

I want to reiterate that as someone who has unambiguous status under the public interest disclosures legislation, my treatment at the hand of the Ombudsman, in my view, breaches all of my rights. The Ombudsman stated that he treated all his witnesses civilly and appropriately, but that was not my experience. In any event, I cannot accept the gist of the Ombudsman's evidence about this matter. There is no comparison between those who sought to reveal wrongdoing and bring out the truth and right the wrongs and those who have committed misconduct that has hurt hundreds of lives. It is illogical for the Ombudsman to investigate wrongdoing on the one hand and to investigate and prosecute with more vigour, in my view, those who simply want the misconduct to be revealed.

Further, the Ombudsman agreed that I was not asked any questions of substance during my one and only hearing regarding the allegations of misconduct during Mascot/Florida—not one question. There are accepted set-in-cement basics for any major investigation: you must hear from the witnesses and the victims about what they say happened to them, their perceptions, the impact on them. Eighty warrants I have been the subject of—not one question. The Ombudsman knew I was the subject of 80 bugging warrants, that there was a history of conflict and even more recent issues and developments and the massive impact this misconduct had on me; yet he saw no reason to explore any of that with me—not even one question. Eighty warrants and not one question? I do not think Neddy Smith has ever been the subject of 80 warrants, ladies and gentlemen.

I had not heard of the 80 warrants before the Ombudsman gave evidence to this Committee. My original verbal complaint and my written evidence only dealt with what I knew about. I would have had a lot more to say had I been given an opportunity. Even if you were to accept the Ombudsman's evidence at face value, why could he not have asked me about the rest of the 80 warrants? The Ombudsman was very selective in his dealings with this Committee. For example, you only have to look at his comment that no complaints were made "during these hearings" on page 4 of his letter dated 19 November 2014. I made complaints, others also wrote to him, many with complaints, but not "during these hearings". The complaints were in correspondence, not in the hearing room.

If I can refer to the Ombudsman's evidence redacted at paragraph 34. I assume from the context, and I may be wrong, that that may refer to me. As I have already told the Committee, the Ombudsman's examination of me made me feel as if I had been ambushed. It was this which led me to believe that Operation Prospect was miscarrying in the sense that it would not identify and expose the wrongdoing of Operation Mascot Florida. The tactics used and the line of inquiry to be followed meant I found it impossible to cope adequately with the examination, particularly in the afternoon and early evening. In this context, and trying to protect someone who at one point provided me with information, I made an incorrect statement to the Ombudsman. Towards the end of the examination, when I barely remember what I was doing, when I was feeling particularly overwhelmed, the Ombudsman made a sustained attack on my credit.

I was extremely distressed by what occurred during the course of that examination and it led to my taking an extended period of sick leave, which the Ombudsman was good enough to air publicly when he gave evidence here. I also note he was very careful not to infringe on John Dolan's privacy, even by saying whether he had been examined or not. Regarding information provided to me by John Giorgiutti, I have already indicated to you that I was keen to protect his position. Under the intense cross-examination I did not initially give a candid account of how I became aware of this information.

Ladies and gentlemen, who among you would not be distressed to hear at a public hearing that you had been the subject of 80 warrants for some years and to know that in your heart that it is wrong, that it is unfair and that your every effort in over a decade to reveal the truth was met with reprisal and ridicule? Then, after all that, when someone finally begins to look into the matter you are not asked one question about what happened to you but you come under attack for accessing or seeing the incriminating documents and complaining? Those who see this as a conflict between two people are missing the point entirely: there are many more important issues at stake here.

I would have preferred Deputy Burn to express some regret for what appears to have been poor decision-making early on in her career. That did not happen. I did nothing to seek or provoke the assault on my privacy. This inquiry was established to report on the conduct and progress of the Ombudsman's inquiry. It is this Parliament's supremacy over all other government institutions that has meant in five days of hearings you have uncovered the truth of the misconduct that occurred during Mascot/Florida. Whilst I cannot presume to speak for the others that suffered at the hands of Mascot/Florida, without foundation, and notwithstanding my career was derailed for years, that my family's privacy was invaded and my integrity so very publicly and

wrongly called into question, I forgive Catherine Burn and Mascot/Florida investigators. I believe in Christian forgiveness.

What I know for sure, what I know for certain, is that at a time of sustained global conflict and anxiety, where there are high expectations of our police force, it is now that I want to reassure the public that the NSW Police Force can function well and will hopefully do so into the future. If I may make one final point. You ladies and gentlemen here have shown leadership in a way that has perhaps been lacking for over a decade, and for that I thank you. You have acted in a non-partisan way, by and large, and I hope that at the end of all this I, for one, hope we can put all this behind us and get on with our lives. As I said to you the last time I was here, all we have ever wanted is an admission that it was wrong and an apology. Thank you, ladies and gents.

The Hon. ADAM SEARLE: In relation to what Ms Burn said were the foundations of her reasonable belief against you, were those matters investigated or gone through with you by the Ombudsman at all?

Mr KALDAS: No. If I can clarify: I did make a verbal complaint, which was recorded, at the end of 2012. At that point in time, the Office of the Ombudsman had not probably received any material, had not studied anything. Quite appropriately, they said, "We won't be asking any questions. You can just make your complaint on the record." It was electronically recorded. I do not recall any questions being asked and it was not conducted by the Ombudsman or his deputy, there were two other staff members.

The Hon. ADAM SEARLE: But those matters were not explored with you as to their truth or otherwise?

Mr KALDAS: No.

The Hon. ADAM SEARLE: In relation to what was page 3 of Ms Burn's supplementary answers—this is the issue about whether or not you were the source of a leak about M5 recording you—it is the case, is it not, that you, in fact, did make a complaint to an officer of the NSW Crime Commission that you thought M5 was surveilling you at the behest of Mr Dolan?

Mr KALDAS: Yes, that was a suspicion I had formed and I recall discussing it at least with Mr Bradley. The bottom line is I could not possibly have leaked that he was a wired-up individual because I was not part of internal affairs and I had not received anything from internal affairs to warn me. If I can just make the point: his effort was, at best, amateur, his body language—you have to have a cover story if you are going to see someone to entrap them. He suggested that two particular individuals who were fellow superintendents had told him to come and see me to confess his sins. I approached those two individuals and both of them said the same thing: they had not seen him and had not asked him to do anything of the sort. It was immediately after I had some conflict with John Dolan, in particular.

The Hon. ADAM SEARLE: It was his behaviour that gave rise to your own suspicion that you were being—

Mr KALDAS: And the timing, yes.

Mr DAVID SHOEBRIDGE: And a very prompt check of his backstory, which did not pan out.

Mr KALDAS: It did not stack up.

Mr DAVID SHOEBRIDGE: Policing 101.

The Hon. LYNDA VOLTZ: Can I take you back, Mr Kaldas, to the statement at pages 70 and 71. You do not have access to anything else from that statement?

Mr KALDAS: I am sorry, I do not, no.

The Hon. LYNDA VOLTZ: In those two pages—I will not go to the names—there are a number of other police officers names proffered by the people asking the questions.

Mr KALDAS: Yes.

The Hon. LYNDA VOLTZ: Approximately another three in those two pages.

Mr KALDAS: Yes.

The Hon. LYNDA VOLTZ: Do you know if any of those people also appear in the warrants?

Mr KALDAS: I do not recall.

The Hon. LYNDA VOLTZ: That is all right. Thanks.

Mr DAVID SHOEBRIDGE: Mr Kaldas, you first saw Ms Burn's written answers this morning. You heard her evidence this morning as well. Is that right?

Mr KALDAS: Yes.

Mr DAVID SHOEBRIDGE: Prior to that, had you had explained to you in detail the alleged basis upon which you had been the subject of investigation?

Mr KALDAS: Not that I can recall: certainly in no formal setting. There may have been conversations with Phil Bradley—informal conversations—after the event. Certainly the letter from internal affairs which clears me does not go into any detail, but it does spell them out.

Mr DAVID SHOEBRIDGE: You have been pulling this together bit by bit over the last few years.

Mr KALDAS: Yes.

Mr DAVID SHOEBRIDGE: I suppose this is an opportunity you have waited for to be able to respond to them on the record.

Mr KALDAS: Absolutely; and I thank you for that opportunity, no matter the outcome.

The Hon. NIALL BLAIR: Deputy Commissioner, the document, or the excerpt from the interview, did you have this? Is this a recent document? You did not have this last week when you came?

Mr KALDAS: No. I think I have had it for a while but I am not—I do not recall specifically having it, but I think it has certainly been around for a while.

The Hon. NIALL BLAIR: You said that Mr Giorgiutti said that—because from the document we just see "Q" and then the number of the question, and then "A", so we actually do not know who is asking the questions on the document. Mr Giorgiutti said, or gave you the impression, that he believed that the questions in relation to you were done by Ms Burn. Is that right?

Mr KALDAS: Yes.

The Hon. NIALL BLAIR: When Mr Giorgiutti was here last week, he was asked about that document. From the transcript, Mr Searle says—I might just read through a part of it. Mr Searle says, "On page 11 of the second paragraph, you indicate that the confidential informant did not provide information of corrupt activity on the part of Nick Kaldas, that his name was specifically put to the confidential informant." Mr Giorgiutti said, "Yes, that is my recollection. That is my recollection, yes." Mr Searle said, "Presumably, it was put by one of those two officers." Mr Giorgiutti said, "Yes." Mr Searle says, "Do you know which police officer?" Mr Giorgiutti said, "I have no recollection of that." Mr Searle then said, "Nevertheless, there would be documents that can reveal the identity of each officer?" Mr Giorgiutti said, "Yes. The debrief was a question-and-answer-like record of interview so questions were asked and answered. I do not think it was recorded. I think it was typed on the fly, so to speak. The document will tell you exactly who asked the question." What Mr Giorgiutti told us is different to what he has told you—

Mr KALDAS: Well, it is—

The Hon. NIALL BLAIR: —in the sense that last week he said he could not recall who was asking that or put that to M5.

Mr KALDAS: I accept that that is what he cannot recall.

The Hon. NIALL BLAIR: Yes.

Mr KALDAS: But I did keep—that meant something to me when I got it, and I have obviously hung onto it.

The Hon. NIALL BLAIR: Sure.

Mr KALDAS: And I have a very clear recollection. The other point that is worth noting—and it is very easily cleared up if the Committee chooses to seek the interview; it will be a matter of just looking at the front page and seeing who asked the questions—that there is an accepted practice within the police that in a two-man or two-person interview team, the senior person asks the questions. I am fairly clear that the senior person in that two-person team was Catherine Burn, and I do know who the second person was.

The Hon. NIALL BLAIR: You made reference to Mr Scipione's evidence last week about the operation of the executive within the police force, the statistics that he gave about the performance of the police force throughout the time that he has been the commissioner and some of the good results that the police have delivered under some trying circumstances. I guess we have now got a situation today where we have got conflicting—that is probably the right word—evidence between two members of that executive. Where do we go to from here? We have got the Ombudsman doing their investigation, but I would be interested in your view as to where we go to from here, from today forward.

Mr KALDAS: That is a very good question. Nobody regrets the disruption and the turmoil more than me. I and many others have done our best for over a decade to try to bring this thing to a head. It is not for lack of trying. What was impossible for all of us to accept is simply to bend over and pretend it did not happen once the evidence came out that it clearly had happened. There was wrongdoing. There was misconduct, possibly illegal activities; I do not know. Where we go from here is I give this Committee, the Parliament and the people of New South Wales my absolute undertaking: I feel I have always acted professionally, as Andrew Scipione said, and I will certainly continue to do so. I will always act collegially.

I am in charge of all the stations. We are the ones that actually drive down the crime rates. We monitor that very closely. We monitor our customer service, for instance, as Andrew Scipione said, very closely. We are actually on track. We are doing what needs to be done. But you are right, Mr Blair: It has been very destabilising. We are only human beings. We have feelings. We get hurt. We bear grudges—all of those things—as the Ombudsman does, too. In reality, the quicker we finalise this thing, the quicker we can all get on with our lives. I found it a little bit disappointing that the Ombudsman said—he drew attention to the fact that this matter caused disruption within the police hierarchy and yet he was happy to extend it, after two and a half years now. It will be nearly three years by the time he has finished. I would have thought it would be in everyone's interest if he had expedited at least a part of it in relation to Mascot/Florida and then did what he wanted to do with the other stuff.

The Hon. NIALL BLAIR: You might have heard me ask this question to Deputy Commissioner Burn, but the Emblems investigators did not have access to the full range of information. This Committee does not have the full range of information. Do you believe that the Ombudsman has been able to get in behind those secrecy provisions to gather all the information to at least conduct a substantial investigation and hopefully some outcomes from the initial conduct and issues that led to the Emblems investigation?

Mr KALDAS: I believe he probably has all the documents that it needs. What he is clearly missing is any input from people who can give him the background; the people who—you know, you can call them victims if you like—the people who are on the receiving end of some of this bugging. I cannot see how you can get 52 warrants for a journalist. You have to satisfy a judge every time you go before him that you have achieved some progress and some evidence has been gathered. I cannot—to answer your question, I think you probably have the material, but I think he is missing the input from the people who would add a whole lot of context and texture to what he needs to have.

The second thing that has been of concern, and I have raised it here, is his intentions. I am not certain what percentage of his time he has spent on hunting down the whistleblowers and what percentage of his time

CORRECTED

he has spent on Mascot/Florida activities. What would be more enlightening even is whether the percentage changes after this parliamentary Committee is announced.

The Hon. TREVOR KHAN: Look, you know, do you not, from the evidence that has been given—you gave evidence for a day. The evidence now from two sources is that Cath Burn was interviewed for four days.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: You accept that Burn was interviewed over matters relating to Mascot and what we could say are matters from 2000 and 2002. Would you accept that?

Mr KALDAS: I accept that, I am sure, but I am not sure of the dates—whether they were before or after this Committee was formed. I do not have the dates. If I could just make one other point?

The Hon. TREVOR KHAN: Well, are you seriously proposing that since this Committee was formed that the Ombudsman may suddenly have been chasing up Burn?

Mr KALDAS: No. I am not proposing that.

The Hon. TREVOR KHAN: Is that the proposition you are seeking to advance?

Mr KALDAS: I am just saying I do not know the dates and whether it may have caused him or his staff to go back and look at some other things. While I accept Mr Blair's contention that this Committee does not have access to the full range of material that the Ombudsman certainly does, I think this Committee has enough—more than enough—brainpower. From the deep sampling you have done, the picture is pretty clear.

The Hon. TREVOR KHAN: You were present, were you not, on 11 October 2012 when there was a budget estimates into police.

Mr KALDAS: Yes. I do not recall the exact date, but it was certainly around that time, yes.

The Hon. TREVOR KHAN: That was something of the order of three weeks after you had made your protected disclosure to Commissioners Scipione. That would be about right, would it not? I think your protected disclosure was made on something like 13 September.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Indeed, you sat at one end of the table and Cath Burn sat at the other far end of the table.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: The body language was particularly noticeable on that day, I would suggest.

Mr KALDAS: We did not actually arrange the seating arrangement. I am not sure who does that, but it was not us.

Mr DAVID SHOEBRIDGE: The Committee does.

The Hon. TREVOR KHAN: It may have just been entirely coincidence you sat at opposite ends of the table.

Mr DAVID SHOEBRIDGE: The Committee does. The Committee staff does.

CHAIR: The Committee does, yes.

The Hon. TREVOR KHAN: Yes. But you will remember that there was questioning—in fact, I think it was vigorous questioning by Mr Shoebridge on that day of Mr Gallacher—with regard to some matters around Emblems and some letters that were tabled.

Mr KALDAS: Yes.

Mr DAVID SHOEBRIDGE: I think you shut that questioning down, Trevor.

The Hon. TREVOR KHAN: In the context of that, there was a letter of 10 October from the Ombudsman that was tabled before the Committee.

Mr KALDAS: I mean, I do not recall the dates but I do recall a letter being tendered by him, yes.

The Hon. TREVOR KHAN: You see, that was the letter that indicated that the Ombudsman was looking at not only the issues around Mascot and Florida but also the disclosure of confidential material. I think that was the term that was used in the letter. Do you remember that?

Mr KALDAS: No. I do not recall that, but I accept it, if that is what you tell me.

The Hon. TREVOR KHAN: I do not want to trick you in any way. What I am essentially putting to you is this: From that early stage of the Ombudsman taking it over, essentially, the first day of the Ombudsman taking it over, he was disclosing that it was looking at all matters—that is, Mascot and Florida—and the issue of the disclosure of confidential information.

Mr KALDAS: I accept, if you tell me that is the case, that he included it in his letter. It certainly did not resonate with me or stick with me. But if I could just make the point: there are press releases that were put out by Mr O'Farrell, the then Premier; there are *Hansard* records; there is a call for information put out by the Ombudsman, and there is material on his website that he put up initially. In none of that—and certainly in my discussions with various Government members—I do not recall anyone mentioning that it was the Premier's or the Government's intention for him to hunt down the whistleblowers who revealed the wrongdoing. Further, I would have to ask: Who is it that complained to him, causing him to have a look at the leaks? I think he mentioned there was—

The Hon. TREVOR KHAN: Let us just suppose by way of example that it could have been, for instance, the head of the Crime Commission.

Mr KALDAS: The head of the Crime Commission and possibly the head of the Police Integrity Commission.

The Hon. TREVOR KHAN: Yes.

Mr KALDAS: And, as the old saying goes: They would say that, wouldn't they.

The Hon. TREVOR KHAN: Let us just deal with that. The Crime Commission, for instance, receives a range of or has a range of dealings with a number of other significant bodies both at State and Federal levels. Is that not right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: They deal with the most sensitive and secret of material.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: The integrity of the security of the Crime Commission is important not only for the people of New South Wales but in fact federally because of the sensitivity of some of the material.

Mr KALDAS: The integrity of their operations is utmost, yes.

The Hon. TREVOR KHAN: Right. On an ongoing basis, that remains of utmost importance to the people of New South Wales.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Yet in this case we have sensitive material from the NSW Crime Commission which is being distributed, it would seem, far and wide. Is that not right?

Mr KALDAS: That is correct. It has been distributed far and wide but—

The Hon. TREVOR KHAN: And it has been sensitive material, has it not?

Mr KALDAS: Well, it is historic material and I have to say that while it is historic, the secrecy provisions—that the whole framework of secrecy around bodies like the Crime Commission—should not and could not have been used to cover up corruption or misconduct. I would say that is the central tenet of giving people secrecy provisions. You cannot use those secrecy provisions—

The Hon. TREVOR KHAN: So it is a circumstance—

Mr DAVID SHOEBRIDGE: No, let the witness finish.

The Hon. TREVOR KHAN: Is it a circumstance—

Mr DAVID SHOEBRIDGE: You keep cutting him off.

The Hon. TREVOR KHAN: —where, for instance, you get to decide whether the secrecy provisions apply to particular material?

The Hon. ADAM SEARLE: Point of order: That was not what the witness said. I do not think that is a fair characterisation.

CHAIR: Please rephrase the question.

Mr KALDAS: There were repeated requests made, as you have heard in evidence here, from three or four people to the Crime Commission to reveal the incriminating affidavits. Depending on who you believe, they were either rejected or simply just did not happen. If I can just make the point—and I am not disagreeing with you—I am saying that the leaks began when many people came to the conclusion that there was no other way that this matter was going to see the light of day. If the leaks had not occurred there would never have been an Operation Prospect, there would never have been a parliamentary inquiry and we would still be sitting here in the dark.

The Hon. TREVOR KHAN: Let me go to Commissioner Scipione. Is the first complaint—I am not using that in a pejorative sense—that you made to him with regard to the Mascot matters, the protected disclosure that you made on or about 13 September 2012?

Mr KALDAS: Sorry? Is it the first complaint I have made?

The Hon. TREVOR KHAN: Yes, to Scipione.

Mr KALDAS: It is the first one I had made to Andrew Scipione, yes.

The Hon. TREVOR KHAN: You have heard a lot of questions, indeed accusations made to Commissioner Scipione that he should have acted on it earlier. Would that be a summary of some of the toing and froing that you heard in relation to Commissioner Scipione's evidence?

Mr KALDAS: I have heard that, yes.

The Hon. TREVOR KHAN: Do you hold to that view?

Mr KALDAS: I do not want to single out any individual, and certainly not Andrew Scipione. There have been failures on many levels here, certainly at police level and, without insulting anyone, perhaps at

government level, at parliamentary level. Perhaps people were misled, perhaps people were misinformed. The bottom line is this got swept under the carpet.

The Hon. TREVOR KHAN: Sure.

Mr KALDAS: I am not even sure it is helpful any more to single out one or two individuals.

The Hon. TREVOR KHAN: You have seen that happen in this inquiry.

Mr KALDAS: Look, we all have our views. Certainly on one view I think the office of the commissioner could have done more in this case. I do not think there is any doubt about that.

The Hon. TREVOR KHAN: The essential part is you received certain documents through the mail in about September 2012. Is that right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: And that led to you making a protected disclosure to Commissioner Scipione. Is that right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: He immediately referred it on to the Professional Standards Command. Is that right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Operation Jooriland is initiated?

Mr KALDAS: Yes. I am not sure I knew whether it was called that, but yes.

The Hon. TREVOR KHAN: Within one month then the Ombudsman had stepped in and taken over the matter?

Mr DAVID SHOEBRIDGE: I think the evidence was Strike Force Jooriland was from a series of complaints.

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: So that essentially within about one month of you making a complaint—within days of you making a complaint—Commissioner Scipione had moved the matter forward, is that right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Operation Jooriland was formed by your complaints and other complaints that were made at about the same time? Is that right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: And let us be fair, the complaints arose because there was more than a drop of material that was dropped about various people and that initiated, it would seem, the rise of concern all of a sudden in September 2012?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: It was, in a sense, a torch back on the bonfire, or back in the petrol that set this thing going again?

Mr KALDAS: Yes, you could describe it that way.

The Hon. TREVOR KHAN: Indeed, prior to 2012 and perhaps from around about 2004 after Emblems fizzled essentially there might have been a slow grumble but the real fire began when those documents were re-distributed?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Indeed, I think Commissioner Moroney might have thought that it had gone away and then he retired. Would that be about right?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: I am not being critical of him but that little boil had been lanced, it would seem?

Mr DAVID SHOEBRIDGE: I do not think that is a fair characterisation. He said that the matter had been taken as far as he could, given the secrecy provisions under the Crime Commission Act. He did not say the boil had been lanced.

The Hon. TREVOR KHAN: The boil had gone down.

Mr DAVID SHOEBRIDGE: That is a total mischaracterisation.

The Hon. ADAM SEARLE: I do not think the witness can assist us with these characterisations.

The Hon. TREVOR KHAN: Be that as it may, the thing had essentially gone from Moroney's time until that bonfire was relit in September 2012?

Mr KALDAS: Yes, I think that is the case. It is also worth noting, I think you have probably heard the saying, there are a hundred angry men in this thing.

The Hon. TREVOR KHAN: I think we have worked that out.

The Hon. ADAM SEARLE: You have provided to us two records of interview of two individual police officers with Strike Force Emblems.

Mr KALDAS: Yes.

The Hon. ADAM SEARLE: I think you have described them as P1 and P2. Do you have a complete copy of the documents with you?

Mr KALDAS: I have but it may be marked. I am certainly happy to leave them with you.

The Hon. ADAM SEARLE: Do the copies of the documents you have identify, for our benefit, who those two persons are?

Mr KALDAS: Yes.

The Hon. ADAM SEARLE: And you are happy to provide that to the Committee?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Where did those documents come from?

Mr KALDAS: I do not recall where these particular ones came from. They go back quite a while and they have formed part of my complaint going back to when I first complained to Mr Levine, Inspector of the Police Integrity Commission.

The Hon. ADAM SEARLE: What role did Andrew Scipione play in your promotion to Deputy Commissioner? Was he on the selection panel?

Mr KALDAS: Yes, he was. He had just been appointed commissioner, as he said to the Committee, and Dave Owens and I were promoted to deputy.

The Hon. TREVOR KHAN: There is no question, is there, that you agree with his evidence that essentially—I think he used the term—he appointed you?

Mr KALDAS: He did.

The Hon. TREVOR KHAN: It was a show of faith in you?

Mr KALDAS: Yes.

The Hon. TREVOR KHAN: Were you aware that Cath Burn had applied for the same position?

Mr KALDAS: No, I was not.

The Hon. TREVOR KHAN: So you now know, do you not, at least out of this exercise, that you bested, if we could describe it in that way, Cath Burn in your appointment to Deputy Commissioner?

The Hon. ADAM SEARLE: I am not so sure that that is a fair question. The record speaks for itself. He now knows.

Mr KALDAS: I would say that I was on the rank of Assistant Commissioner for quite a bit longer than her and our backgrounds and experiences were very different.

The Hon. LYNDA VOLTZ: He did make that point I think as well.

The Hon. TREVOR KHAN: He did.

The Hon. ADAM SEARLE: Okay, fair point.

The Hon. TREVOR KHAN: Do you agree with the Ombudsman that the dissemination of confidential information from the police is a significant and serious matter?

Mr KALDAS: It is not black and white and this is where we probably disagree. I accept that that is what he believes. I do not agree with that. This is a case where serious misconduct at best, illegalities at worst, have now become clear. How can you logically punish those who brought it to light, especially when you take into account that people have been trying to point this out for 10 years? I do not think, and I really do not believe, that it was this Government's intent that he go down that road.

The Hon. TREVOR KHAN: Would you accept that the Ombudsman has taken over essentially the complaints that were made to Commissioner Scipione and also received complaints from, it would seem, others on what seemed to be related matters with regard to the leaking of material?

Mr KALDAS: Yes, he certainly took them on. He has absolute discretion as to whether he proceeds with complaints or not.

The Hon. TREVOR KHAN: He is, in essence, exercising an independent role from government, that is, he is not at the direction of government with regard to what complaints he pursues and how he pursues them?

Mr KALDAS: No, he is not. However, in this particular case specific funding, specific legislation, specific powers were given to him by this Parliament to carry out a specific task.

The Hon. TREVOR KHAN: I agree with that Deputy Commissioner. But are you saying that the Government, whichever government is in power, should seek to interfere in an Ombudsman's inquiry because it may or may not be convenient to them?

Mr KALDAS: No, not at all. That is not what I am saying. I am not necessarily criticising him. All I am saying is in this particular case the Ombudsman, for instance, does not have an inspector, unlike the Police Integrity Commission, the Crime Commission and the Independent Commission Against Corruption. He does

not have an internal affairs function from within. He has royal commission powers. He has secrecy provisions. He cannot be sued either in office or now when he retires. Who does one complain to, apart from Parliament, if you are not happy with the direction it is taking? This is what has happened here. The hundred angry men have come to you and you have listened.

Mr DAVID SHOEBRIDGE: And the parliamentary committee that is set aside to do that does not have the power to investigate into a specific operation, a specific decision or any specificity about the Ombudsman. There is a big hole there, is there not?

Mr KALDAS: I cannot comment on what Parliament does but what I would say is the framework is broken; it is not working. If he was going to do both legs of this investigation, if there was no way he could be persuaded that he needed to hold off or look at the totality of why people may have leaked documents, it should have been done separately at arm's length. You cannot do both. It just defies logic.

The Hon. TREVOR KHAN: I am going to sort of wind it up and I am sure everyone will be pleased. You heard Commissioner Scipione raise the possibility of some form of independent oversight body of police. I think I sort of invited you to jump into the pool last time. Having heard Commissioner Scipione with regard to his views on the matter, what do you reckon now?

Mr KALDAS: I think we have got too many bodies as it is. This is just my view; it is not the corporate view and it is not the NSW Police Force view. I think we have a framework, as I may have mentioned last time I was here, where four of five super judicial bodies have sprung up, not part of a grand design or structure. Each of them has probably been created in a well-intentioned but ad hoc reaction to a scandal and then there is no re-examination down the track to say, "Do these bodies need to exist? Do they have enough work? Are they overlapping? Will they take each other to court and sue each other?" which has happened on occasions here. I think we need a rationalisation of some sort. This Committee may be the first step perhaps to say let us look at this. We have complaints regularly in the police force that the Ombudsman claims jurisdiction over, sometimes a Coroner claims jurisdiction over, sometimes Police Integrity Commission claims jurisdiction over, WorkCover and so on. They all essentially want to do good; they want to get the job done, but the structure is not conducive. One point of complaint, if you like for the police, whatever that may look like, whether it is a part of the Independent Commission Against Corruption or whatever, it is probably the way to go.

The Hon. ADAM SEARLE: There is no indication of which should be the lead agency in the circumstances of an overlap in jurisdiction, is there?

Mr KALDAS: You could talk about this forever and I apologise as I know you want to wind it up, Mr Khan—

The Hon. TREVOR KHAN: No.

Mr KALDAS: The Police Integrity Commission is responsible for one government agency. It gets roughly the same funding as the Ombudsman who does every government agency, for instance. They do not really accept responsibility for prevention. The Ombudsman does to some extent. If you look at the role of the Ombudsman in other jurisdictions it does not bear any resemblance. We are entirely different from every other jurisdiction here. He has a much broader stretch. That has happened as an accident of history almost—I do not want to defame anyone. But the bottom line is you need to look at which agency—you know, function before form. What are they doing? How much work have they actually got and does it fit in anywhere else?

The Hon. ADAM SEARLE: So that network of agencies and their relationship and jurisdictions in this particular area does need to be examined and re-evaluated?

Mr KALDAS: Absolutely.

Mr DAVID SHOEBRIDGE: If we are looking to a single or a rationalised oversight it would be important that that oversight body be independent of the NSW Police Force?

Mr KALDAS: We absolutely need independent, extraneous oversight; there is no doubt about that. Some experiences in other jurisdictions may be instructive. In Western Australia and in Queensland, I understand—I am not going to tell you it works perfectly—they have amalgamated most of these oversight bodies into two. In fact, in both of those jurisdictions they do crime and misconduct and I feel that is cutting it

down too much. Perhaps two bodies; one for crime such as the Crime Commission to do all the good stuff that Mr Khan mentioned, and then one in relation to the misconduct issues. That body perhaps ought to be clearer about what it does; whether it is an Ombudsman review-type function or proactive investigations with criminal investigators and prosecuting functions which he has both at the moment in competition with others.

The Hon. TREVOR KHAN: Your lawyers are earning their money because they are handing you notes. You might want to refer to those at the end but I think this is the last area.

Mr DAVID SHOEBRIDGE: You have said that four times now.

The Hon. TREVOR KHAN: We will go back to that. Earlier the Hon. Niall Blair asked you where we go forward from here. I suppose what he was really asking you was this. There has been a degree of—again I am not being pejorative—venting before this inquiry by both you and Deputy Commissioner Burn. When you go back to your desks next week would you like to explain whether or not you are capable of working together from your perspective?

Mr KALDAS: From my perspective, yes. We have been doing that for a few years now. Admittedly the heat is somewhat hotter at this point in time. But I have never acted in any way other than professional and collegial.

The Hon. TREVOR KHAN: Do I take it from that that pending the outcome of the Ombudsman's report, whatever the outcome of that report is, that you believe that both of you can continue to work professionally alongside each other?

Mr KALDAS: In the long term?

The Hon. TREVOR KHAN: At least until the Ombudsman's report comes down.

The Hon. ADAM SEARLE: Yes, that was the caveat in Mr Khan's question.

The Hon. TREVOR KHAN: I am trying to put a defined point.

Mr KALDAS: I do not see an alternative. We are grown-ups; we are adults. We are managing an organisation of 20,000 people, a budget of \$3 billion. We owe it to the people of New South Wales. I recognise and I act on the fact that I owe it to the people of New South Wales to act professionally, and if you can find one person who says I have acted otherwise, I will take my hat off to you.

The Hon. TREVOR KHAN: I am not putting that proposition to you. I just wanted your assurance.

Mr KALDAS: Sure.

The Hon. TREVOR KHAN: Thank you.

Mr KALDAS: If I could just make one final point and I promise, Mr Chair, this will be my last point.

The Hon. TREVOR KHAN: Is it the lawyer's one too?

Mr KALDAS: Possibly. The tenure of people and how jaded people get, perhaps, whatever you decide, you may simply recommend that this area of oversight bodies needs to be looked at. I do not know that you would have the time or the wherewithal at this point in time to delve into yet another topic as to how it might look. But you may simply recommend that it is something government ought to look at reforming. I would add in there that probably anything over five, six, seven years is too long for an individual to be in a seat where they become fixed or fixated on some topics or some organisations, whatever it might be. Change is actually a good thing. A fresh pair of eyes is a good thing. We do it with our commanders. We do not leave them in the same place too long. They get jaded and sometimes fall into traps.

The Hon. ADAM SEARLE: They get rotated, do they not?

Mr KALDAS: We rotate people fairly regularly.

CORRECTED

The Hon. LYNDA VOLTZ: Sort of like the electorate at the moment.

Mr DAVID SHOEBRIDGE: And it is as important for those who oversight police as it is for the police themselves.

Mr KALDAS: Certainly.

CHAIR: Thank you very much, Mr Kaldas.

Mr KALDAS: Thank you, Mr Chair, and members of the panel, for the patience you have shown me.

(The witness withdrew)

The Committee adjourned at 3.30 p.m.