

**Supplementary  
Submission  
No 25a**

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

**Name:** Mr John Giorgiutti

**Date received:** 9/02/2015

---

The Hon. Robert Borsak MLC  
Chair  
Legislative Council Select Committee on the conduct and progress  
of the Ombudsman's inquiry "Operation Prospect"  
Parliament House  
Macquarie Street  
**SYDNEY NSW 2000**

8 February 2015

Dear Sir

### **CORRECTION AND SUPPLEMENTARY SUBMISSIONS**

On 2 February 2015, I made Submissions to assist the Committee. The Committee made public a redacted version of the Submissions.

I have been alerted to a typographical error in the Submissions and I am writing to formally correct that error.

### **CORRECTION**

Under the heading KALDAS at page 11 of my Submissions there appears a paragraph starting with the sentence:

*"In about May 2012 Kaldas became the subject of SOD 231."*

The year was, in fact, "2001".

### **SUPPLEMENTARY SUBMISSIONS**

I now recollect that two other matters came to light when I was collating documents for Inspector Levine in June 2012, which were further reasons why the task of collating documents became an inquiry under the *New South Wales Crime Commission Act 1985*.

### **Hard copy document containing a list of code-names**

When I was collating documents for Inspector Levine, I came across a hard copy document containing a list of names of police officers, including from recollection, at least one former police officer. Each officer on the list had been given a code-name. The document, on its face, did not appear to be a New South Wales

Crime Commission (Commission) document because it did not carry the usual Commission identifying Footer.

The document did not identify the home law enforcement agency nor it's author.

The use of code-names for targets is common practice in law enforcement. This allows law enforcement officers to speak and write more freely about a target, and if overheard or a document is seen, the target's identity and therefore an operation is less likely to be compromised.

At the Commission I had full Administrator access to all of the Commission's electronic holdings. That meant, that inter alia, I had visibility of all documents created by all users.

I undertook keyword searches across the Commission's electronic holdings using some of the more unique code-names assigned to the police officers on the list (so as to avoid false positives).

Nick Kaldas was a police officer whose name was on the list. From memory I believe Kaldas has Egyptian heritage. From memory Kaldas had been assigned an Italian code-name. From memory, the code-name was "Guido". In any event, my search did not return any document in the Commission's electronic holdings for the unique code-name assigned to Kaldas (whatever it was).

I cannot recollect how many other unique code-names there were. In any event, my searches did not return any document from the Commission's electronic holdings for those other unique code-names.

In June 2012, I had no recollection of having heard of Kaldas being spoken about by using the code-name assigned to him in the list of names. Nor did I have a recollection of seeing a document (particularly) in relation to SOD 231 where Kaldas was only identified by the code-name.

In the result, I was further satisfied that the list was not a Commission document. I was not able to establish why the hard copy document was part of the Commission's hard copy holdings in Mascot.

### **Integrity testing by Mascot police**

In the weeks prior to May 2001, M5 was on leave. Whilst no date had been set for the public exposure at the Police Integrity Commission (PIC) of the results of the Mascot investigations, that date was imminent.

Whilst M5 was on leave, a list of names was prepared of persons M5 could be “pushed into” on his return from leave and prior to the PIC public hearings. That list was on a white board. I can’t now recall seeing the white board and therefore cannot say whether Kaldas was on that list on the white board.

I recall that there was an issue between the Commission and the Mascot police about the Mascot police undertaking Integrity Testing.

I now recollect that when I was collating the documents for Inspector Levine, I thought that the “pushing” of M5 into Kaldas (which occurred in May 2001) might have been an integrity test of Kaldas. I don’t now recollect what document(s), if any, I saw in June 2012 or if the thought just crossed my mind.

I do not know if the Commission produced the hard copy document with the list of names to the Ombudsman. I know that the Commission failed to produce all of its documents for nearly two years from when the Ombudsman sought production.

I know that the Ombudsman also sought production of documents from the New South Wales Police Force. The Ombudsman ought to have received the hard copy document with the list of names from at least that latter production.

In any event, the Ombudsman will be aware of the list of names upon and by virtue of these Supplementary Submissions being made public.

Ultimately, by examining the Meta data for the document the author of the list of names can be identified.

The Ombudsman will already have determined, or would be able to determine, the provenance of the list of names and its purpose.

Further, and in any event, the Ombudsman ought already have determined whether Kaldas was the subject of Integrity Testing.

As to whether there was any improper motive into Integrity Testing by Mascot police, that is another issue. Waiting another five months is certainly going to be shorter than starting again with some new inquiry.

I advise that as with my earlier Submissions, I have no objection to these Supplementary Submissions being made public.

JOHN M GIORGIUTTI  
Former Director and Solicitor to the  
New South Wales Crime Commission