead to his statement on the 60 Minutes Program aired at the time the issues was in the public arena.
5. Why is the Commissioner of Police allowing the continuing secondment of Police to the NSWCC when they are not able to be interviewed because of the secrecy provision restrictions of the NSWCC Act.
6. Given that the Mascot/Florida investigation is finalised why were only twenty-eight people in receipt of a letter informing them that the investigation had been finalised. The delegation went on to question that if these twenty-eight persons were cleared what is the status of the remaining eighty-six.

In respect of these issues Strike Force Emblems investigators and Deputy Commission Madden were not in a position to provide answers that would satisfy these questions. The delegation advised that they intended via the NSWPA Executive to take these matters up with the Minister for Police.

The delegation stated that they were satisfied with the investigation but not the outcome. They intimated that the matters that were of concern to the membership and complainants would be pursued through other means which might likely include media, legal avenues and Parliament.

The delegation advised that issues surrounding the Mascot/Florida inquiry were raised from the floor at the last NSWPA Biennial conference in 2002. On that basis the delegation was of the view that there would be a need to report back to the conference this month on the outcomes of the Emblems inquiry. Deputy Commissioner Madden undertook where possible to provide a briefing to the NSWPA to assist in that regard.

Given the complexity of the inquiry, attached is the investigation report which provides a comprehensive briefing on the conduct of the investigation.

RECOMMENDATION:

This submission be forwarded to the Minister for Police for his information and advice

[Signature]
 Mark Galletta
 Detective Inspector

1. Commander Strike Force Emblems Assistant Commissioner Dobson *[Signature]* 9/5
2. Deputy Commissioner (Operations) *[Signature]* 9/5
3. Commissioner of Police *[Signature]* 9/5. *This briefing is provided as a matter of urgency because the matter may be raised in the media. Further inquiries are continuing.*
4. Minister for Police *[Signature]* 10/5

NSWP/0/2004/78862

CONFIDENTIAL

ISSUE:

Strike Force Emblems – C@ts.i File P0302636.

BACKGROUND:

The internal complaint investigation, Strike Force Emblems has been finalised and the investigation staff returned to their individual Commands.

On Thursday, 6 May 2004 Deputy Commissioner Madden, Assistant Commissioner Dobson and Detective Inspector Galletta met with representatives of the Police Association of New South Wales to brief them on the investigation outcomes including information contained in the Final Report (Attached 1).

Complainants will be debriefed individually over the next two months. This debrief will be in terms of Section 150 of the Police Act 47 of 1990 although both the NSW Ombudsman and Police Integrity Commission have refused to oversight the investigation.

Attached are a number of documents that relate to oversight of this matter including a request to the NSW Police Minister to appoint an authorised person under Section 217 of the Act (Attached 2).

RECOMMENDATION:

Forwarded for information.

B. Howell
Bradley Howell
Detective Inspector
Professional Standards Manager
Executive Complaint Management Team
11 May 2004.



- 1. Deputy Commissioner (Operations).

This report contains significant information on complainants & methodologies. It should be treated with strict confidentiality at all times. Protection of IPCE must be guaranteed.

- 2. Commissioner.

It may also be that consideration of the 12/5/04 the issues herein, is relevant to the Minister's role as Chair,

- 3. Ministry of Police. Management Cde, NSWCC.

Given the complaint involves Sen Boroney. has been Forwarded. No further action is required 14.5.04.

- 4. Minister of Police.

SCANNED
MIN No
49036

17/5

NSWP/D/2004/62348

Tab F

ISSUE:

Strike Force Emblems – Findings and Recommendations.

BACKGROUND:

The investigation Strike Force Emblems was recently finalised by the Executive Complaint Management Team.

I have conducted a comprehensive review of the file and agree with the Findings and Recommendations (Attached 1).

A Comprehensive debrief of all complainants will commence on Thursday, 20 May 2004. On this date Mr Peter Remfrey of the Police Association of NSW will attend a meeting with the investigators, Professional Standards Manager and the Deputy Commissioner (Operations).

There is no external oversight of this investigation, therefore no requirement to report to any other agency.

I have already acted on Recommendation 2 and 6 (Page 38).

Given that the remaining Recommendations concern matters managed by the Assistant Commissioner (Professional Standards) it is appropriate that he be given the opportunity of commenting of the remaining matters and reporting to the Executive Complaint Management Team prior to this file being finalised.

RECOMMENDATION:

Forwarded for information and attention of the Assistant Commissioner (Professional Standards).

Bradley Howell

Bradley Howell
Detective Inspector
Professional Standards Manager
Executive Complaint Management Team
14 April 2004.



- 1. Deputy Commissioner (Operations).

As indicated above, further work is required.

15/4/04

RECEIVED
16/4/04
DEPUTY
COMMISSIONER
SUPPORT

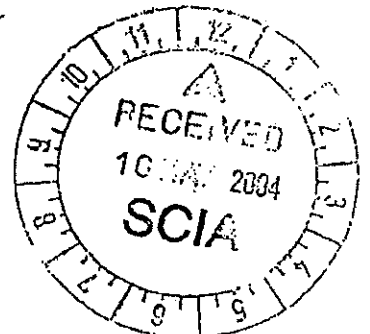
- for 2. Deputy Commissioner (Support).

For Comment And Advice on Recommendations.

*MAD/PROS/144
7/5/04.*

- 3. Assistant Commissioner (Professional Standards).

Del attached. 29/6



Tab G

**NSW POLICE**

www.police.nsw.gov.au

ABN 43 408 813 100

**PROFESSIONAL
STANDARDS COMMAND**

NSWP10/2004/62348-001

MEMORANDUM

TO: Detective Inspector Bradley Howell

FROM: Assistant Commissioner
Professional Standards Command (PSC)

DATE: 28 June 2004

SUBJECT: Strike Force Emblems – Findings and Recommendations

I refer to your report enclosing the findings and recommendations in Strike Force Emblems. I have reviewed the report and recommendations and make the following comments.

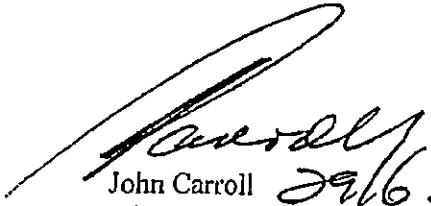
1. I do not support recommendation 1 as NSW Police cannot direct the Police Integrity Commission (PIC) to investigate matters. It is noted that the complaints are category 1 matters and as such have been notified to the PIC through the ef@tsi system.
2. The document referred to in recommendation 2 is currently being reviewed by the Professional Standards Command in relation to its implementation.
3. I do not support recommendation 3 as it is not an appropriate matter to be dealt within an investigation report. It is submitted that the recommendation be amended to state "Due to the secrecy provisions of s 32 and s 29 of the NSW Crime Commission Act, Strike Force Emblems is unable progress the investigation".
4. I do not support recommendation 4 as it is unclear and conflicting in its content and intent.
5. It is noted that the memorandum of understanding between the NSW Crime Commission (NSWCC) and NSW Police dated 08 June 2001 in Operation Gynea states that the NSWCC is responsible for the provision of legal support. There is nothing in the investigation report that indicates any structural problems with current practice, beyond the apparent frustration of this investigation. In view of the above I do not support this recommendation.
6. The first paragraph in recommendation 6 is incorrect and should be removed. I am unable to ascertain the recommendation if any that is stated herein.

Command Centre

Level 3, 45 Clarence Street, Sydney NSW 2000

Tel (02) 8234 5699 Fax (02) 8234 5858 TTY (02) 9211 3776 (Hearing/Speech Impaired) Enet 40699 Efax 40658

The comments of the investigator are extremely subjective, as he has drawn an inference of corrupt conduct without accessing key source documents that would confirm or refute those inferences. The findings are based on conjecture and not based on empirical evidence. Whilst it is apparent there has been a resource intensive investigation, there would be appear to be no avenues for further inquiry. It is my recommendation that the DCOP CMT should consider the investigator's findings, circumstances of the investigation and the PSC recommendations with a view to making a finding of 'not sustained' or 'unable to be determined'.



John Carroll 29/6.
A/Assistant Commissioner
Professional Standards Command

CONFIDENTIAL

Issue

Strike Force Emblems - Review of section 17 notice under the Listening Devices Act of 1984

Background

As per previous sitrep dated 23 November, 2004.

Inspector Kennedy, Operational Legal Advice Unit, Legal Services conducted a further review of the section 17 notice under the Listening Devices Act of 1984.

Comment

The Solicitor General, Michael Sexton detailed the following information pertaining to S17 notices.

1. The Solicitor General accepts the S17 notice on behalf of the Attorney General for the sole purpose of taking instructions so the Attorney General can indicate to the appropriate Judge whether or not the Attorney General wishes to be heard on the application for the listening device warrant. Therefore the Solicitor General is a contact point for the Attorney General.
2. The S17 notice has never been given out previously.
3. The Legislation is silent whether or not the S17 notice can be given out, so in the Solicitor General's view there would need to be some process compelling production of the notice before it would be produced.
4. If there was such a process, it is likely that the protection of Section 29 (secrecy provisions) of the New South Wales Crime Commission Act would extend to cover the S17 notice. Even if the NSWCC Act did not cover the S17 notice, it is probable that production would be successfully resisted on grounds of public interest immunity - contrary to the public interest to allow any person to go behind the listening device warrant.

I am instructed that there would be a strong argument that an alternative means by which the party seeking production of the S17 notice could access the information - e.g. obtain the original affidavit from the author. However, this avenue is clearly unavailable in this case due to the NSWCC Act, and therefore arguable that production of the S17 notice would frustrate the protections of that Act, and so that is another reason why a court would not compel access on public interest grounds.

Inspector Kennedy believes on closer examination of the aforementioned information from the Solicitor General that obtaining the S17 notice is not a viable option.

Kennedy advises to abandon any request for S17 notice and send the material to the Office of the Director of Public Prosecutions (ODPP) as originally proposed. The instructions to the ODPP would include the fact that the NSW Police Force have considered and rejected obtaining the S17 notice as an investigative strategy.

Formal written advising of Inspector Kennedy attached.

Recommendation

The Commissioner note this information in regards to whether he sends a formal request to the Solicitor General seeking the information contained in a Section 17 notice under the Listening Devices Act of 1984.

That the review and advising by Legal Services regarding the Strike Force Emblems material be forwarded as originally proposed to the ODPP for sufficiency of evidence.

NSW Police
Highly Protected
Commissioner's Office

NSWP/D/2005/1699



MANAGEMENT - Strike Force Emblems - Review of Section 17
Notice under the Listening Devices Act of 1984



Mark Galletta
Detective Inspector
Hurstville Local Area Command
8 December, 2004

1. Executive Complaints Management Team received 18/12/04 @ obo ECMT. For information.

Original document of Galletta not seen by me. In all of the circumstances, I note the recommendation and reiterate previous directions on the referral of all materials to ASPP for their consideration.

2. Commissioner

*H. E. Rooney
Comm. 16.1.05.*

3. *Msgr. Galletta
Hurstville, etc.*

--- Received from NSWP.GALLIMAR 58502

17/03/05 11:42

Brad,

For your information

When I get the formal notification I will forward to you.

Mark

--- Received from NSWP.KENNICOL 8831 0114 /25114

17/03/05 11:39

Hello Mark

I have received a response from the DPP re this matter. As we all anticipated, they are of the opinion that , "On the material provided there is insufficient evidencet to lay charges against any person."

It seems to me that this puts an end to this matter. I will send you the DPP response (the ususal 2 liner) with a short covering memo.

Cheers

Col Kennedy
Legal Services

---- 17/03/05 11:39 ---- Sent to -----
-> NSWP.GALLIMAR GALLETTA, MARK HURSTVIL

---- 17/03/05 11:42 ---- Sent to -----
-> NSWP.HOWE1BRA HOWELL, BRADLEY POLICE

ISSUE:

Recommendations out of Strike Force Emblems (P0302636).

BACKGROUND:

Please find attached correspondence relating to Budget Estimate Questions 1-33 from the General Purpose Standing Committee No. 3 in the Legislative Council of 1 September 2006 (EDMS Reference EDMS/2006/4558). Specifically, the question from Ms Lee Rhiannon to Commissioner Moroney; ***“Do you support the recommendations of Strike Force Emblem?”***.

COMMENT:

In March 2004, the investigation into Strike Force Emblems was finalised and recommendations made by the chief investigator, Detective Inspector Mark Galletta based on the information and evidence available. The investigation outcomes and therefore recommendations were limited by (a) the incapacity of investigators to access the affidavits of the Listening Device warrants, and (b) an incapacity to interview a range of police seconded to the NSW Crime Commission due to the secrecy provisions under S29 of the NSW Crime Commission Act 1985.

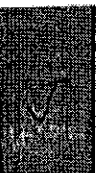
A final Investigators Report for Strike Force Emblems (complaint file P0302636), inclusive of findings and recommendations, was completed and accepted by the Executive CMT in March 2004. (Attachment 1) This was accompanied by additional Investigators Reports for the range of other complaint files that fell under the umbrella of Emblems. These are as follows; P0304008 (Attachment 2), P0304808 (Attachment 3), P0304811 (Attachment 4), CIS 99003865 (Attachment 5), and CIS 0104320 (Attachment 6).

Each of these Investigators Reports contained within them a range of recommendations, some of which were specific only to the individual investigation, and others which arose through many (if not all) of the investigations that were of corporate significance. The key recommendations were detailed on page 38 of the Strike Force Emblems final Investigators Report. Please find detailed below an overview of these recommendations:

“1. Refer the matter to the Police Integrity Commission (PIC) with a view to forming a joint task force (similar to Strike Force Sibutu that formed a Joint Task Force code-named Ivory with the PIC). This would enable PIC to utilise its powers that may assist in obtaining the subject affidavit, source material and grant the permission to interview police bound by the NSWCC Section 29 secrecy provisions.

2. That the New South Wales Police Force adopt and implement the Issue 4 document ‘Development of best practice for the conduct of internal covert investigations’.

3. Amend New South Wales Crime Commission Act to ensure that any officer that comes under S32 of the NSWCC Act who is working under a reference for the NSWCC is not bound by S29 (secrecy provisions) of the NSWCC Act if the NSW Police Force is conducting an investigation under Part 8A of the Police Service Act.



4. It is recommended that the current relationship between the NSW Police and the NSWCC be reviewed. It is advised that the NSW Police continue to utilise facilities and coercive powers of the NSWCC. " This recommendation, however, additionally included reference to the NSW Police returning to "the process of the submission of affidavits and granting of listening device and telephone intercept warrants through Court & Legal Services in lieu of submission through the NSWCC".

The investigators recommendations also included a commentary relating to the possibility of reprisal or payback complaints due to the alleged corruption identified and investigated within the terms of reference of Strike Force Emblems. This was structured as a commentary only.

Advice from Detective Inspector Galletta is that none of these recommendations have been implemented. Further to this, I have been unable to locate any documentation to indicate that these recommendations (as accepted by the ECMT) have been implemented, or indeed sighted by Commissioner Moroney. There is correspondence available to indicate that one of the recommendations, relating to the implementation of the document, '**Development of best practice for the conduct of internal covert investigations**', has been progressed - even if not finalised. This was specifically referred to, along with the other recommendations detailed in the Strike Force Emblems final Investigators Report, by Assistant Commissioner Carroll in correspondence dated 28 June 2004.

It may well be that there was a delay in implementing these recommendations due to the fact that further efforts were made after the conclusion of the Strike Force to obtain the relevant affidavit under S17 of the Listening Devices Act 1984. Advice from the Operational Legal Advice Unit in December 2004 was to abandon this as it was 'not a viable path to pursue'. Further, it was asserted that advice should be sought from the Office of the Director of Public Prosecutions to ascertain whether there was sufficient evidence to support any criminal proceedings against any NSW police officers out of the investigation. Advice relating to this was received back from the ODPP in March 2005, citing insufficient evidence to proceed. These issues in themselves may assist in explaining delays in implementation of the recommendations as the findings would have been significantly different. However, the pursuit of these issues does not explain the recommendations not being implemented for the most part, which appears to be the case from the available evidence.

RECOMMENDATION:

That the Commissioner give consideration to the final recommendations arising out of Strike Force Emblems.

Kendall Strik
Sergeant
Coordinator – Professional Standards Unit
Professional Standards Command
EN 40682
19 September 2006

ISSUE

Urgent request for advice on Strike Force Emblems, in particular, the outcomes of the Strikeforce and what actions have been taken in response to the recommendations.

BACKGROUND

Due to the complexity of the matter and the timeframe in which information is required, a précis of the outcomes and actions is provided. Relevant reports have been annexed to this report and further information can be provided at a later date if required.

Strike Force Emblems was formed in 2003 to investigate complaints about the conduct of the joint NSW Police, NSW Police Integrity Commission and NSW Crime Commission Operation *Florida/Mascot*. These complaints included allegations of impropriety of Listening Device Warrant 266 of 2000, containing 114 names, and allegations concerning the management of the Special Crime Unit (SCU), SC&IA.

The investigation arose after the above issues were raised by the NSW Police Association in 2003, and they were accepted as a complaint under Part 3A of the Police Act.

The NSW Ombudsman and NSW Police Integrity Commission were both notified, however both agencies, for various reasons, declined to oversight this investigation (tab A).

In declining to oversight, the NSW Ombudsman suggested that the NSW Police Minister might consider appointing an authorised person under s217 of the Police Act to review the matter, however this was not deemed appropriate in June 2004 (tab B).

The recommendations of the Strike Force Emblems report of 22 March 2004 is at tab C.

The final summary document of 6 May 2004, authored by the lead investigator of Strike Force Emblems is attached at tab D. Essentially, it found *inter alia*:

"Strike Force Emblems exhausted every avenue of investigation in attempt to resolve these matters. The strike force had limited access to information due to statutory restrictions of the New South Wales Crime Commission Act and after lengthy negotiations with the New South Wales Crime Commission was unable to obtain the affidavit and associated material pertaining to the subject warrant. On 18 February 2004 the Executive Complaints Management Team took the decision to suspend any further investigations and close the strike force".

That report and a second report from the Executive Complaint Management Team (EMT) of 11 May 2004 (tab E) were forwarded to the Minister via the Ministry for Police. The Director General replied on 23 June 2004 (tab B) suggesting a number of avenues for consideration by the then Police Commissioner, Commissioner Moroney. This included referring the matter to the DPP or raising it at the NSW Crime Commission's Management Committee. Thereafter, no further information was required by the Ministry on this matter.

COMMENT

In response to the final reports of the lead investigator, the Executive CMT and the Ministry for Police, two further documents were produced.

At tab F, the Executive CMT wrote to the Commander Professional Standards indicating that the Police Association (original complainants) would be advised of the outcome of the Strike Force investigation. The Executive CMT also forwarded the report's recommendations to the Commander Professional Standards for review and appropriate action.

The Commander Professional Standards replied to the Executive CMT on 28 June 2004 (tab G) indicating his position on the recommendations of Strike Force Problems. He did not support many of the recommendations. He finishes the Memorandum by stating *inter alia*:


"...there would appear to be no avenues for further inquiry. It is my recommendation that the DCoP CMT should consider the investigator's findings, circumstances of the investigation and the PSC recommendations with a view to making a finding of 'not sustained' or 'unable to be determined'."

It would appear that this is the final correspondence on this matter. It would also appear that the matter was not forwarded to the DRP or raised at the Crime Commission Management Committee, however inquiries are continuing to confirm this assumption.

RECOMMENDATIONS

1. The Minister note the recommendations of the report of Strike Force Problems and the subsequent actions taken in response to those recommendations.
2. The Minister be advised that further information will be provided once it is confirmed that no further action occurred, other than that detailed above.

Discussed with CAP -
This affair does not
seem to have access to the
Crime Commission Minutes of 2004
Perhaps the CEO of Ministry can assist in this regard?

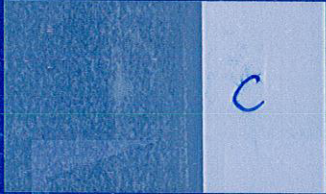

 Nicole Rose
 Director
 Office of Commissioner
 16 June 2011

1. *for Commissioner*

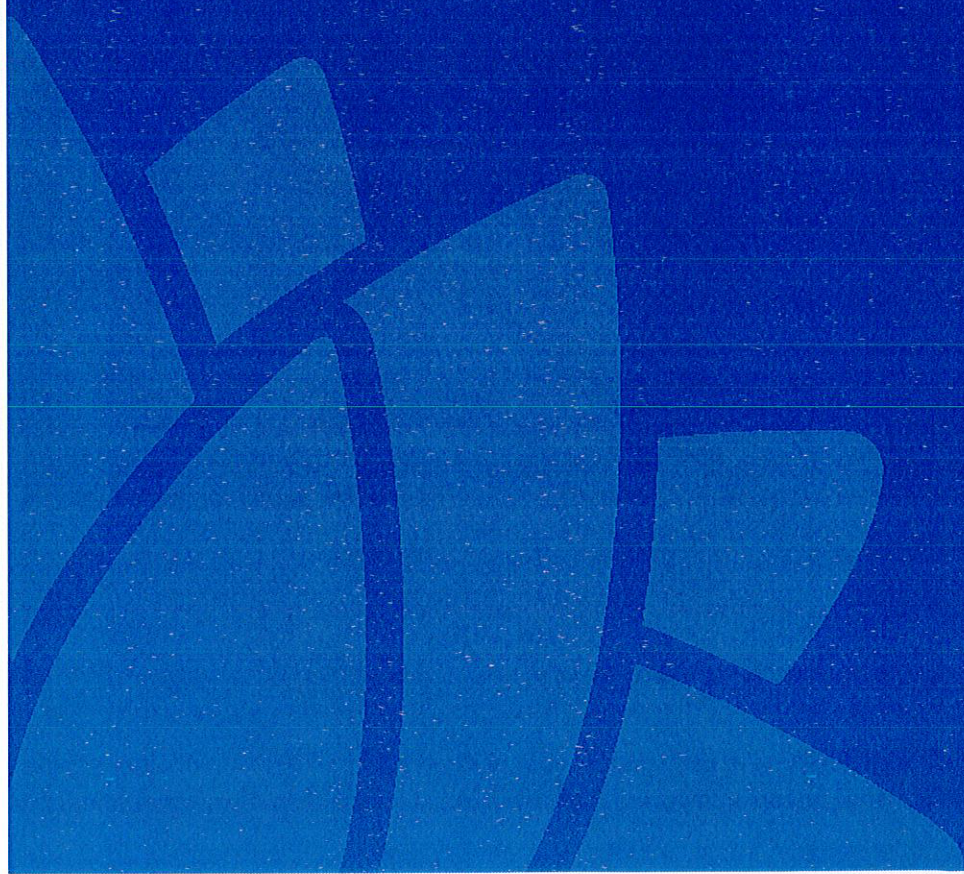
2. Ministry
3. Minister



Ministry for Police &
Emergency Services



TOZIT





Ministry for Police & Emergency Services

The Hon Michael Gallacher MLC
Minister for Police and Emergency Services
Level 33
Governor Macquarie Tower
1 Farrer Street
SYDNEY NSW 2000

Dear Minister

With apologies for the unavoidable delay, I present the Ministry for Police and Emergency Services Annual Report for 2010-2011 for tabling in Parliament. Due to an organisational restructure, the report covers the period 4 April to 30 June 2011.

As you are aware, the Ministry was created as a result of the amalgamation of a number of units within various Departments. As an unexpected consequence, the process of reporting on the financial arrangements which required bringing together various accounting systems, has taken longer than expected and was completed in October 2012.

Given the challenges during the transition I am pleased with the final report and regret missing the parliamentary statutory deadline.

The report was prepared in accordance with the provisions of the *Annual Reports (Departments) Act 1985* and the *Annual Reports (Departments) Regulation 2010*. It complies with the standardised reporting formulae for financial statements approved by the Treasurer.

Yours sincerely,

Les Tree AM
Chief Executive Officer

Ministry Profile

Aims and Objectives

The Ministry aims to assist and support the Minister for Police and Emergency Services to achieve the best law enforcement and emergency management outcomes for the people of NSW.

The Ministry is a single source of advice and coordination in the Police and Emergency Services portfolio. It is responsible for the development and coordination of law enforcement and emergency management policy and advice to the Minister for Police and Emergency Services. The Ministry is also responsible for the coordination of recovery functions, including disaster welfare services.

The Ministry works towards ensuring that portfolio agencies have an appropriate legislative framework in which to operate and that they are able to meet government priorities.

In contributing to these results, the Ministry's key services are:

- providing independent advice on issues affecting the portfolio including reviewing policy proposals to ensure they are in line with government priorities and stakeholder needs
- supporting the Minister in Parliament and in Ministerial roles
- developing laws
- developing emergency management policies and plans to deliver disaster recovery and welfare services during major disasters
- supporting the State Emergency Management Committee and State Rescue Board
- providing support to the State Emergency Management Committee and the State Rescue Board Chairs
- providing support to the Chief Executive, in his capacity as the State Emergency Recovery Controller
- maintaining the State Crisis Centre
- promoting counter terrorism policies and plans.

The role of the Ministry also encompasses operational and planning issues that affect the economic, environmental and social wellbeing of the State. This is by providing the framework to prepare for, and recover from, disasters caused by natural means or a terrorist incident. It has a leading role in ensuring the delivery of appropriate policies and plans by other portfolio agencies to the people of NSW.