



PARLIAMENT OF NEW SOUTH WALES

COMMITTEE ON THE OMBUDSMAN, THE POLICE
INTEGRITY COMMISSION AND THE
CRIME COMMISSION

REPORT ON THE 13TH GENERAL MEETING WITH THE
POLICE INTEGRITY COMMISSION

REPORT 5/55 – DECEMBER 2012

New South Wales Parliamentary Library cataloguing-in-publication data:

New South Wales. Parliament. Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission .

Report on the 2012 General Meeting with the Police Integrity Commission / Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission . [Sydney, N.S.W.] : the Committee, 2012. – [v] p. 54; 30 cm. (Report ; no. 5/55).

Chair: The Hon. Catherine Cusack, MLC.

“December 2012”.

ISBN 9781921686542

1. Police corruption—New South Wales.
2. Corruption investigation—New South Wales.
3. Police ethics—New South Wales.
 - I. Title
 - II. Cusack, Catherine.
 - III. New South Wales. Police Integrity Commission.
 - IV. Series: New South Wales. Parliament. Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission. Report ; no. 5/55

353.46 (DDC22)

The motto of the coat of arms for the state of New South Wales is “Orta recens quam pura nites”. It is written in Latin and means “newly risen, how brightly you shine”.

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Membership

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Terms of Reference

The Committee on the Office of the Ombudsman and the Police Integrity Commission (PIC) is constituted under Part 4A of the *Ombudsman Act 1974* with the purpose of monitoring and reviewing the functions of the Ombudsman's Office. The Committee's jurisdiction was extended under the *Police Integrity Commission Act 1996* to include oversight of the Police Integrity Commission and the Inspector of the PIC.

The functions of the Committee under the *Police Integrity Commission Act 1996* are as follows:

- to monitor and to review the exercise by the Commission and the Inspector of their functions;
- to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or the Inspector or connected with the exercise of their functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;
- to examine each annual and other report of the Commission and of the Inspector and report to both Houses of Parliament on any matter appearing, or arising out of, any such report;
- to examine trends and changes in police corruption, and practices and methods relating to police corruption, and report to both Houses of Parliament any changes which the Joint Committee thinks desirable to the functions, structures and procedures of the Commission and the Inspector; and
- to inquire into any question in connection with its functions which is referred to it by both Houses of Parliament, and report to both Houses on that question.

These functions may be exercised in respect of matters occurring before or after the commencement of this section of the Act.

Section 95 of the *Police Integrity Commission Act 1996* specifies that the Committee is not authorised:

- to investigate a matter relating to particular conduct, or
- to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint, a particular matter or particular conduct, or
- to reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular or a particular complaint.

The *Statutory Appointments (Parliamentary Veto) Amendment Act*, assented to on 19 May 1992, amended the Ombudsman Act by extending the Committee's powers to include the power to veto the proposed appointment of the Ombudsman and the Director of Public Prosecutions. This section was further amended by the *Police Legislation Amendment Act*

1996 which provided the Committee with the same veto power in relation to proposed appointments to the positions of Commissioner for the Police Integrity Commission and Inspector of the Police Integrity Commission.

Chair's Foreword

The general meetings between the Committee and the Police Integrity Commission provide an opportunity for the Committee to review the exercise by the Police Integrity Commission of its legislative functions and discuss issues of public interest that are relevant to the Committee's functions.

Prior to the meeting, the Committee reviewed the Police Integrity Commission's Annual Report and drew on issues outlined within it as well as issues canvassed in the media that may be relevant to the Committee in carrying out its functions. The general meeting was a valuable platform to discuss current operations and the impact such operations have on the workload and resources of the Commission.

In the past there have been issues of concern to the Committee with respect of the relationship between the Police Integrity Commission and its oversight body, the Inspector of the Police Integrity Commission. As this general meeting was undertaken at a time when the Commissioner of the Police Integrity Commission and the Inspector of the Police Integrity Commission were both newly appointed, it represented an important opportunity to discuss any outstanding issues in relation to this relationship. The Committee is satisfied that the new relationship has a positive basis and looks forward to appropriate ongoing cooperation between the parties.

Taskforce Emblems has been a topical issue recently and the Committee took the opportunity to discuss the status of this investigation in some detail with the Commissioner.

The Committee thanks the Commissioner and his executive officers for their time during the general meeting and their frank and informative discussion and commends them for the achievements of their office.

The Hon. Catherine Cusack MLC
Chair

Chapter One – Commentary

- 1.1 On 21 May 2012 the Committee conducted the general meeting with the Hon Bruce James QC, Commissioner of the Police Integrity Commission ('the PIC') and his executive officers, Mr Andrew Nattress, Assistant Commissioner and Director Operations, Mr Allan Kearney, Director of Prevention and Information, and Ms Michelle O'Brien, Commission Solicitor.
- 1.2 As part of the preparation for the general meeting, the Committee sent the Police Integrity Commission a series of questions on notice about matters arising out of the PIC's Annual Reports for 2009-10 and 2010-11. The answers to these questions on notice can be found at Chapters Two and Three of this report.
- 1.3 Evidence was taken at the general meeting in relation to the Annual Reports as well as current issues relevant to the Police Integrity Commission's jurisdiction. The commentary that follows focuses on a number of the issues canvassed including critical incidents and funding, the relationship between the Commissioner and the Inspector of the Police Integrity Commission and operations of public interest such as Taskforce Emblems and Operation Winjana.

OPERATION WINJANA

- 1.4 Operation Winjana is an ongoing investigation by the PIC into the NSW Crime Commission (NSWCC). In particular, it is an investigation into the conduct of certain members of NSWCC staff and NSWCC officers as well as some practices and policies of the NSW Crime Commission related to the *Criminal Assets Recovery Act*.
- 1.5 In his answers to the Committee's further questions on notice following the general meeting, the Commissioner informed the Committee that The Hon Jerrold Cripps QC had been appointed Assistant Commissioner for the purpose of conducting Operation Winjana and the Commissioner had renewed this appointment to provide Mr Cripps with an opportunity to complete Operation Winjana.¹
- 1.6 The operation followed earlier assessments by the PIC in relation to the NSWCC and is focussing on sections of the NSWCC found to be at risk of corruption. The PIC explained to the Committee that it is a very extensive operation during which a great deal of evidence and submissions have been received.
- 1.7 Following questioning from Mr Paul Lynch MP, the Commissioner stated:

It is certainly our hope that a report will be lodged this calendar year but I do not think I can be any more specific than that.²

¹ Police Integrity Commission, *Answers to Further Questions on Notice*, 20 June 2012, p. 3, question 2.

² The Hon Bruce James QC, Commissioner, Police Integrity Commission, *Transcript of evidence*, 21 May 2012, p. 9.

Mr Lynch asked the Commissioner if the PIC has completed any work on corruption risks in the Crime Commission. Mr Kearney replied:

There have been two assessments conducted in regard to the Crime Commission. First was Rhodium, which was a broad-based look at the organisation and how they manage their risks of misconduct. We identified a number of areas where there were some risks. As a result of those, one of those risks was selected for further work and that became project Caesar, which has now been subsumed into Winjana. As to whether we take on a number of the other areas that are identified in Rhodium, that would need to be discussed further in the organisation. I think at the moment we are devoting a bit of attention to that organisation and I think we would need to defer anything more detailed just for the time being. That is my personal view.³

1.8 The Committee continues to follow the important work of Operation Winjana with interest.

INSPECTOR OF THE PIC

1.9 The Committee discussed in some detail with the Commissioner of the PIC the relationship between his predecessor and the previous Inspector of the PIC.

1.10 Mr Lynch asked the Commissioner:

One other thing that interests me is that the relationship between the PIC and the Inspector of the PIC has variously been described previously as poisonous or toxic. How do you think that might be overcome? There is clearly a tension between an agency and an oversight body. My sense is that the tension has been far greater than one would have expected. How do both bodies now go forward?

Mr JAMES: I would like to think that my relationship with the present Inspector is a constructive one. We do know each other but I am sure that any past acquaintance between the inspector and me will not deter the inspector from discharging his duty. However, I would hope that the relationship between us will remain civil and courteous. In my view, maintaining a courteous relationship is in no way incompatible with the proper discharge of both our functions. I would like to think, and I do think, that the present relationship between the Commissioner and the Inspector is much better than it was in the past.⁴

1.11 The Committee recognises the importance of the roles of the Inspector of the PIC and the Commissioner of the PIC. The Committee was pleased to hear evidence of the intention for a cooperative approach from the Commissioner, notwithstanding the independent oversight functions the Inspector will exercise in his oversight of the Commission.

CRITICAL INCIDENTS AND FUNDING

1.12 There have been a number of critical incidents this year involving the NSW Police Force that have received considerable media attention. The 'NSW Police

³ Mr Allan Kearney, Director Prevention and Information, Police Integrity Commission, *Transcript of evidence*, 21 May 2012, p. 18.

⁴ The Hon Paul Lynch MP and Mr James, *Transcript of evidence*, 21 May 2012, pp. 9-10.

Guidelines for the management and investigation of Critical Incidents' provide the following definition of a critical incident:

- Homicide of a police officer, whether or not the officer is on duty at the time
- Any death or injury resulting from the discharge of a police firearm (including attempted or actual suicide by police and civilians)
- Death or serious injury resulting from the use of police issue appointments
- Death or serious injury to any person in custody
- Death or serious injury arising from a police operation
- Death or serious injury resulting from a police vehicle pursuit.⁵

1.13 Recent critical incidents have included the death of an individual following the discharge of a Police taser and the shooting of a juvenile following a police car chase.⁶ The Committee understands that there was media interest in the PIC playing a role in investigating the shooting incident, including a request from a Member of Parliament for it to consider doing so.⁷

1.14 The Committee sought clarification from the Commissioner around PIC's role in relation to critical incidents and overseeing police investigations. The Commissioner confirmed that the PIC does not have the resources or structure to enable it to investigate police critical incidents.

Mr PAUL LYNCH: I think it flows from the last part of your answer that even if the resources were made available to you, you would not actually want them because you do not see that is your primary role?

Mr JAMES: We did not write that letter seeking to expand our role. There are quite a number of Police Critical Incidents each year. It is unfortunate, but there are. According to information supplied to me there are about 40 Critical Incidents each year in the State and of course some of them are in country areas. We would need a very, very much larger organisation to be able to investigate all of them. I have of course said that we are not really equipped to investigate any of them. I am not seeking an expanded role for the Commission.⁸

1.15 In his answers to Further Questions on Notice, the Commissioner noted that while the present level of funding is sufficient to allow it to carry out its stated responsibilities, this would not be the case if these responsibilities were expanded:

⁵ Police Integrity Commission, *Report to Parliament Operation Whistler*, December 2005, p. 135, <<http://www.pic.nsw.gov.au/files/reports/Whistler%20Report.pdf>>, viewed 21 August 2012.

⁶ G Kwek, 'Death After Taser: Brazilian who died in Sydney named', *Sydney Morning Herald*, 20 March 2012, viewed 23 August 2012, <<http://www.smh.com.au/nsw/death-after-taser-brazilian-who-died-in-sydney-named-20120320-1vh0o.html>> and Staff Writers, 'Kings Cross shooting – how the drama unfolded', *news.com.au*, 23 April 2012, viewed 23 August 2012 <<http://www.news.com.au/national-old/kings-cross-shooting-how-the-drama-unfolded/story-e6frfkvr-1226336162893>>

⁷ Mr James, *Transcript of evidence*, 21 May 2012, p. 10.

⁸ The Hon Paul Lynch MP and The Hon Bruce James QC, *Transcript of evidence*, 21 May 2012, p. 10.

However, as I said at the meeting of the Committee on 21 May, the Commission would not have sufficient funding to perform any other function and, in particular, a function of itself investigating police Critical Incidents. In order for the Commission to be able to investigate police Critical Incidents, the Commission would need to be a very much larger organisation, capable of maintaining continuous rapid response systems, with many more investigators and with specialist forensic officers, and would require very much larger funding.⁹

- 1.16 While funding is adequate for current activities, the Commissioner warned that the Commission is due to have its funding cut over the next few years, following cuts to all public sector agencies, in order to achieve budget savings:

For a small agency this reduction in funding is significant and is likely to lead to some reduction in the Commission's activities. For example, it is likely that some investigations into allegations of misconduct which the Commission would otherwise have undertaken will have to be referred to the police force for investigation by the police force.

The Commission is mindful of the projected reductions in its funding and is considering steps to reduce its costs, such as reducing the area of the premises it leases so as to lower rental costs and not filling all employment vacancies which occur.¹⁰

- 1.17 In response to a question from Mr Lynch about the factors involved in critical incidents, the Commissioner explained that the PIC's Prevention section intends to give consideration to a broader systemic inquiry into critical incidents:

I think that our Prevention section has been looking at that with a view to determining whether there are statewide factors bearing on critical incidents. We would regard it as part of our function to conduct an inquiry as distinct from investigating a specific Critical Incident.¹¹

- 1.18 The Committee understands that the review by the Prevention section was at a very early stage at the time of the general meeting and the Committee will follow this work with interest.¹²

TASKFORCE EMBLEMS

- 1.19 The Committee discussed Taskforce Emblems with the Commissioner. Taskforce Emblems has been the subject of considerable media attention recently. Emblems is the name given to an internal police operation conducted in 2003 - 2004, with the Emblems taskforce reviewing the surveillance work that was undertaken by Operation Mascot. The surveillance work of Operation Mascot reportedly included the surveillance of more than 100 police officers and at least two civilians. Taskforce Emblems sought to address the questions that were raised with respect to the legitimacy of the surveillance warrants that were approved during Operation Mascot.

⁹ Police Integrity Commission, *Answers to Further Questions on Notice*, 20 June 2012, p. 2, question 1.

¹⁰ Police Integrity Commission, *Answers to Further Questions on Notice*, 20 June 2012, p. 2, question 1.

¹¹ Mr James, *Transcript of evidence*, 21 May 2012, p. 10.

¹² Mr James, *Transcript of evidence*, 21 May 2012, p. 10.

1.20 Following calls from the NSW Police Association for the Police Minister to release the Taskforce Emblems report, the report was been referred to the Inspector of the PIC by the Minister for Police.

1.21 A matter of some concern to the Committee is the time which has elapsed since the beginning of the investigation of Taskforce Emblems, with the Committee noting that the matter has not been resolved to the satisfaction of affected parties.

1.22 The Commissioner outlined his general understanding of the history and processes of Taskforce Emblems to the Committee, agreeing that it has been ongoing for a number of years, with little activity in recent times, and noting that:

I have no personal knowledge of Emblems. In the short time available I have tried to acquire some second or third hand knowledge of it. I think it is fair to say that Emblems is a special case. It was particularly complex because, as I understand it, the Police Force itself, its internal affairs, the Police Integrity Commission and the Crime Commission to a considerable extent were involved. My understanding is that there was a Police Force taskforce inquiry which was given the name Taskforce Emblems and the Emblems Report, as I understand it, is a Report made by the Police Force; it is not a Report made by the Police Integrity Commission.

...It is my understanding that nothing really has happened in the Emblems matter, using the Emblems matter generically, for quite a number of years. It has been revived recently, particularly perhaps with the change of government and the fact that there is a police Minister who used to be a police officer and who said certain things while he was in opposition. I think it would be unfair to regard the Emblems matter generically as a typical example of delay. I do think it is a very special case.¹³

1.23 The Commissioner explained the reasons he believes the Taskforce has been revived recently:

I think – this is only speculation on my part – that a fairly large number of Police Officers feel that they were badly done by and that the Police Force in general thinks that those Officers were badly done by. That does not particularly explain why the matter has been revived now, but I think many Police Officers regard it as a genuine grievance that apparently police officers, against whom no allegation of criminal conduct is made, found that conversations they had might be intercepted and recorded.¹⁴

1.24 The discussion around Taskforce Emblems raised the question of warrants and the need for proper process to be observed when they are applied for and issued. Appropriate processes are essential in ensuring the protection of innocent parties.

CHAIR: The warrant can include the innocent third party?

Mr JAMES: It can. A listening device warrant can involve some invasion of the privacy of an innocent third party.

¹³ Mr James, *Transcript of evidence*, 21 May 2012, p. 12.

¹⁴ Mr James, *Transcript of evidence*, 21 May 2012, p. 19.

CHAIR: That is why I am eager to understand the veracity of the affidavits sworn. I am not comfortable with the checks and safeguards in place given such a broad application. These warrants can be issued against anyone.

Mr JAMES: I accept that there is a problem. In my own experience as a Judge, I recall refusing to issue a warrant where I thought its use would invade a communication or a possible communication between the suspected person and a legal adviser. Of course, that is a fairly clear case and there would be client legal privilege. But, short of a case like that, I think there is a genuine problem.¹⁵

- 1.25 The Commissioner noted that it is the Judge's role when granting a warrant to protect the public interest but that:

...he or she only has the materials that one party- that is, the applicant – has presented. I am reminded that all applications for surveillance devices go to the Solicitor General's office before they come before the Judge. One of the documents that a Judge looks for is a document evidencing that the matter has been before the Solicitor General or the Solicitor General's office. I would have to say that I do not think there is any close scrutiny of an application in the Solicitor General's office.¹⁶

- 1.26 The Commissioner said that the number of agencies and their oversight bodies is growing and will soon include an Inspector of the NSW Crime Commission. He stressed the importance of goodwill and cooperation between parties to ensure that any potential problems are mitigated.¹⁷

CONCLUSION

- 1.27 The Commissioner explained satisfactorily to the Committee the nature of a number of operations the PIC is working on and the Committee appreciated the frank assessment of the PIC's capabilities and resources.
- 1.28 The Committee looks forward to the finalisation of Operation Winjana and the matters arising from Taskforce Emblems and is keen to support the PIC in the conduct of its statutory functions.

¹⁵ The Hon Catherine Cusack MLC, Chair and Mr James, *Transcript of evidence*, 21 May 2012, pp. 14-15.

¹⁶ Mr James, *Transcript of evidence*, 21 May 2012, p. 15.

¹⁷ Mr James, *Transcript of evidence*, 21 May 2012, p. 15.

Chapter Two – Answers to Questions on Notice



ABN 22 870 745 340

Our Ref: 24575/5

30 April 2012

The Hon Catherine Cusack MLC
Chair
Committee on the Office of the Ombudsman
And Police Integrity Commission
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Chair

Please find enclosed the Commission's response to Questions on Notice dated 28 March 2012.

As discussed with the Committee Secretariat, I would like Question 6 and its response to be dealt with in camera, and for the Commission's response to Question 6 not to be published. To this end I have provided the response to Question 6 separately to the other Questions on Notice.

Should you have any queries in relation to any matter arising from this correspondence, please contact Pru Sheaves, Executive Officer, on [REDACTED]

Yours faithfully

The Hon Bruce James QC
Commissioner

Police Integrity Commission Annual Report 2010-11

- 1. The Commission received 1154 complaints of misconduct against current and former sworn NSWPF officers this year (as opposed to 948 the previous year, a rise of 21%). Do you have any explanation for this?**

There is no apparent explanation for the increase in complaint numbers assessed by the Commission in 2010-11. As indicated in its 2009-2010 Annual Report, numbers of complaint assessed by the Commission can fluctuate from year to year (page 24). Significantly, though, it does not appear that the numbers of complaint assessed by the Commission are trending up or down. While the complaint figure for 2009-10 was lower than the figure reported in 2010-11, seen in the context of complaint statistics reports in previous years (see Table below) it appears that complaint numbers have not varied significantly over the past five years.

Police Complaints Assessed

2006-07	2007-08	2008-09	2009-10	2010-11
1208	1386	1157	948	1154

- 2. The Commission's investigations also increased substantially this year (approximately 29%) for both preliminary and full investigations. How has this impacted on your resources?**

The Commission's Investigation Unit (IU) is currently staffed by a Manager Investigations and Intelligence, Deputy Manager Investigations, Deputy Manager Intelligence, 8 Senior Investigators, 2 Financial Investigators, 7 Operational Analysts, 2 Investigation Support Officers and an Administration Clerk. These staffing levels necessitate a flexible approach be taken to the workload, dependent upon capacity. The Commission's primary function is the detection and investigation of serious police misconduct. The adoption of a Case Categorisation and Prioritisation Model (CCPM) has assisted the IU in focussing its resources in line with this primary function. The number of investigations undertaken in a year can vary significantly based on the complexity of matters under investigation and the duration of the investigation. Some years there may be a number of shorter, less complex investigations, and as these are completed resources can be moved to new investigations.

- 3. The Commission outlines that one of its goals for the current year is to work with other anti-corruption agencies to share knowledge and discuss issues common to your concerns. Can you give us some examples of where the Commission has engaged in this type of activity, and what other organisations were involved?**

In May 2012, the Commission will again be participating in the national police integrity agency research forum in Brisbane. The forum is scheduled to take place over two days and all agencies with a policing oversight responsibility from around Australia have been invited to attend. This forum is associated with the Australian Public Sector Anti-Corruption Conference (APSAC) conference and was first conducted in 2009. The forum will provide an opportunity to discuss current and emerging issues in police oversight and corruption

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ANSWERS TO QUESTIONS ON NOTICE

Police Integrity Commission Answers to Questions on Notice from the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission 30 April 2012

prevention. The Commission is part of the working group preparing the schedule and topics for discussion.

The Commission periodically liaises with the NSW Ombudsman's Office in relation to policy issues and corruption prevention projects. For example, in 2012 the Commission has:

- sought the input and views of the Ombudsman's Office in connection with Project Cyril, which is examining how NSWPF complaint investigations have been used to identify opportunities for system changes
- coordinated its comments on the draft NSWPF critical incident policy with that organisation.

In addition, the Commission is a participant in the Australia Anti-Corruption Commissions Forum (AACF). The purpose of the AACF is to provide the means for its members and their principals to interact, exchange information, knowledge and ideas, to work cooperatively, to share resources and to promote priority areas of interest commonly affecting them. Other agencies involved in the forum include:

1. The Australian Commission for Law Enforcement Integrity (ACLEI);
2. The Corruption and Crime Commission (CCC);
3. The Crime and Misconduct Commission (CMC);
4. The Independent Commission Against Corruption (ICAC);
5. The Office of Policy Integrity (OPI); and
6. The Tasmanian Integrity Commission (TIC).

There are also a range of other regular and *ad hoc* forums in which the Commission and other agencies share knowledge around specific issues. For example, Commission staff attended with representatives from other oversight agencies a meeting at the offices of the Commonwealth Attorney Generals Department in Canberra. The purpose of the meeting was to discuss aspects of the telecommunications interception legislation of relevance to oversight agencies. The meeting took place in the context of the review of the telecommunications interception legislation currently being undertaken by the Attorney General's Department.

4. The Commission has been aiming to complete the development of a complaints and investigations case management system for some time now. Can you provide the Committee an update of progress on this?

The major components of the Case Management System (CMS), including Complaints Management, Investigations Management, Prosecutions Management, Strategic and Operational Reporting, have been implemented. The CMS accommodates most of the Commission's operational information requirements through the entire Complaint / Investigation / Prosecution lifecycle. Current efforts are focused on minor improvements and streamlining processes within CMS.

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5. In early 2011 the Commission initiated a new strategic priority setting process. If target selection is now decided on a strategic basis, can you describe how targets were previously selected? How will the performance of the new method be measured against the previous one?

The draft Strategic Priority Setting proposals were completed in March 2012. They are currently under consideration by the Executive for review, prior to their adoption. It is anticipated that the new Strategic Priorities Setting process will enhance the current business model. Prior to the implementation of this process the Commission was largely reactive in target selection and heavily reliant on complaints. This new operating model is based on the National Intelligence Model from the United Kingdom and has included the implementation of Research and Development Capacity, the Tasking and Coordination Group (T&CG) leading to a realignment of resources within the IU. The Commission has also introduced a new Case Management System (CMS) allowing greater accountability and performance measurement for each individual investigation or Research and Development assessment.

6. In Camera response

7. The Commission describes its reporting on the effectiveness of its consultation arrangements with the NSWPF. Can you provide detail on how this is assessed?

There is no standard process used by the Commission to assess the effectiveness of its consultation arrangements with the NSWPF. In the past the Commission has formed the view that the liaison relationship is in a poor state in those circumstances where:

- there has been a discernible pattern on the part of the NSWPF of failing to provide reasonable assistance to the Commission to enable it to discharge its statutory functions (for example, failing to respond to reasonable requests for information needed for misconduct prevention projects),
- the NSWPF acted contrary to a reasonable request from the Commission.

In evaluating the health of its liaison relationship with the NSWPF, the Commission acknowledges that one-off mistakes occur and that in a large organisation, responses to queries can, through no one's fault, fall between the cracks. A number of examples which go beyond 'one-off mistakes' were noted in the Commission's 2009-10 Annual Report (pp. 30-32).

8. The Project Manta Report made 12 recommendations for the NSWPF. Can you provide an update on how these have been received by the NSWPF?

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ANSWERS TO QUESTIONS ON NOTICE

Police Integrity Commission Answers to Questions on Notice from the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission 30 April 2012

Overall, the initial NSWPF response to the recommendations was positive, with the NSWPF describing the report as 'useful'. The NSWPF supported 11 of the 12 recommendations. Based on the information provided by the NSWPF Professional Standards Command on 2/3/2012, the Commission understands that the status of implementation of the remaining 11 recommendations at that time was as follows:

- two recommendations (Recommendations 5 and 6) are considered implemented
- PSC is to develop a 'corporate based corruption risk management guideline' by the second quarter of 2012 to contribute towards the implementation of a further four of the recommendations (Recommendations 1, 2, 3 and 8)
- the NSW Police Force is only in the very early stages of the implementation of Recommendation 12 and as such was unable to provide details to the Commission at that time but has stated that it intends to provide an update on progress in June 2012
- there seems to be some possible misunderstanding in relation to the remaining four recommendations (Recommendations 9, 10, 11 and possibly 4). The Commission has offered to make staff available to meet and discuss the apparent misunderstandings concerning these recommendations with relevant PSC staff.

9. There are three 'Prevention Prompts' papers available on your website which discuss the application of OH&S strategies to minimise corruption. Do you plan to prepare further similar papers? How do you source the topics for these papers?

There are no further Prevention Prompts currently proposed. The Commission's present intention is to prepare Prevention Prompts drawing on the information obtained during the course of its research projects; the three Prevention Prompts on the Commission's public website were prepared on the basis of the information collected and analysed for Project Manta. Whether Prompts, or some other supplementary material is produced, is dependent on the nature of the original research and the extent to which it is useful in considering issues to have regard to specific practical applications. As prevention projects are concluded, the Commission will give consideration to whether or not Prevention Prompts or other material is merited.

10. The Commission made eight recommendations following the conclusion of Project Ostara, which investigated corruption risks as they relate to search warrants. Have these recommendations been implemented?

The eight recommendations presented in the Commission's Project Ostara report were aimed at strengthening the management of corruption risks associated with the use of search warrants. The NSWPF accepted and proposed implementation action in regard to recommendations 1, 2, 3, 4, 5 and 6a. The Commission has no current information as to the implementation status of these recommendations, but will be seeking an update from the NSWPF as to the progress being made at the end of the 2011-2012 reporting year. The

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NSWPF supported recommendation 8 stating that consideration is ongoing to identify the most appropriate way to progress this recommendation.

The NSWPF did not support recommendations 6b, 6c, 7a and 7b. These recommendations relate to: commencing video recording of searches before entry; video recording a reading to the occupier of a list of seized exhibits; review of the reasons for low compliance for recording an occupier's objection to recording of their verbal comments during a search; and, development of a strategy to improve compliance in this area.

In relation to recommendation 6b, the NSWPF indicated that it was concerned the strategy proposed by the Commission would impact upon operational safety and could potentially compromise police methodology. The Commission acknowledges these concerns are reasonable and has advised the NSWPF that this recommendation can be considered closed. However, the Commission has also informed the NSWPF that should information come to light to suggest there is a misconduct or other risk associated with the conduct of officers in the stages prior to the commencement of a search, the NSWPF may need to revisit this recommendation or consider alternative strategies.

In relation to recommendation 6c, the NSWPF advised the Commission that this recommendation is adequately catered for by existing police practice, in which the occupier, if present, is provided, in the presence of the independent Observer, with a list of property seized during the search. The intent of recommendation 6c was to strengthen, rather than replace, current arrangements by also requiring that a list of the exhibits seized be read out to the occupier and recorded on video. On reviewing the NSWPF's response, the Commission agreed that the current NSWPF arrangement is adequate and advised that recommendation 6c could be considered closed. It noted, however, that should information come to light to suggest there is a misconduct or other risk associated with that stage of a search where information on items seized are communicated to the occupier, the NSWPF may need to revisit this recommendation or consider alternative strategies.

The Commission is seeking to engage further with the NSWPF in connection with its decision not to implement recommendations 7a and 7b. Updated information on the status of these recommendations will be sought from the NSWPF at the end of the 2011-2012 reporting year.

11. What progress has the Commission made with respect to Project Skadi?

Consultative drafts of the Project Skadi report were provided to the NSWPF in April and again in July 2011. Following protracted consultation, a final version of the report was provided to the Commissioner of Police and the Minister for Police and Emergency Services in September 2011.

The Commission received correspondence from the NSWPF responding to each of the findings presented in the report in October 2011. In the Commission's view these responses

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do not adequately address the risks identified within its report. The Commission is continuing to liaise with the NSWPF in relation to Project Skadi in an attempt to work with the NSWPF to identify other strategies for managing the risks identified in its report.

At the request of the NSWPF, the Commission decided it would refrain from making its report public. This decision has been communicated to the NSWPF. The Commission has also advised the NSWPF that it may revisit this decision at some point in the future.

12. The Commission requested that the NSWPF develop a plan to address misconduct risks involved in complaint investigations (Project Querella). Can you provide an update on the progress of this plan?

On 11 July 2011, the Commission forwarded correspondence to the Commissioner of Police providing the results of the 2010 audit of compliance by NSWPF with its Complaint Allocation Risk Appraisal (CARA) policy and requesting the NSWPF develop a comprehensive plan for improving the level of compliance with the requirements of the process¹. The Commission requested that this plan be tailored to address the specific findings of the audit. On 16 August 2011, the Commissioner of Police responded, accepting the findings and outlining a process for improving compliance levels based on additional quality control processes and expanded corporate guidance for commands as to the nature of the information required from them in CARA documentation.

In September 2011, the Commission wrote to the NSWPF querying a number of aspects of the proposed strategy for improving compliance. The NSWPF has addressed the Commission's queries regarding the nature of its current plan to improve compliance. However, questions raised by the Commission in its correspondence of 11 July 2011 as to why some of the quality control strategies implemented by the NSWPF following the 2008 CARA audit were unsuccessful in improving compliance have not as yet been responded to by the NSWPF. The Commission continues to liaise with the NSWPF on this issue. Updated information will be presented in the Commission's 2011-12 Annual Report.

13. The Commission expressed significant concerns that the NSWPF has not been managing its confidential information in an appropriate manner despite recommendations from your office published in 2008. Do you intend to assess any instances of improper disclosure of information? How will you assess this? Do you have any further comment on this issue?

The Commission has no current plans to conduct any new research in relation to the unauthorised release of confidential information in the NSWPF. However, the Commission may revisit this subject at some point in the future after the implementation of remedial strategies proposed by NSWPF in response to the Commission's 2008 report. In the

¹ CARA is used by police to assess whether there is potential for an Investigator and/or Command level conflict of interest in the allocation of a complaint investigation.

meantime, it is likely that the improper release of confidential information will continue to be scrutinised in Commission investigations.

At the end of the 2011-12 reporting year the Commission will seek updated information from the NSWPF on the implementation of the recommendations presented in the Commission's report of 2008. This will then be included in the Commission's 2011-12 Annual Report.

14. **The Research & Issues paper series provides a valuable resource to members of the public as well as government agencies. Can you describe how the issues researched for these papers are selected and how the material is disseminated? For example, is there an accompanying media release?**

As to the first limb of the question, the Commission evaluates all ideas for misconduct prevention projects using a series of assessment criteria. These criteria are designed to assist the Commission in identifying projects that, as far as can be determined, will assist the Commission achieve the best possible outcome. The criteria, which are quite extensive, include:

1. Does the proposed project have the potential for a strategic NSWPF-wide impact on corruption prevention?
2. Is there a potential for collaboration or linkages with other units in the Commission? (for example, working with the Investigations Unit)
3. Does it develop Commission objectives that so far have received less attention?
4. Can the anticipated outcomes be achieved more effectively in other ways (ie not a project)?

As to the second limb of the question, the Commission considers in relation to each report or paper that it releases publicly whether or not a media release is merited. In each case, however, the Commission issues a broadcast email to a large group academic researchers, government agencies and others in Australia and overseas whenever it releases a new report or paper.

15. **Can you provide an update on the development of the NSWPF Gifts and Benefits policy? Has the Commission reviewed this yet?**

In response to the Commission's recommendation in the Operation Iris Report, the NSWPF *Receipt of Gifts and Benefits Policy and Guidelines* document was reviewed by the Professional Standards Command. An updated version of the policy was published by NSWPF in August 2011. The Commission has recently reviewed the document. It provides satisfactory guidance to NSWPF officers. Messages about NSWPF expectations around soliciting and receiving gifts and benefits are clear and illuminated by practical examples.

More importantly, however, the NSWPF accepted the Commission's view on a possible lack of awareness of the provisions of this policy. PSC have since taken action to remind staff of

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the policy, reinforced with Commanders the need to maintain a gift register and emphasised with staff their obligations in relation to the receipt and registration of gifts. The Commission considers this recommendation satisfactorily implemented.

16. The Commission noted a restructure of its Operations Division. Has this realised the benefits envisioned? Have there been any unforeseen negative effects? How has this restructure affected your budget?

The restructure of the Operations Division was undertaken in an effort to better focus the resources of the Investigations Unit. The new structure allows for a more efficient and effective coordination of IU resources in line with demand. The restructure has been achieved within the existing budget. Staff are now allocated into defined teams providing greater continuity, retention of corporate knowledge and assisting with the allocation of work within the unit. There are no negative effects as a result of the restructure, with it having been received positively across the board. It continues to work effectively.

17. The Commission mentions several achievements relating to personnel policy, especially around the development of a new Purchasing Leave Policy and better performance and sick leave management. Can you give some examples of how these improvements have been demonstrated? What performance measurements do you use?

With respect to the new Purchasing Leave Policy, the Commission states in its 2010-11 Annual Report that the policy provides an alternate flexible working arrangement for staff. Since the introduction of this policy in September 2009, it has been utilised by one employee for the purposes of taking additional leave during school holidays in order to provide care for his school aged children.

With respect to the Performance Management System, the Commission states in its 2010-11 Annual Report that the new system continues to be an effective tool in creating increased accountability across the organisation and in identifying appropriate staff development opportunities. The Performance Management System is based on the identification of key accountabilities for individual positions and the formulation of performance standards to measure these key accountabilities. These performance standards are objective and directly relevant to the key accountabilities which, in turn are linked to business plans. By relying on objective and measurable information, the performance management system has improved accountability and ultimately performance across the organisation. The performance management system also identified training and development opportunities for both individual employees and business units as a whole.

With respect to sick leave management, in January 2009 the Commission introduced a system whereby total sick leave taken, total number of sick leave occurrences and total number of days covered by medical certificates are monitored on a monthly basis. The information gathered is shared with the Executive, with line managers and with the

employees themselves to show the Commission's vigilance in monitoring sick leave statistics. The managing sick leave policy allows for certain courses of action to be taken when documented thresholds have been surpassed. The benefit to the Commission of the sick leave management system and the monitoring procedures that it has introduced is outlined in the table below:

Calendar Year	Total Days Sick Leave Taken	Total Number of Sick Leave Occurrences Taken
2008	761.925	458.75
2009	786.24	412
2010	591.55	366
2011	596.775	370

18. Almost 42% of Commission staff members are female, but less than 25% of staff that were offered the opportunity to perform higher duties during the year were female. Can you explain this discrepancy?

During the reporting period, 7 of 27 (25.93%) higher duties staff development opportunities were filled by female staff members.

The nature of the vacant position has much to do with which staff members are given access to higher duties staff development opportunities at the Commission. The overriding factor of course is whether an employee actually has the skills, knowledge and experience to satisfy the criteria for the vacant position. Another relevant factor is whether an individual actually wishes to be considered for a higher duties opportunity and not all eligible employees of the Commission are interested in filling such vacancies.

Although 42% of Commission staff members are female, this percentage drops quite significantly to 23% within the Commission's investigative staff numbers. Of the ten higher duties opportunities that became available within the Investigations area throughout the reporting year, only one was filled by a female employee. This reflects the fact that the environment within which the Commission operates its core functions is traditionally a male dominated environment. This is further reflected by the fact that the percentage of female applications for investigative positions at the Commission is usually well below 10% of all applications. The effect of the male domination within the investigative environment is that the overall statistics relating to higher duties opportunities is dragged down to a level which is not reflective of the overall situation at the Commission. Leaving out the Investigations area figures, 35% of other higher duties opportunities throughout the reporting period were provided to female staff members.

When taking into consideration the above information and the fact that a total of 18% of the Commission's female employees are working approved part-time and other special working arrangements to accommodate an appropriate balance between their professional and

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personal responsibilities, the Commission considers the discrepancy outlined in question 18 above to be both understandable and acceptable.

Police Integrity Commission Annual Report 2009-10

- 1. The Commission commenced work on Project Caesar during the 2009-10 reporting period and the Committee understands that a draft has been prepared. What is the progress on this report?**

The Commission made some progress in advancing the project report in 2010-11. At the end of that year, a draft version of a report had been finalised for internal review. However, at that stage no decisions had been made as to the disposition of the report. In September 2011, the draft version was provided to David Patten for the purposes of the inquiry he conducted into the NSW Crime Commission.

A further decision on the report awaits the outcome of the Commission's Operation Winjana, which itself is examining the practices and procedures of the NSW Crime Commission in the conduct of actions under the Criminal Assets Recovery Act 1990.

A final decision on the report is yet to be made by the Commission.

- 2. One of the Commission's stated aims is to raise awareness of the Commission and provide advice to the Community. Can you provide some detail on how this is achieved?**

The Commission has sought to raise public awareness using a number of measures. The Commission provides a range of information about its work and practices on its website. Community members are able to use the website to contact the Commission, or contact Commission officers direct, in order to obtain further information.

From time-to-time the Commission participates in opportunities to address public forums, most notably the ICAC run Rural and Regional Outreach Programs.

In addition, an incidental outcome of public hearings is that they provide information to the broader community about misconduct currently of interest to the Commission. Public reports on investigations, research and the Commission's Annual Reports provide further details.

Principally, however, the Commission directs most of its attention to raising awareness about its work amongst one of its key stakeholder groups, the officers of the NSWPF. This is particularly the case in respect of the Commission's work on misconduct prevention (as it can lead to a shared understanding of the risks of misconduct in day-to-day policing), and the Commission's role in the complaints management process (as police themselves are the

predominant source of complaints about police misconduct). The Commission's activities in this area are outlined in some detail in the 2009-10 (p. 41) and 2010-11 (p.35) Annual Reports.

3. In the 2009-10 Annual Report you detail Project Surrey, which was designed to identify risk factors for serious police misconduct. The Annual Report indicated that the analyses were being finalised and the Commission expected to release a paper with its findings during the 2010-11 year. In the following year's annual report the Commission notes that this project had been placed on hold. The Committee considers that such a report appears to be integral to the Commission's business and may provide valuable information for corruption prevention activities. Is the Commission planning to renew this project?

The intention of Project Surrey was to identify risk factors for serious police misconduct using large quantities of NSWPF data from multiple data sources. This data, however, proved difficult to work with resulting in significant delays in the information collection and analysis phases of the project. On reviewing the first draft of the report, a number of questions emerged pertaining to the reliability of the results and the extent to which they could be used for the purposes of planning or policy development in the organisational context of the NSWPF.

In view of the fact that the two researchers who had commenced the project in 2009 had departed the Commission by the time the first draft was furnished in early 2011, the Commission was faced with a choice of allocating the project to another member of staff or an externally-engaged researcher or curtailing its work in this area altogether. The decision taken at that time was that the resource investment required to complete the project could not be justified in light of the Commission's other prevention priorities. In addition, it is questionable that the data sources available are sufficient to support anything other than the most tentative of findings regarding risk factors for serious police misconduct. The Commission has no plans to resume work in relation to this project.

4. The Commission refers to the development of an Intelligence Management Framework. Can you elaborate on what this involves and its progress?

Over the last three years, the Commission has adopted a variant of the National Intelligence Model (NIM) for the conduct of law enforcement operations that has been adapted to suit the Commission's needs. The NIM was developed in the United Kingdom and has been widely adopted by other law enforcement agencies. The model emphasises an intelligence led approach to target identification and development. Elements of this model include the centralised control of tasking and operations, risk management and the prioritisation of work that is most relevant to the Commission's role (i.e. serious misconduct).

The intelligence framework element of this plan has included the adoption of an integrated intelligence and Case Management System, the acquisition of intelligence tools and a planned data warehouse capability. Furthermore, the Commission has liaised with external

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training providers so that analysts can supplement their qualifications and experience in order to better perform their current role. One element of this framework is still to be implemented; the adoption of the strategic priorities process, but this expected to occur in the coming months.

Review by the minister of the PIC Act 1996

1. One of the outcomes of the Review suggests that the Committee consider recommending a function to enable the Commission to audit the NSWCC. Does the Commission have any comment on this?

The Commission's response to this question depends on the outcome of the Special Commission of Inquiry into the NSW Crime Commission. Should an inspector of the Crime Commission be appointed who has audit powers, the Commission would not seek a legislative amendment to allow an audit function.

2. The Commission has requested that Committee make a recommendation to amend the legislation to allow specified officers of the Commission to carry antipersonnel spray and batons. Do you have any further comments on this request?

The purpose of this amendment is to update s124(2) of the PIC Act to reflect the current training and practices in conflict de-escalation which are in place at the Commission. When the PIC Act commenced in 1996 it contained a provision about firearms and weapons which mirrored the corresponding provision in the *Royal Commission (Police Service) Act 1994*. The provision was that Commission investigators and surveillance officers who were seconded police officers or approved former police officers were exempt from the requirement to hold a permit or licence in relation to semi-automatic pistols, handcuffs and body armour vests (s124).

Section 124 of the PIC Act provides

- (1) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers are exempt from the requirement made by the *Firearms Act 1996* to be authorised by a licence or permit to possess or use semi-automatic pistols (or to possess ammunition for any such pistol), but only when acting in their capacity as officers of the Commission.
- (2) Commission investigators, and Commission surveillance officers, who are seconded police officers or approved former police officers are exempt from the requirement under the *Weapons Prohibition Act 1998* to be authorised by a permit to possess or use handcuffs and body armour vests, but only when acting in their capacity as officers of the Commission.

The purpose of the provision was to remove the need for the Commissioner of Police to issue individual permits for such officers to carry the police equipment necessary to perform their duties safely. One permit is issued which permits the Commission to possess pistols and weapons and issue them to the exempt officers when circumstances require it.

Since the commencement of the PIC Act there have been a number of developments in police practice regarding equipment for dealing with conflict situations. Following the shooting death of Roni Levi in 1997, police in many jurisdictions moved to better train and equip their officers with non-lethal alternatives so that the least degree of force necessary

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could be deployed to deal with a conflict situation. NSWPF officers were equipped with oleoresin capsicum spray in 1999.

Capsicum spray (or "anti-personnel spray") and batons are now standard tactical options for NSWPF officers in the field. Commensurate with this, the training of officers in the appropriate use of weapons and other approaches such as conflict de-escalation has also developed significantly. Officers of the Commission also engage in such training, provided by specialist instructors from an independent law enforcement agency.

The Commission has a permit to possess and issue spray and batons to its officers. Those weapons form part of the standard suite of items now issued to Commission officers when they are going into an operational situation that carries a risk of conflict. However, whilst the approved former police officers are exempt from obtaining a licence for the other weapons, they must obtain an individual licence for spray and batons as those items are not mentioned in s124(2) of the PIC Act. The requested amendment merely seeks to extend the exemption currently provided by s124(2) so that it includes the additional items that now form part of the standard training and practice. If the amendment is not made the officers will continue to train in the use of spray and batons and will be issued with same by the Commission when operational circumstances require it, but they will have to have first obtained individual permits to do so. The purpose of the amendment is merely to remove the administrative burden of obtaining such permits. Accordingly it is still the Commission's recommendation that s 124(2) of the Act should be amended so that the exemption from the requirement to hold a permit is extended to batons and anti-personnel spray in the case of Commission officers who are seconded police officers or approved former police officers.

Report of the Special Commission of Inquiry into the NSW Crime Commission

The Report of the Special Commission recommends, among other things, that:

- a) any future Parliamentary Committee that is established to oversee the NSWCC has the power to veto the appointment of a Commissioner.
- b) That an Inspector be appointed to the Commission and this Inspector be provided with staff, who will have the right to use PIC's facilities if required.
- c) That the PIC Act be amended to provide that the PIC not exercise its powers under s. 23(2) and s. 24 (in relation to a preliminary investigation into matters covered by s. 23(2)) without the consent of the Inspector.

Does the Commission have any specific or general comments to make regarding the above recommendations?

In relation to a), the Commission does not oppose the PJC having the power to veto the appointment of the Commissioner of the Crime Commission and notes that such veto powers also appear in s64A of the *Independent Commission Against Corruption Act 1988* in relation to the proposed appointees to the positions of Commissioner and Inspector of the Independent Commission Against Corruption and at s31BA of the *Ombudsman Act 1974* which includes a veto power for the following positions:

- Ombudsman
- Director of Public Prosecutions
- Information Commissioner
- Privacy Commissioner
- Commissioner of the Police Integrity Commission
- Inspector of the Police Integrity Commission

It would be consistent to apply uniform levels of Parliamentary scrutiny to the position of the Commissioner of the Crime Commission.

In relation to b) the Commission agrees with the appointment of an Inspector to the NSW Crime Commission with appropriate staffing levels. If the Inspector is to have the right to use Commission's facilities, this should only occur by mutual agreement between the Inspector and the Commissioner and be subject to the availability of the required facilities.

In relation to c), s23(2) of the *Police Integrity Commission Act 1996* (the Act) provides that the Commission may conduct an investigation even though no particular police officer, administrative officer, Crime Commission officer or other person has been implicated and even though no police misconduct, misconduct of a Crime Commission officer or corrupt conduct of an administrative officer is suspected. Section 24 of the Act provides that an investigation may be in the nature of a preliminary investigation and gives some examples of preliminary investigations which could be conducted by the Commission.

The Commission would not oppose an amendment to the Act which would provide that the Commission should not exercise its power under s23(2) to conduct an investigation even though no

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particular officer or other person has been implicated and even though no misconduct of an officer is suspected, without the Inspector having consented to such an investigation.

The Commission would not oppose an amendment to the Act which would provide that the Commission should not exercise its power under s24 to conduct a preliminary investigation, if the investigation would fall within s23(2) (that is, no particular officer or other person has been implicated and even though no misconduct of an officer is suspected) without the Inspector having consented to such an investigation.

It may be, that if the proposed amendment in relation to s23(2) was made, then the proposed amendment in relation to s24 would become unnecessary.

Chapter Three – Answers to Further Questions on Notice

Responses to Question on Notice from the public hearing of the Parliamentary Joint Committee on the Office of the Ombudsman and the Police Integrity Commission on 21 May 2012 and to the further Questions on Notice

Question Taken on Notice

'Do you have any statistics breaking down the nature of complaints that you are dealing with? ... And they are fairly stable in their trend?'

The context in which this question was asked at the public hearing suggests that what is being sought are statistics relating to complaints of misconduct by police officers, as distinct from complaints of misconduct by administrative officers, that is members of the NSW Police Force other than police officers, and complaints of misconduct by officers of the NSW Crime Commission. Accordingly, this response will be limited to complaints of misconduct by police officers.

It is important to note that the Commission draws a distinction between a complaint and the allegation or allegations of misconduct made in the complaint. A single complaint received by the Commission may contain a number of allegations of misconduct. For example, a single complaint may make allegations that a police officer has formed an improper association with a person who engages in criminal activities and that the police officer is supplying that person with confidential police information. The statistics supplied in the present response to the question taken on notice relate to allegations of misconduct in complaints.

Statistics on the types of allegations of misconduct which have been assessed by the Commission during a year are reported in annexures to the Commission's Annual Report for that year.

I attach to this document a table showing the number of allegations of various kinds of misconduct assessed by the Commission in each of the years 2008 – 2009, 2009 – 2010 and 2010 – 2011. I also attach a bar chart comparing, for each of the years 2008 – 2009, 2009 – 2010 and 2010 – 2011, the number of the ten types of allegations of misconduct most frequently assessed by the Commission.

An examination of the information presented in the table and the bar chart suggests that over the period from 2008 – 2009 to 2010 – 2011:-

- The total number of allegations of misconduct assessed by the Commission has not varied to any significant degree
- The number of allegations of the types of misconduct most frequently assessed by the Commission has not varied to any significant degree.

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However, due to the hidden nature of much corruption and the possibility of false or mistaken allegations of misconduct, the Commission considers that caution must be exercised in seeking to draw any conclusion from these statistics about whether there has or has not been any variation in the actual incidence of misconduct by police officers.

Further Questions on Notice

Funding

1. *Does the Commission consider that it has sufficient funding to acquit its statutory functions?*

Under its statute the Commission's principal functions are to prevent and to detect and investigate officer misconduct, that is misconduct by police officers and officers of the Crime Commission and corrupt conduct by members of the police force other than police officers. The Commission considers that it presently has sufficient funding to be able to perform those principal functions.

However, the Commission has been informed that it, like other NSW public sector agencies, will have its funding progressively reduced in each of the financial years 2012 - 2013 to 2016 - 2016, so as to achieve the savings set out in the following table.

2012-13	2013-14	2014-15	2015-16
\$374,000	\$673,000	\$743,000	\$910,000

Note: These figures do not take into account any escalation which might be provided by Treasury.

For a small agency this reduction in funding is significant and is likely to lead to some reduction in the Commission's activities. For example, it is likely that some investigations into allegations of misconduct which the Commission would otherwise have undertaken will have to be referred to the police force for investigation by the police force.

The Commission is mindful of the projected reductions in its funding and is considering steps to reduce its costs, such as reducing the area of the premises it leases so as to lower rental costs and not filling all employment vacancies which occur.

As stated above, the Commission considers that it presently has sufficient funding to be able to perform its principal functions. However, as I said at the meeting of the Committee on 21 May, the Commission would not have sufficient funding to perform any other function and, in particular, a function of itself investigating police Critical Incidents. In order for the Commission to be able to investigate police Critical Incidents, the Commission would need to be a very much larger organisation, capable of maintaining continuous rapid response

systems, with many more investigators and with specialist forensic officers, and would require very much larger funding.

Planning and Transition

2. *Are there any concerns raised by the previous Commissioner that you have decided either to pursue or not to pursue?*

The previous Commissioner Mr John Pritchard resigned, with effect from 21 January 2011. Since I took up my appointment as Commissioner in January of this year I have not had the opportunity of discussing with Mr Pritchard any matter affecting the Commission.

The Hon. Jerrold Cripps QC was Acting Commissioner of the Commission for the period from 22 January 2011 to 31 December 2011. While Mr Pritchard was still the Commissioner, Mr Cripps had been appointed as an Assistant Commissioner for the purpose of conducting the Commission's Operation Winjana, which involves matters relating to the NSW Crime Commission. After I was appointed Commissioner, I renewed Mr Cripps' appointment as Assistant Commissioner for the purpose of enabling him to continue and complete Operation Winjana.

I have had a number of discussions with Mr Cripps about the Commission in which Mr Cripps has given me the benefit of the experience he has gained as Assistant Commissioner and as Acting Commissioner. However, Mr Cripps has not raised with me any matter of concern calling for a decision on my part either to pursue or not to pursue the matter.

Release of Information

3. *An ex-police officer who claims to have been misrepresented in the TV series Underbelly and who has completed defamation proceedings against Channel Nine complains that protected or restricted information held about her by the PIC (being documents gathered by the predecessor Royal Commission) was improperly released by the PIC to Channel Nine or their representatives.*
- Was any such material released by the PIC to Channel Nine?*
 - On what basis was it released?*
 - What was the status of any such information?*
 - Were there any restrictions on such a release?*

I take it that the ex-police officer referred to in the question is [REDACTED] who brought defamation proceedings in the Supreme Court against a number of defendants including TCN Channel Nine Pty Ltd.

While the defamation proceedings were still on foot the Commission received a letter dated 22 September 2011 from the solicitors acting for the defendants in the defamation proceedings, requesting that the Commission provide access by those solicitors to a number

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of documents relating to [REDACTED] which came into existence during the Royal Commission into the NSW Police Service.

The Commission received a further letter from the solicitors for [REDACTED] dated 28 September 2011, in which the solicitors requested Acting Commissioner Cripps to exercise his power under s56(4)(c) of the *Police Integrity Commission Act* by certifying that it was necessary in the public interest to divulge to the solicitors the documents referred to in the letter of 22 September.

Three of the documents referred to in the letter of 22 September had been admitted as public exhibits at public hearings of the Royal Commission. The other documents referred to in the letter of 22 September had never become public documents.

On 31 October 2011 the Commission wrote letters to the solicitors acting for the defendants in the defamation proceedings and to the solicitor acting for [REDACTED] in the defamation proceedings. With each letter the Commission enclosed copies of the three documents which had become public exhibits at public hearings of the Royal Commission.

In the letter to the solicitors for the defendants in the defamation proceedings the Commission said that further consideration would be given to whether the Acting Commissioner should certify that it was necessary in the public interest to provide the other documents referred to in the solicitors' letters.

In the letter to [REDACTED] solicitor, but not in the letter to the defendants' solicitors, the Commission enclosed copies of the other documents the defendants' solicitors were seeking to have access to and invited [REDACTED] solicitor to make submissions about whether those documents should be divulged. No submission was received by the Commission from [REDACTED] solicitor.

Subsequently, and before any decision under s56(4)(c) had been made, the Commission was informed that the defamation proceedings had been settled.

No documents referred to in the defendants' solicitors letter of 22 September 2011, apart from the three documents which were provided with the Commission's letters of 31 October 2011, were ever provided to the solicitors for the defendants in the defamation proceedings.

I answer the questions asked as follows.

- a. The only documents released to Channel Nine were the three documents released to the solicitors for the defendants in the defamation proceedings, all of which had become public exhibits at public hearings of the Royal Commission.
- b. and c. The documents were released on the basis that they had become public exhibits at public hearings of the Royal Commission.
- d. No restriction was imposed in the letter of 31 October 2011 to the solicitors for the defendants or otherwise.

Attachment A

ALLEGATIONS AGAINST SWORN NSWPF OFFICERS ASSESSED BY PIC:
2008-09 – 2010-11

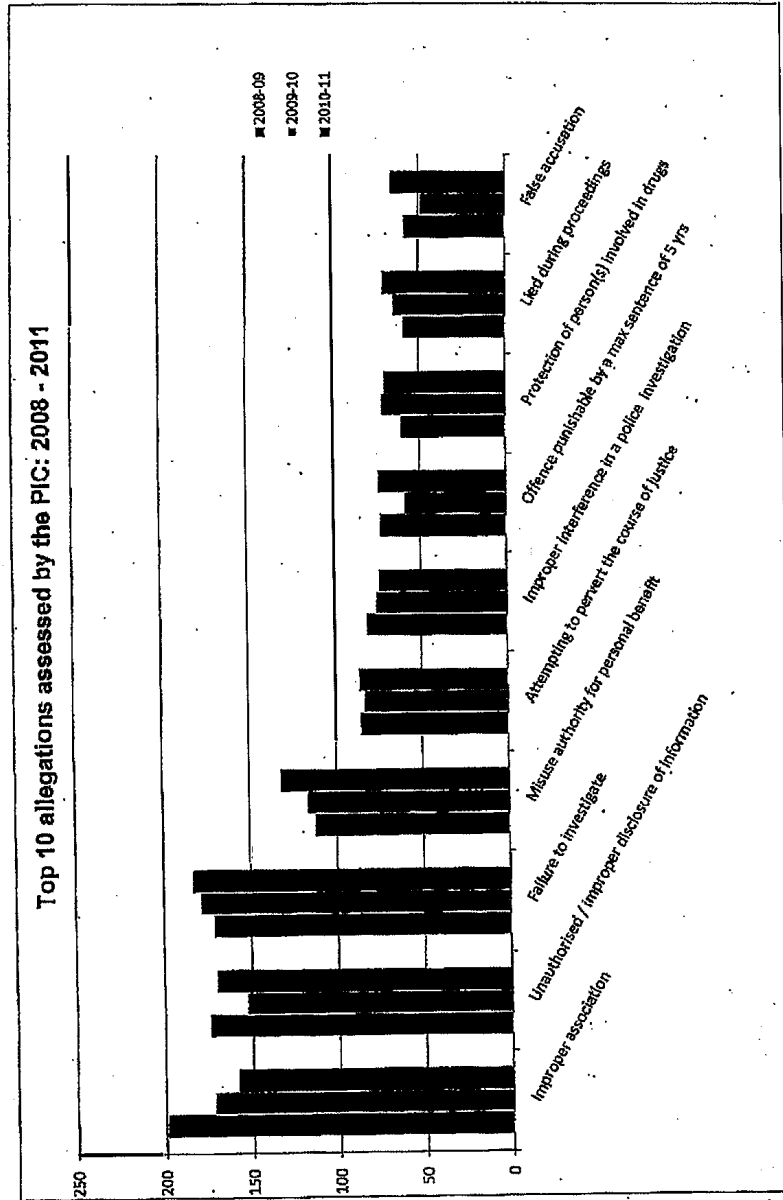
Allegation type	Allegations assessed in 2008-09	Allegations assessed in 2009-10	Allegations assessed in 2010-11
Improper association	199	172	158
Unauthorised / Improper disclosure of information	174	153	170
Failure to investigate	171	179	183
Misuse authority for personal benefit or the benefit of an associate	112	117	132
Attempting to pervert the course of justice	85	83	86
Improper interference in an investigation by another police officer	81	76	74
Offence punishable upon conviction by a maximum sentence of 5 years or more	73	59	74
Protection of person(s) involved in drugs	60	72	70
Lied during proceedings / in statement / on affidavit	59	65	71
False accusation	58	49	68
Dealing or supply	59	22	59
Fabrication of evidence (other than perjury or verballing)	42	34	32
Bribery	35	33	45
Tampering with or destroying	19	9	15
Theft / misappropriation (more than \$5000)	17	0	0
Sexual assault	16	16	18
Mislead the court	10	6	9
Withholding or suppression of evidence	9	8	9
Child sexual abuse or paedophilia	9	9	16

REPORT ON THE 13TH GENERAL MEETING WITH THE POLICE INTEGRITY COMMISSION
ANSWERS TO FURTHER QUESTIONS ON NOTICE

Attachment A

Allegation type	Allegations investigated in 2003-06	Allegations investigated in 2008-10	Allegations investigated in 2011-13
Cultivation or manufacture	6	2	7
Perjury	5	2	6
Make false statement (verballing)	5	2	6
Collusion between police witnesses	5	8	6
Inappropriate prosecution / misuse of prosecution power	3	6	8
Homicide	2	1	4
Other allegations – *Less serious allegations including customer service issues.	1615	1586	1686
Total allegations	2932	2772	3007

Attachment B



Chapter Four – Transcript of proceedings

NOTE: The General Meeting with the Police Integrity Commission was held at Parliament House, Macquarie Street, Sydney, on 21 May 2012.

BRUCE MEREDITH JAMES, Commissioner of the Police Integrity Commission, sworn and examined;

ANDREW STUART NATTRESS, Assistant Commissioner and Director Operations, Police Integrity Commission,

ALLAN GEOFFREY KEARNEY, Director of Prevention and Information, Police Integrity Commission, and

MICHELLE MARGARET O'BRIEN, Commission Solicitor, Police Integrity Commission, affirmed and examined:

CHAIR: Before the proceedings commence I remind everyone to switch off their mobile phones as they can interfere with the Hansard recording equipment. If your phone is on silent please switch it off completely. I now declare open the hearing in relation to the Review of the Police Integrity Commission Annual Report 2009-10 and the Police Integrity Commission Annual Report 2010-11. It is a function of the Committee on the Office of the Ombudsman and the Police Integrity Commission to examine each annual report and other reports of the Police Integrity Commission and report to both Houses of Parliament in accordance with section 195 (1) (c) of the Police Integrity Commission Act 1996. The Committee welcomes the Commissioner of the Police Integrity Commission along with the Assistant Commissioner, the Commission's Solicitor and the Director Prevention and Information. Commissioner, I convey the thanks of the Committee for your appearance today.

Mr JAMES: Thank you.

CHAIR: Commissioner, the Committee has received detailed responses from you in relation to questions on notice relating to the Police Integrity Commission Annual Report 2009-10 and the Police Integrity Commission Annual Report 2010-11. Do you wish these responses to form part of your evidence today and to be made public?

Mr JAMES: Yes I do.

CHAIR: Would you like to make an opening statement before the commencement of questions?

Mr JAMES: No, I do not wish to make an opening statement.

Mr PAUL LYNCH: Commissioner, what is the status of the Police Integrity Commission inquiry into the NSW Crime Commission?

Mr JAMES: The PIC investigation into the Crime Commission, to which the name Operation Winjana has been given, has reached the stage where very, very extensive written submissions have been exchanged and the process of exchanging submissions is still continuing. After the submissions are completed a report will be prepared. It has taken a long time but there is a great deal of evidence and the submissions, as I have said, are very, very extensive.

Mr PAUL LYNCH: Is there any indication of when that process might come to an end?

Mr JAMES: It is certainly our hope that a report will be lodged this calendar year but I do not think I can be any more specific than that.

Mr PAUL LYNCH: Is there any uncompleted litigation between the Crime Commission and the Police Integrity Commission?

Mr JAMES: Not at present.

Mr PAUL LYNCH: I note your guarded answer to that. One other thing that interests me is that the relationship between the PIC and the Inspector of the Police Integrity Commission has variously been described previously as poisonous or toxic. How do you think that might be overcome? There is clearly a tension between an agency and an oversight body. My sense is that the tension has been far greater than one would have expected. How do both bodies now go forward?

Mr JAMES: I would like to think that my relationship with the present inspector is a constructive one. We do know each other but I am sure that any past acquaintance between the inspector and me will not deter the inspector from discharging his duty. However, I would hope that the relationship between us will remain civil and courteous. In my view, maintaining a courteous relationship is in no way incompatible with the proper discharge of both our functions. I would like to think, and I do think, that the present relationship between the commissioner and the inspector is much better than it was in the past.

Mr PAUL LYNCH: Turning to another topic, there has been some public discussion of an incident in Kings Cross on 21 April, which I am sure you are aware of, and a call for the Police Integrity Commission to conduct the investigation into that incident. What is your response to those calls?

Mr JAMES: There were calls for the Police Integrity Commission to investigate that incident. I might mention that Mr Shoebridge called upon the PIC to conduct the investigation. He wrote us a letter and we took the step of writing a lengthy reply to him. We sent a copy of our reply to this Committee. Briefly, what we said was this: The Police Integrity Commission does not presently have the resources or the structure to investigate police critical incidents. We referred in particular to the absence on the part of the Police Integrity Commission of any rapid response structure. That incident in Kings Cross occurred at four o'clock in the morning. In our view it is essential to a successful investigation that the representatives of the investigating body get to the scene of the incident within minutes of it happening. The police are able to achieve that. We simply do not have the resources.

We made the point in the letter that the total number of investigators the commission has is only eight. Apart from the small number of investigators, we do not have any investigator who has recently conducted an investigation into a homicide or into an incident involving serious personal injury. We do not have any specialist officers such as crime scene examiners, ballistics experts, vehicle examiners or fingerprint experts. In the letter we assert and I repeat it here, we do not have the capacity to investigate police critical incidents and what resources we have have been marshalled towards discharging what we see as our principal function, which is detecting and investigating police misconduct, particularly allegations of corrupt police misconduct. Our resources are fully applied in that task.

CHAIR: Would you have any objection to the Committee making that letter public?

Mr JAMES: None at all. We sent copies of the letter to a number of parties.

CHAIR: We understand that but we just seek your permission first. Thank you.

Mr PAUL LYNCH: I think it flows from the last part of your answer that even if the resources were made available to you, you would not actually want them because you do not see that is your primary role?

Mr JAMES: We did not write that letter seeking to expand our role. There are quite a number of police critical incidents each year. It is unfortunate, but there are. According to information supplied to me there are about 40 critical incidents each year in the State and of course some of them are in country areas. We would need a very, very much larger organisation to be able to investigate all of them. I have of course said that we are not really equipped to investigate any of them. I am not seeking an expanded role for the commission.

Mr PAUL LYNCH: Bearing all that in mind, I am wondering then if you have given any consideration to a broader systemic inquiry into critical incidents to see whether there are any factors in common that might be mitigated or altered to reduce the number of critical incidents, rather than investigating particular ones?

Mr JAMES: I think that our Prevention section has been looking at that with a view to determining whether there are statewide factors bearing on critical incidents. We would regard it as part of our function to conduct such an inquiry as distinct from investigating a specific critical incident.

Mr PAUL LYNCH: Is there any sense of when that work that might be carried out is going to come to a conclusion?

Mr JAMES: I am informed it is embryonic at present but it is certainly something that we would regard as properly part of our function.

Mr PAUL LYNCH: I think the Committee would be interested in the fullness of time hearing more about that. In the letter that has been referred to you mentioned that there was a Police Integrity Commission investigation arising out of the death of Adam Salter?

Mr JAMES: Yes.

Mr PAUL LYNCH: Can tell us where that inquiry is up to?

Mr JAMES: That inquiry has been progressing and the process of investigation has been virtually completed. I am able to tell you that there will be public hearings in that investigation. The sort of timetable we are looking at is public hearings at the end of August.

Mr PAUL LYNCH: I understand that those officers that were the subject of criticism by the coroner in relation to the Salter matter continue to work in the Critical Incident Response Unit?

Mr JAMES: I do not think so.

Mr KEARNEY: I think those officers are general duty officers.

Mr JAMES: The officers were general duty officers.

Mr KEARNEY: And they can be called upon in the event that there is a critical incident.

Mr PAUL LYNCH: That was my mistake in terms of the way I asked the question. What I should have asked was, those officers from the Critical Incident Response Unit who did the investigation and were also subject to criticism, have they continued to be involved in the Critical Incident Response Unit investigation?

Mr JAMES: I believe they do. Our investigation is at two levels or perhaps at more than two levels, but it is an investigation into the conduct of the general duties officers at the site. Our investigation also extends to an investigation into the police investigation of the incident and the subsequent vetting of the police investigation of the incident.

Mr PAUL LYNCH: It has been put to me that those officers who were part of the Critical Incident Response Unit who did the investigation that has been subject to criticism, not only continue to work in that area but indeed are involved in the investigation of the April Kings Cross incident. Is that something within your knowledge?

Mr JAMES: I understand that officers are assigned to a particular critical incident on an ad hoc basis as distinct from being standing members of a critical investigation team.

Mr PAUL LYNCH: So what I have been told may not be accurate then is the indication I am getting from that.

Mr JAMES: I am not sure what you have been told but it seems to me it might be inaccurate.

CHAIR: One of the roles of the Police Integrity Commission was to receive and assess all matters by the police royal commission that were incomplete or required further follow up. Are there any matters outstanding now in relation to the work of the royal commission?

Mr JAMES: I am assured by the Solicitor that there are no matters from the royal commission still outstanding.

CHAIR: In relation to the Police Association motions that have been passed concerning the Police Integrity Commission, what do you understand the Police Association's concerns to be and what would be your response?

Mr JAMES: Is it a resolution by the Police Association of a lack of confidence in the Police Integrity Commission or a more specific one?

CHAIR: Yes, correct and a request that there be more transparency, a suggestion by the Association that the Police Integrity Commission requires standards of the Police Service that are not being adhered to by the Police Integrity Commission. These are a series of allegations that they are making and I just wondered if you could respond to those?

Mr JAMES: I consider that the criticisms are not warranted. I would say this though, I am very conscious that accusations have been made in the past of a lack of procedural fairness on the part of the Police Integrity Commission and I do consider that it is incumbent on me to make sure that procedural fairness is observed. There is no dispute at all that the Police Integrity Commission is obliged to accord procedural fairness. The difficulty is in determining what is the content of procedural fairness. In the case of a criminal trial the requirements of procedural fairness are settled, they have been settled by almost hundreds of years of experience. In the case of an investigative body like the Police Integrity Commission, there might be room for some argument about what procedural fairness requires in a particular case. Nevertheless, it would be my view that we should strive to accord procedural fairness. I do think the Police Association's resolution was, in part, based on some of the reports by the previous inspector.

CHAIR: We talked earlier with the inspector during the public hearing about Emblems and one of the issues that arose was the amount of time some of these investigations take to bring to a resolution.

Mr JAMES: Did you refer to Emblems?

CHAIR: Yes. This is a case where an anti-corruption taskforce has led to another task force, has led to another taskforce, has led to another taskforce, and it has been going on for 14 years, and there are clearly a large number of matters still unresolved which have now landed on his desk. Do you have any comments on the issue of governance and timeliness?

Mr JAMES: I have no personal knowledge of Emblems. In the short time available I have tried to acquire some second or third hand knowledge of it. I think it is fair to say that Emblems is a special case. It was particularly complex because, as I understand it, the Police Force itself, its internal affairs, the Police Integrity Commission and the Crime Commission to a considerable extent were involved. My understanding is that there was a Police Force taskforce inquiry which was given the name Taskforce Emblems and the Emblems report, as I understand it, is a report made by the Police Force; it is not a report made by the Police Integrity Commission.

CHAIR: Correct.

Mr JAMES: Then, as I understand it, there was a report by Mr Mervyn Finlay at some stage. It is unclear to me on the information I have whether Mr Finlay made that report in the capacity of being the Inspector of the Police Integrity Commission or whether he made the

report as being an independent person who was asked to make that particular report but not in the capacity of being the Inspector of the Police Integrity Commission. I am unsure about that. It is my understanding that nothing really has happened in the Emblems matter, using the Emblems matter generically, for quite a number of years. It has been revived recently, particularly perhaps with the change of government and the fact that there is a police Minister who used to be a police officer and who said certain things while he was in opposition. I think it would be unfair to regard the Emblems matter generically as a typical example of delay. I do think it is a very special case.

CHAIR: What do you think is the resolution of the Emblems matter?

Mr JAMES: As far as the Police Integrity Commission is concerned, I do not think the Police Integrity Commission has any part at all to play in any decision to release the police Emblems report. As far as Mr Finlay's report is concerned, as I have said, it is unclear to me whether that really has anything to do with the Police Integrity Commission either. I have the understanding that an application was made to the Supreme Court for listening device warrants and that the evidence relied on in support of that application and on the basis of which the warrants were granted remains secret or at least not public. It is unclear to me in the limited amount of time I have had whether the evidence remaining secret is attributable in any way to the Police Integrity Commission or whether it is attributable to the Crime Commission or whether it is attributable to some other cause.

CHAIR: If it is not attributable to the Police Integrity Commission, is it a matter that the Police Integrity Commission should have reviewed?

Mr JAMES: It is my understanding that the Police Integrity Commission played some part in an operation which was called Operation Florida. The parties to Operation Florida were the New South Wales Police Force, their internal affairs, the Crime Commission, and the Police Integrity Commission did play a part. Because the Police Integrity Commission did play a part it may be that the Police Integrity Commission is disqualified from making some kind of objective appraisal of what happened.

Mr PAUL LYNCH: Can I just interrupt there and say I think the original application, according to the inspector, was made for the warrants by a member of the Crime Commission or by the Crime Commission and the Police Integrity Commission would not have had jurisdiction to inquire into that, I suspect, in 2000. It was only two years ago that you got jurisdiction over the Crime Commission?

Mr JAMES: Yes.

Mr PAUL LYNCH: That is probably the answer.

CHAIR: In relation to an affidavit which is confidential, what transparency and accountability is there for the veracity of affidavits that have been sworn before Supreme Court judges?

Mr JAMES: I used to be a Supreme Court judge. If one is an authorised judge, and I think all judges in the Common Law Division are, you are presented with the affidavits—and I am confident that my practice is no different from the practice adopted by other judges, at least at that time—it was that simply on the papers, without ever seeing your deponents, on

the face of the evidence you made a decision whether to grant the warrant. I have to say it is a fact that almost all applications are granted.

CHAIR: Is there any testing of an affidavit that can ever be undertaken?

Mr JAMES: I think a judge could require a deponent of the affidavit to attend before the judge. The judge would be unlikely to have any information outside the affidavit with which to confront the deponent so that getting the deponent in and speaking to the deponent might not achieve very much.

CHAIR: So the basis of all authorisations for listening devices is through this process. I am interested in the integrity of this process. If false information was put before a Supreme Court judge, I am assuming that it would be difficult for a judge not to accept a sworn affidavit?

Mr JAMES: Yes.

CHAIR: Then that affidavit becomes secret so it is never seen to be tested or if a crime was committed by someone swearing a false affidavit, is there any possibility of ever detecting that crime or making a person accountable for it?

Mr JAMES: I think it is unlikely to be detected. The Listening Devices Act has been replaced by the Surveillance Devices Act, but there is no difference in principle with regard to the matters that we are talking about. I suppose there is the possibility that if a warrant is granted and evidence is obtained through the use of the device and there is subsequently a trial, there is the possibility of evidence of events emerging at the trial which would show that some of the contents of the affidavit are not true.

CHAIR: But the affidavit is not available at the trial, is it?

Mr JAMES: No, the affidavit is not available at the trial.

CHAIR: So it cannot be tested there either, can it?

Mr JAMES: I think what you say is at least generally correct. I am told that oversight agencies can get access to the affidavits. There was a problem in this case because the Police Integrity Commission had some personal involvement. I am assured that oversighting agencies have the power to gain access to the affidavits relied upon for the issue of surveillance device warrants.

CHAIR: Which was the oversight agency in this case?

Mr KEARNEY: At the time there was no oversight agency responsible for it.

Mr JAMES: There was no oversight agency for the Crime Commission at all.

Mr KEARNEY: With the exception, of course, of the Independent Commission Against Corruption, which has a general oversight, predominantly with a prevention and education focus.

Mr KEVIN ANDERSON: You indicated that the Police Integrity Commission had a personal involvement at the time. What was that personal involvement?

Mr JAMES: I said "at the time", but I am not sure that it had any involvement at the time of the application for a warrant or the granting of a warrant. But it did at least have a personal involvement at a time subsequent to that.

Mr PAUL LYNCH: It provided a courtroom or hearing room.

Mr JAMES: Yes. I simply made the point that at the time there was no involvement, but subsequently there was some involvement. I was suggesting that some direct involvement by the Police Integrity Commission in the events would have made it difficult for it to exercise an independent oversight role.

Mr KEVIN ANDERSON: It has been indicated by Mr Lynch that you provided a room and that was the personal involvement. Is that it?

Mr PAUL LYNCH: It was a bit more.

Mr JAMES: I do not know; I suspect we might have done a bit more than that.

CHAIR: I think you relied upon the evidence that was collected.

Mr JAMES: Yes. We apparently instructed counsel at a hearing that was conducted in our hearing room. However, I am told that the hearing was based on evidence that had been collected by the Crime Commission.

CHAIR: I return to the basis of the warrants that have been issued. My understanding is that the Crown Solicitor provided advice that a person the subject of a warrant does not necessarily have to have committed a crime or be suspected of committing a crime. In fact, they do not even have to have knowledge of a crime in order to be captured within the purview of a warrant for a listening device; it can include anyone.

Mr JAMES: I think the applicant has to demonstrate that there are grounds for suspecting that a crime has been committed.

CHAIR: Yes.

Mr JAMES: The warrant will authorise surveillance of the person suspected, but that may also involve surveillance of communications between that person and third parties about whom there is no suspicion. However, there is a possibility of the communication between the person whom I might describe as the target and the third party containing evidence tending to incriminate the target.

CHAIR: The warrant can include the innocent third party?

Mr JAMES: It can. A listening device warrant can involve some invasion of the privacy of an innocent third party.

CHAIR: That is why I am eager to understand the veracity of the affidavits sworn. I am not comfortable with the checks and safeguards in place given such a broad application. These warrants can be issued against anyone.

Mr JAMES: I accept that there is a problem. In my own experience as a judge, I recall refusing to issue a warrant where I thought its use would invade a communication or a possible communication between the suspected person and a legal adviser. Of course, that is a fairly clear case and there would be client legal privilege. But, short of a case like that, I think there is a genuine problem.

CHAIR: Who would protect the public interest in that case? I understand the role of the judge.

Mr JAMES: The judge is supposed to do it, but he or she has only the materials that one party—that is, the applicant—has presented. I am reminded that all applications for surveillance devices go to the Solicitor General's office before they come before the judge. One of the documents that a judge looks for is a document evidencing that the matter has been before the Solicitor General or the Solicitor General's office. I would have to say that I do not think there is any close scrutiny of an application in the Solicitor General's office.

Mr KEVIN ANDERSON: Why has this matter been dragging on for so long?

Mr JAMES: I tried to indicate previously that the events involved in Strike Force Emblems, as I understand them, happened quite some years ago and then nothing, or nothing of any significance, happened for quite a number of years until recently. It is not a matter of the issue dragging on over a period of 10 or 12 years, but events happening and then virtually nothing happening for an extended period. I said before, and I am still of the view, that Strike Force Emblems is not a typical example. It is made atypical by the number of agencies involved.

Mr KEVIN ANDERSON: Do you think the complexity of the agencies involved and the spaghetti mess that everybody is now facing is contributing to the position we are in now?

Mr JAMES: Yes, to some extent. I think it would have been better if some person or agency had had oversight of the Crime Commission at the time. On the other hand, I appreciate that there are problems in the multiplication of the entities. I understand that there is to be an Inspector of the Crime Commission. We will have the Police Integrity Commission and the Inspector of the Police Integrity Commission, the Crime Commission and the Inspector of the Crime Commission and the Ombudsman. That multiplication of agencies and individuals can lead to problems. It requires, at the least, goodwill on the part of the holders of those officers and that goodwill is not always forthcoming.

Mr PAUL LYNCH: Have you seen a draft bill about the Inspector of the Crime Commission?

Mr JAMES: I have seen Mr Patten's report and I have been working on the assumption that his recommendations will be adopted.

Mr PAUL LYNCH: But you know nothing further about it?

Mr JAMES: No, we do not.

CHAIR: As you have indicated, co-operation is needed between the different agencies and there seem to be a number of joint operations as well.

Mr JAMES: Yes.

CHAIR: I know that Emblems is fairly unique, but because of the joint operations you end up in a situation, when things go awry, that there is no-one independent to review.

Mr JAMES: I have been told that joint operations to which the integrity commission is a party have been very rare and there have been none for quite a number of years, and there is no anticipation that there will be any more.

CHAIR: Does the Police Integrity Commission have the resources it needs to do its job?

Mr JAMES: I consider that the Police Integrity Commission has the resources to do its job if its job is confined to the detection, investigation and prevention of serious police misconduct, and particularly corruption, but if the Police Integrity Commission is expected to perform other functions, particularly the investigation of critical incidents, it does not have the resources.

CHAIR: These are references that can be made to you separately by Government. Is that correct?

Mr JAMES: Our work comes from many sources. We get complaints from members of the public. We get matters referred to us by government bodies. We get matters referred to us by members of Parliament—a constituent has written to a member of Parliament and it is referred to us. We get quite a number of complaints from police officers. In some ways, it is pleasing that the culture of not dobbing in is not as strong as it once was. On the other hand, I have to say that I am told that quite a number of the complaints by police officers relate to matters of promotion and they are not entirely in the public interest.

CHAIR: Why do you think police officers are not complaining to internal affairs?

Mr JAMES: Are or are not?

CHAIR: Are police officers misdirecting their complaints when they go to you? Should they not be directing their complaints to internal affairs, unless it is an allegation of corruption?

Mr KEARNEY: If I can elaborate, the commissioner has mentioned that we get our complaints from a range of different sources. By and large, the largest source is NSW Police itself. They are required under legislation to have in place a system on which police are required to record all complaints of police misconduct. We view that system and are able to pull off those complaints that require further assessment, and a small proportion of those will be taken over by the Police Integrity Commission and investigated, so the majority of the complaints that we say originate from New South Wales police officers are often derived from their own systems.

CHAIR: The ones I was interested in are the ones that are not the core role of the Police Integrity Commission, in terms of getting back to my earlier question about having the resources to do your job.

Mr KEARNEY: They come from a variety of different sources. We get many low-level complaints from members of the public and from their representatives, from other agencies, and there is a process in place by which we divert those to NSW Police to be dealt with internally generally with oversight by the Ombudsman.

CHAIR: In the 2010-11 year the number of police complaints assessed increased fairly significantly to 1,154 from 948. Are you saying that police complaining about police would have been the major source of the increase?

Mr KEARNEY: No.

Mr JAMES: Is this really the first question on notice?

CHAIR: Yes.

Mr JAMES: Our view is that there is no significance in the difference between the total number of complaints in that year and the total number of complaints in the previous year. We do not discern any trend. It is simply a fluctuation from year to year.

Mr KEARNEY: May I just add that it is fair to say that complaint by police officers is something that has been increasing over time and it has probably reached a stable sort of figure about now, but it is true that it has been going on for quite some period of time.

Mr KEVIN ANDERSON: In 2006-07 the number was 1,208 and in 2010-11 it was 1,154. Is there a trend in terms of the type of complaints or the nature of complaints coming through?

Mr JAMES: I might refer that to Mr Kearney.

Mr KEARNEY: Probably a better question directed to the Ombudsman, as they have review of all complaints and there would be 3,000 to 4,000 of those each year. We tend to focus on the more serious matters and those complaints that are of a kind that might lead to more serious misconduct. For example, we might look at allegations of drug dealing, complaints of drug dealing or green-lighting drug dealers, but we would also look at relatively low-level complaints, complaints of inappropriate relationships. Why? Because those sorts of relationships, relationships with criminals, might indicate that there is something beyond the obvious, that there may be a corrupt relationship involved.

CHAIR: Do you have any statistics breaking down the nature of complaints that you are dealing with?

Mr KEARNEY: Yes, we look at around 1,000 to 1,200 complaints per year and they tend to be at the top end of seriousness, and they are broken down in each annual report.

CHAIR: And they are fairly stable in their trend?

Mr KEARNEY: I cannot say. Could I take that on notice and perhaps come back to you with a response?

CHAIR: Yes. What is a fair performance indicator for the performance of the Police Integrity Commission? How can the public know that it is doing its job?

Mr JAMES: The number of complaints that are investigated, the number of hearings that are held, the number of reports that are published by the assessments and prevention section, and participation by the representatives of the commission at public forums or forums having some public dissemination. Reports by the assessments and prevention section are disseminated to academics, to agencies having some part in law enforcement and to public interest groups. I think that is about it.

CHAIR: What about catching corrupt police as an outcome? Is that a fair indicator of the effectiveness of the PIC?

Mr JAMES: Other indicators would be the number of matters that are referred to the Director of Public Prosecutions for possible prosecution, and at any one time there are a number of matters that have been referred. A matter that was recently concluded—I am not sure whether I should refer to specific matters in a public session—but the matter of Laycock was a matter that attracted some publicity. Apart from that, after we have conducted an investigation we often communicate with the Police Force itself with recommendations that action be taken by the police under the Police Act.

CHAIR: Do you follow up whether those recommendations have been implemented?

Mr JAMES: Yes, we do. If we make a recommendation we are very interested in knowing whether the recommendation has been adopted and, if the recommendation has been adopted, whether it has been implemented. Sometimes we will get a response that a recommendation has been adopted but nothing much seems to happen.

CHAIR: So you do track these things.

Mr JAMES: We do.

CHAIR: Are we able to know how successful you are in having those recommendations taken up?

Mr JAMES: In our annual report we did report on the implementation of recommendations that we have made.

Mr PAUL LYNCH: Your jurisdiction over the Crime Commission is a comparatively recent addition. How have you dealt with that, things you are doing differently, granted that you have that extra jurisdiction?

Mr JAMES: It has almost completely been absorbed by Operation Winjana. Operation Winjana was the investigation into the practices and procedures of the Crime Commission on applications under the confiscation of assets recovery Act and also an investigation into the activities of one particular employee. It commenced—I withdraw that. Mr Cripps was appointed as an assistant commissioner in 2010 purely for the purpose of conducting the

Winjana investigation. Private hearings were held in 2011. While Mr Cripps was actually the acting commissioner public hearings were conducted. When I became commissioner at the beginning of the year it was thought appropriate that because Mr Cripps had this long experience of the matter I should re-appoint him as assistant commissioner. He has been pretty fully engaged with Operation Winjana up to the present. I refer to the extensive submissions—they run to hundreds of pages. We did have an operation that we called Operation Caesar but that also dealt with the Criminal Assets Recovery Act and became absorbed in Operation Winjana.

Mr PAUL LYNCH: I understand the importance of Winjana and the issues there, but I would have thought there might be a whole range of other corruption risks involved with the Crime Commission, Mark Standen being a salient example. Are there other things that you are thinking that ought be done?

Mr JAMES: Yes. I am informed that we are conducting some other operations into the Crime Commission in matters not related to either criminal assets recovery or Mr Standen.

Mr PAUL LYNCH: Has an audit been done of the potential corruption risks in the Crime Commission? Has anyone done that sort of work?

Mr KEARNEY: There have been two assessments conducted in regard to the Crime Commission. First was Rhodium, which was a broad-based look at the organisation and how they manage their risks of misconduct. We identified a number of areas where there were some risks. As a result of those, one of those risks was selected for further work and that became project Caesar, which has now been subsumed into Winjana. As to whether we take on a number of the other areas that are identified in Rhodium, that would need to be discussed further in the organisation. I think at the moment we are devoting a bit of attention to that organisation and I think we would need to defer anything more detailed just for the time being. That is my personal view.

The Hon. SARAH MITCHELL: I wanted to come back to some of the questions asked by my colleague earlier in relation to the effectiveness of your organisation. In the 2009-10 annual report the then commissioner gave some examples which he thought demonstrated a lack of effective communication between your organisation and the NSW Police Force. Do you want to make any comments on that and if in your opinion there is a satisfactory approach to communication between the Police Force and the commission?

Mr JAMES: I think there is a satisfactory approach on our part. The Police Force is a very large organisation. We find that the occupants of senior positions in the Police Force change fairly often. We find that some people we deal with in the Police Force are very receptive to what we put; we find that some people in the Police Force that we deal with are much less receptive or at least give the appearance of being less willing to cooperate fully with us. There is I suppose also often a degree of inertia. It is a large organisation and one has to keep pressing sometimes in order for anything to happen.

Mr LEE EVANS: Regarding the commission's response to the Committee's questions on notice about the percentage of female staff members who have the opportunity to perform higher duties, while the Committee understand the rationale, which is explained in the explanation, do you have any measures or strategies that might be able to improve that?

Mr JAMES: In our answer we did point, for example, to the imbalance between the sexes in our investigations section. We have to rely on people applying to be investigators and it is a fact that we get very few applications by females to become investigators. It is not a happy situation but I do not think there is much we can do that we are not already doing. We do have to work subject to constraints but we can only appoint people who have the necessary experience and skills and who want the job. As we point out in our answer, we have a number of female employees who are content with part-time or special arrangements jobs because it enables them to achieve some kind of balance between their work and their home life.

CHAIR: Does the prohibition on recruitment to the NSW Police Force add to the problem?

Mr JAMES: It may do, but I strongly support the continuation of the prohibition. I am aware that the Police Association, for example, has submitted that there should be an end to the prohibition. My views are perhaps coloured by the fact that I was in the law prior to the Wood royal commission. I know the Wood royal commission operated entirely with officers who were not and had not been members of the Police Force. I support the continuation of that prohibition.

CHAIR: Would you like to make any other comments in relation to the recent amendments to the Police Integrity Commission Act?

Mr JAMES: Not really. We have accepted that there be an inspector. I do not think there are any further comments I would like to make about recent amendments to our Act.

CHAIR: Are there any resources issues arising from that?

Mr JAMES: Nothing specially arising out of that. Like all government bodies we have been informed that our funds will be cut and cut and cut again from year to year.

CHAIR: What sorts of cuts are you facing?

Mr JAMES: It is something called the efficiency dividend, which means that the amount of money we get each year is reduced. We are talking about a small percentage cut but year after year it means, for example, that we have to look very carefully at whether we replace employees who cease employment with us.

Mr KEVIN ANDERSON: Can I take you back to Strike Force Emblems and the comment you made that it has been revived after so many years? Why do you think it has been revived?

Mr JAMES: I think—this is only speculation on my part—that a fairly large number of police officers feel that they were badly done by and that the Police Force in general thinks that those officers were badly done by. That does not particularly explain why the matter has been revived now, but I think many police officers regard it as a genuine grievance that apparently police officers, against whom no allegation of criminal conduct is made, found that conversations they had might be intercepted and recorded. My understanding is that there was one particular informer who was a police officer or a former police officer and it was contemplated that he might have conversations with any one of a very large number of people and the members of that very large group of people were included in the application for the warrant and in the warrant itself. That is supposition on my part but that is my understanding.

I can well understand how police officers who discovered or who thought their conversations might be intercepted and recorded would feel a sense of grievance.

CHAIR: It just gave the appearance of a trawling exercise.

Mr JAMES: Yes. I am only speculating. I really do not have information on which I could offer an opinion on that.

Mr KEVIN ANDERSON: Has the Police Integrity Commission been aware of any further information of late which may indicate there is a revival of interest in this particular issue?

Mr JAMES: One thing I might say is that I have seen some assertions in the media that the Minister for Police has recently referred the matter back to the PIC. We have not received any referral. I have seen in media reports that the matter has been referred again to the PIC.

CHAIR: Our understanding is that the inspector has received a copy so perhaps that was an erroneous media report.

Mr JAMES: Yes, it might have been a reference to the commission rather than to the inspector.

Mr KEARNEY: We had no special advice as to the status of that report.

CHAIR: I ask members for a resolution that we publish the transcript of the witnesses' evidence on the Committee's website after making corrections of recording inaccuracy, the answers to any questions taken on notice in the course of today's hearing, and including the letter to Mr Shoebridge.

Mr JAMES: Yes, including the letter to Mr Shoebridge.

Motion agreed to.

CHAIR: Is there anything the Committee can do to assist you in your work or any suggestions you can make to the Committee?

Mr JAMES: Nothing specifically occurs to me.

CHAIR: Will you accept any further questions on notice that we may have?

Mr JAMES: Yes.

CHAIR: Thank you for appearing before the Committee. It is very much appreciated.

(The witnesses withdrew)

(Luncheon adjournment)

Appendix One – Tabled Correspondence



ABN 22 870 745 340



Our Ref: 25103/5

27 April 2012

Mr David Shoebridge MLC
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Mr Shoebridge

I refer to your letter of 23 April in which you raise a number of matters about the incident which occurred at Kings Cross in the early morning of Saturday 21 April. In your letter you express the view that the whole series of events which occurred should be the subject of an independent investigation, that is an investigation independent of the NSW Police Force. I understand you to be suggesting that the Police Integrity Commission should conduct such an independent investigation.

In considering your suggestion it is useful to bear in mind the matters to which I will now refer.

The Police Integrity Commission was established in 1996. The powers and functions of the Commission are set out in the *Police Integrity Commission Act 1996*. The primary functions of the Commission since its inception have been to detect, investigate and prevent police misconduct and particularly police corruption. In performing its primary functions the Commission has engaged in covert, complex investigations into alleged police corruption.

To enable the Commission to perform its primary functions the Commission has acquired specialist resources and has developed a structure, appropriate to the performance of that work. The Commission's investigation resources consist of a small number of investigators (8 in total), financial and intelligence analysts, legal officers and covert physical and electronic surveillance operatives.

However, the Commission has neither the resources nor the structure which would support a capability to investigate incidents of the kind which occurred on 21 April. Such incidents are described by the NSW Police Force as "critical incidents", that is incidents involving police officers that result in the death of or serious injury to a member of the public or a police officer. There are many respects in which the Commission lacks the resources and the structure, which are available to the NSW Police Force, to investigate critical incidents.

Importantly, the Commission does not have the resources or the structure to maintain a 24 hour a day capability to respond to a critical incident, wherever it occurs in the State, so as to be able to attend the scene of an incident within a short time (desirably within minutes) of it happening, to take control of the scene, to preserve evidence, to put in place measures to safeguard the public and maintain order if necessary and to immediately initiate an investigation into the incident.

While the Commission's investigators have had considerable experience in the conduct of investigations into alleged police corruption, the investigators have not had any recent experience in investigating an incident involving serious injury or death. Furthermore, the Commission, unlike the NSW Police Force, does not have any officers with specialist forensic qualifications and does not have ready, established, access, as the NSW Police Force has, to external sources of specialist forensic services.

The investigation of any critical incident is likely to be a very substantial undertaking. In the present case the investigation you seem to be suggesting that the Commission undertake would be an investigation into "the whole series of events", including the decision by police to engage in a police pursuit, the police pursuit, the shooting by police of occupants of the vehicle and the actions of police after the shooting. Such an investigation, if it was to be undertaken by the Commission, would be likely to require the whole of the Commission's investigation resources, thus bringing to a halt the investigations the Commission is presently conducting into allegations of police misconduct.

The conclusion which I consider has to be drawn is that the NSW Police Force is the only agency with the capacity and the necessary powers to effectively respond to and investigate critical incidents in this State.

Each year a number of critical incidents occur, which become the subject of critical incident investigations. I am informed that each year there are approximately 40 critical incident investigations and that so far this calendar year approximately 15 critical incident investigations have been commenced. Even if it were possible for the Commission effectively to investigate a small number of critical incidents, it would be quite impossible for the Commission to investigate all or most of them.

There are in existence arrangements which provide for independent oversight of critical investigations by the NSW Police Force. Many critical incident investigations are oversights and some are actively monitored by the Ombudsman. In actively monitoring an investigation the Ombudsman may, where appropriate, provide input to the investigation, be physically present during interviews by police of complainants, police officers and witnesses and receive regular updates and information about the progress of the investigation. The Ombudsman also has the power to directly investigate and report on the conduct of a police officer and the manner in which the NSW Police Force is conducting an investigation.

If the Ombudsman suspects any misconduct in the carrying out of a critical incident investigation by the NSW Police Force, arrangements in place between the Ombudsman and the Commission ensure that the matter is brought to the attention of the Commission. The Commission can then give consideration to whether it should undertake an investigation into the alleged misconduct, that is an investigation of a kind which the Commission is accustomed and equipped to carry out. Such an investigation would be quite different in nature from the original investigation into the critical incident.

An example of an investigation by the Commission into whether police officers engaged in serious misconduct in the investigation of a critical incident is the investigation the Commission is presently conducting into whether there was misconduct by police officers in the investigation into the shooting of Mr Adam Salter in 2009.

In the case of the incident which occurred on 21 April this year the NSW Police Force is presently conducting a critical incident investigation into the events that occurred. The Ombudsman has advised that he intends to actively monitor the critical incident investigation and that, in the event of the Ombudsman's suspecting any serious misconduct in that investigation, the Commission will be informed. If that happens, the Commission will give consideration to undertaking its own investigation of the suspected misconduct by police.



COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION

TABLED CORRESPONDENCE

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I would like to point out that for a number of years both the Commission and the Ombudsman have had an involvement in the ongoing development by the NSW Police Force of its policy for dealing with critical incidents. The advice of the Commission and the Ombudsman is typically directed to identifying and reducing the risks of misconduct in a critical incident investigation by the NSW Police Force.

I conclude by saying that the Commission is of the view that an investigation by the NSW Police Force of the incident which occurred on 21 April, with independent and active monitoring by the Ombudsman, is the only appropriate, and is the only practical, means of properly investigating the incident. The Commission does not propose to undertake an investigation of its own at this time.

Yours faithfully

A handwritten signature in cursive script that reads "Bruce James".

**The Hon Bruce James QC
Commissioner**

Appendix Two – List of Witnesses

21 May 2012, Waratah Room, Parliament House

Witness	Organisation
The Hon Bruce James QC Commissioner of the Police Integrity Commission	Police Integrity Commission
Andrew Stuart Nattress Assistant Commissioner and Director Operations	Police Integrity Commission
Allan Geoffrey Kearney Director Prevention and Information	Police Integrity Commission
Michelle Margaret O'Brien Commission Solicitor	Police Integrity Commission

Appendix Three – Extracts from Minutes

MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 9)

10:03AM, Wednesday, 22 February 2012
Room 1136, Parliament House

Members Present

Ms Cusack (Chair), Mr Anderson , Ms Mitchell, Mr Park and Mr Searle

Apologies

Apologies were received from Mr Lynch and Mr Evans

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3. Public Hearings

Resolved on the motion of Ms Mitchell:

'That the Committee hold public hearings on the 21 May 2012 with the following

- Commissioner of the Police Integrity Commission
- The Inspector of the Police Integrity Commission
- The NSW Ombudsman, in his capacity as Ombudsman
- The NSW Ombudsman in his capacity as Convenor of the Child Death Review Team
- The Information Commissioner
- The Privacy Commissioner;

And inform the above mentioned of the proposed 21 May public hearing date'.

Resolved on the motion of Ms Mitchell:

'That the Committee staff members prepare an explanation of the remit of this Committee'.

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MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 10)

10:00AM, Wednesday, 28 March 2012
Room 1254, Parliament House

Members Present

Ms Cusack (Chair), Mr Anderson , Mr Evans, Mr Lynch and Mrs Mitchell

Apologies

Apologies were received from Mr Park and Mr Searle

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3. General Meetings – 21 May 2012

The Chair noted the upcoming meetings with the Information Commissioner, the Deputy Privacy Commissioner, the Inspector of the Police Integrity Commission and the Commissioner of the Police Integrity Commission on 21 May 2012.

Resolved, on the motion of Mr Anderson:

'That the Committee endorse the draft questions on notice to be sent to the Information and Privacy Commission, the Inspectorate of the Police Integrity Commission and the Police Integrity Commission.'

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MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 11)

10:00AM, Wednesday, 9 May 2012
Room 1153, Parliament House

Members Present

Ms Cusack (Chair), Mr Anderson , Mr Park and Mrs Mitchell

Apologies

Apologies were received from Mr Lynch and Mr Searle

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3. General Meeting – 21 May 2012

The Chair noted that the Committee has the answers to the Questions on Notice from the Inspector of the Police Integrity Commission and the Commissioner of the Police Integrity Commission and the Information and Privacy Commissioner.

The Chair noted the draft questions without notice for the upcoming meeting.

Resolved, on the motion of Mr Park:

'To endorse the draft timetable for the General Meeting.'

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MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 12)

09:30am, Monday, 21 May 2012
Waratah Room, Parliament House

Members Present

Ms Cusack (Chair), Mr Evans (Deputy Chair), Mr Anderson , Mr Lynch and Mrs Mitchell

Apologies

Apologies were received from Mr Park and Mr Searle

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2. General Meetings – 21 May 2012

Members noted the briefing packs that related to each General Meeting.

Members resolved, on the motion of Mrs Mitchell:

'That Ms Pru Sheaves, the Executive Officer of the Police Integrity Commission be permitted to be present throughout the General Meeting with the Commissioner of the Police Integrity Commission on 21 May 2012'; and

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Mr Evans joined the Hearing

The Committee convened a General Meeting with the Commissioner of the Police Integrity Commission at 11:30am. The public and media were admitted.

Mr Bruce James, Commissioner of the Police Integrity Commission, was sworn and examined.

Mr Andrew Nattress, Assistant Commissioner and Director Operations; Mr Allan Kearney, Director Prevention and Information; and Ms Margaret O'Brien, Commission Solicitor, were affirmed and examined.

Commissioner James tendered a letter sent from the Commission to Mr David Shoebridge dated 27 April 2012 in support of evidence to the Committee.

The witnesses agreed to take further questions from the committee on notice.

Evidence completed, the witnesses withdrew.

Resolution –

On the motion of Mrs Mitchell,

'That the corrected transcript of the witnesses' evidence be published on the Committee's website, including the answers to questions on notice, and the letter from the Commissioner to Mr Shoebridge dated 27 April 2012.'

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MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 14)

10:00am, Wednesday, 15 August 2012
Room 1254, Parliament House

Members Present

Ms Cusack (Chair), Mr Evans (Deputy Chair), Mr Anderson, Mr Lynch, Mrs Mitchell, Mr Park and Mr Searle

Apologies

An apology was received from Mr Park

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4. General Meetings and answers to further questions on notice

Members noted the circulated answers to further questions on notice received from the Police Integrity Commission, the Inspector of the Police Integrity Commission, the Information and Privacy Commission and the Ombudsman.

Resolved, on the motion of Mr Anderson:

'That the answers to further questions on notice received from the Police Integrity Commission, the Inspector of the Police Integrity Commission and the Information and Privacy Commission be published and made available on the Committee website.'

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MINUTES OF PROCEEDINGS OF THE COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND POLICE INTEGRITY COMMISSION (NO. 21)

3:30 PM, Monday, 10 December 2012
Room 1153, Parliament House

Members Present

Ms Cusack (Chair) and Mr Searle

Via teleconference: Mr Anderson, Mr Evans, Mr Lynch, Mrs Mitchell and Mr Park

Staff in attendance: Rachel Simpson, Emma Matthews, Hilary Parker, Todd Buttsworth and Rohan Tyler

The meeting commenced at 3:33 PM.

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2. Consideration of the Chair's draft reports – Review of Annual Reports following General Meetings on 21 May 2012 and 18 June 2012

Members noted Standing Order 301(3) in relation to report consideration, and resolved on the motion of Mrs Mitchell:

'That the Committee consider each of the Annual Report Reviews in globo.'

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In relation to Report 5/55: *Thirteenth General Meeting with the Police Integrity Commission*, resolved on the motion of Mr Evans:

- that the draft Report be the Report of the Committee and that it be signed by the Chair and presented to the House;
- that the Chair and the Secretariat be permitted to correct stylistic, typographical and grammatical errors; and
- that, once tabled, the Report be placed on the Committee's website.

The Committee thanked the secretariat for its assistance in the preparation of the reports.

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