

**INQUIRY INTO PROGRESS OF THE OMBUDSMAN'S
INVESTIGATION 'OPERATION PROSPECT'**

Name: Mr Neil Mercer

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Partially Confidential

Submission/Ombudsman

The Hon. Robert Borsak, MLC
NSW Parliament,
Macquarie St, Sydney, 2000.

Dear Mr Borsak,

Thank you for the invitation to make a submission to your inquiry.

My submission is brief and involves the decision by the Ombudsman, Bruce Barbour, to publicly identify – without notice - the number of listening device warrants taken out against journalist Steve Barrett and the former NSW police officer Brian Harding.

It's now a matter of public record that both Mr Barrett and Mr Harding were called to secret hearings held by the Ombudsman.

According to the evidence now in the public arena, neither was told the extent of the surveillance against them.

This was revealed by the Ombudsman, Bruce Barbour, in a hearing before a previous parliamentary committee earlier this year.

I was sitting with Mr Barrett and Mr Harding watching proceedings when this occurred.

To my knowledge, until this point, Mr Barrett believed he might have the subject of two LD warrants.

On the day in question, Mr Barbour revealed that Mr Barrett had in fact been subject to 52 LD warrants.

When Mr Barbour made this revelation, I was seated next to Mr Barrett and Mr Harding.

My submission is this: both Mr Barrett and Mr Harding deserved better. Both had complained for many years about the bugging of so many police and others. I believe the Ombudsman displayed a lack of a duty of care and lack of common courtesy. He had the ability to tell both men in private they had been subject to much more surveillance. The fact he chose not to do this but rather to announce it in public is revealing of his attitude towards those who are the victims in this long-running and sorry affair.

The committee will be aware that as a freelance reporter I wrote a number of articles in 2012 for Fairfax which prompted the secret inquiry by the Ombudsman.

I was never in favour of this and indeed urged a transparent judicial inquiry that would put this issue to rest once and for all.

At this point I should say that whereas I was previously a freelance, I am now employed full-time by the ABC.

I wish to make it clear that I am making this submission as a private citizen.

This matter has, to state the bleeding obvious, gone on far too long.

None of the affected former and serving police whom I know have any faith in the Ombudsman or his inquiry.

I thank you for seeking to find the truth and some resolution for many people who have been deeply affected by this.

Yours Sincerely,

Neil Mercer.

June 15, 2015.