POLICE INTEGRITY COMMISSION



ANNUAL REPORT

1996–1997

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The Hon Max Willis MP
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon John Murray MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Gentlemen,

In accordance with Section 99 of the *Police Integrity Commission Act 1996,* the Commission hereby furnishes to you, the Police Integrity Commission Annual Report for the year ended 30 June 1997.

The report has been prepared in accordance with the requirements of the *Police Integrity Commission Act 1996* and the *Annual Reports (Departments) Act 1985.*

I draw your attention to Section 103(2) of the *Police Integrity Commission Act,* pursuant to which I recommend that this report be made public forthwith.

Yours faithfully

Judge PD Urquhart QC
Commissioner
October 1997

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1. COMMISSIONER'S REPORT

This is the First Annual Report of the Police Integrity Commission, and covers the period from 1 July 1996 to 30 June 1997. The report focuses primarily on events since 1 January 1997 when the *Police Integrity Commission Act 1996* came fully into effect, the first half of the reporting period being concerned solely with matters of the Commission's establishment. The report is made in accordance with the *Annual Reports (Departments) Act 1985* as modified by sub–section 99(3) of the *Police Integrity Commission Act 1996*. The report also covers those matters referred to in sub–section 99(1) of the *Police Integrity Commission Act 1996*.

The Commission owes its existence to the recommendations of the Royal Commission into the NSW Police Service. Although, in March 1997 the Royal Commission substantially completed its work on those of its terms of reference having to do with the Police Service, it continued to exist for the whole of the period covered by this report. This was in some ways an advantage as it enabled the Commission to develop an orderly transition from the Royal Commission, to ready itself to take over the Royal Commission's very substantial data holdings and its premises, equipment and facilities, and to carry on the valuable relationships which the Royal Commission had established with other agencies. On the other hand, such an arrangement had its drawbacks, not least in the delays in the availability of Royal Commission staff who had been selected for positions with the Commission, and the need even for those staff who had taken up positions with the Commission to devote some of their time to Royal Commission matters.

These difficulties notwithstanding, I am pleased to be able to report that the transition from the Royal Commission to the Police Integrity Commission went very smoothly and effectively. I pay tribute here to Mr Justice Wood and his senior staff for their role in that transition.

It is worthwhile to emphasise the differences between the Royal Commission and the Police Integrity Commission. While the powers of the two bodies are, broadly speaking, much the same, their functions are quite different. The Royal Commission was a short–term body which was required by its terms of reference to 'make inquiry into' and report upon particular matters, and in doing so it made extensive use of public hearings as an effective means of exposing the nature and extent of police misconduct. Its principal product was its interim and final reports, which set out the results of its inquiries and on the basis of which its principal recommendations were made.

The principal functions of the Police Integrity Commission, as set out in s 13 of *the Police Integrity Commission Act 1996*, are to prevent, detect and investigate serious police misconduct. One of its other functions, as set out in s 15 of that Act, is to assemble evidence for the prosecution of persons, including police officers, for criminal offences or disciplinary offences. One of the products of the Commission (which is a long term body) and a significant measure of its success, will be the extent to which the evidence and information it acquires is able to be used in such prosecutions. This has implications for

the way in which the Commission operates since the assembling of admissible evidence is not always best carried out by public hearings, particularly since answers given or material produced at such hearings are not generally admissible in evidence against the witness in civil or criminal proceedings (although they are admissible in disciplinary proceedings).

As this report indicates, during the reporting period the Commission has been discharging its statutory responsibilities as follows:

- it has been detecting and investigating serious police misconduct;
- it has received and assessed matters not completed by the Royal Commission;
- it has initiated inquiries into aspects of police activities for the purpose of ascertaining whether there is police misconduct;
- it has monitored the quality of the management of and investigations conducted within the Police Service; and
- it has examined a large number of Category 1 complaints against police officers and has begun some investigations as a result.

While the Commission did not, within the reporting period, furnish to the relevant authorities any evidence that may be admissible in the prosecution of a person for a criminal or disciplinary offence, I am confident, on the basis of the investigative work begun in the reporting period, that it will do so in the year 1997-98.

I have already paid tribute to Mr Justice Wood and the senior staff of the Royal Commission for their role in the establishment of the Police Integrity Commission. I also pay tribute here to the staff of the Police Integrity Commission for their dedication and professionalism under circumstances which were often unusual and sometimes trying, and to the other agencies and individuals who have helped at the Commission's birth and during its first six months.

Judge PD Urquhart QC
Commissioner

2. MANAGEMENT AND STRUCTURE OF THE COMMISSION

THE EXECUTIVE

The Commissioner

The Commissioner, His Honour Judge P D Urquhart QC, was born on 26 April 1944 and graduated from the University of Sydney, where he obtained the degrees of Bachelor of Arts and Bachelor of Laws. After serving articles of clerkship with a firm of solicitors in Sydney, he chose the career of barrister and was admitted to the Bar of NSW on 4 June 1971. As a barrister his practice took him into a variety of jurisdictions from commercial law to criminal law and to most courts from Local Courts to the High Court of Australia. On 12 November 1986 His Honour was appointed Queen's Counsel, and on 10 May 1988 he was appointed a Judge of the District Court of NSW. He sat principally in the criminal jurisdiction of the Court.

On 21 February 1996 His Honour was appointed a Royal Commissioner in connection with the Royal Commission into the NSW Police Service which was being conducted by Mr Justice Wood who had been appointed Royal Commissioner in May 1994. On 18 August 1996 he was appointed for a period of two years, as the first Commissioner of the Police Integrity Commission but continued as Royal Commissioner until his duties in that capacity were discharged.

The Assistant Commissioner

The Assistant Commissioner, Mr G E (Tim) Sage, was born on 22 September 1949. From 1968 to 1979 and again from 1981 to 1983, he was employed by the Magistrates Courts Administration in Sydney and in country areas of NSW. From 1979 to 1981 Mr Sage was seconded as a legal officer to the NSW Corrective Services Commission. Having been admitted as a solicitor in 1983, he became a legal officer with the NSW Director of Public Prosecutions until 1986 when he joined the National Crime Authority, becoming in time the Regional Director, Sydney. Mr Sage was seconded in April 1996 to the Royal Commission into the NSW Police Service, where he was in charge of the Legal Advising Unit. Mr Sage was appointed Assistant Commissioner of the Police Integrity Commission in October 1996 for a period of five years.

The Director, Operations Special Services

The Director - Operations Special Services, Mr Andy Nattress, was born in England on 2 July 1951. From 1970 to 1973 he was a police officer in the Durham Constabulary. From 1974 to 1987 Mr Nattress was employed by the Hong Kong Government, firstly as an officer in the Royal Hong Kong Police Force and subsequently as an investigator with the Royal Hong Kong Independent Commission Against Corruption. Mr Nattress was a Chief Investigator with the ICAC when he left in 1987 to take up an appointment with the Australian National Crime Authority. When he left the National Crime Authority Mr Nattress was the Director of Intelligence. He was appointed Director of Operations Special Services of the Police Integrity Commission in January 1997.

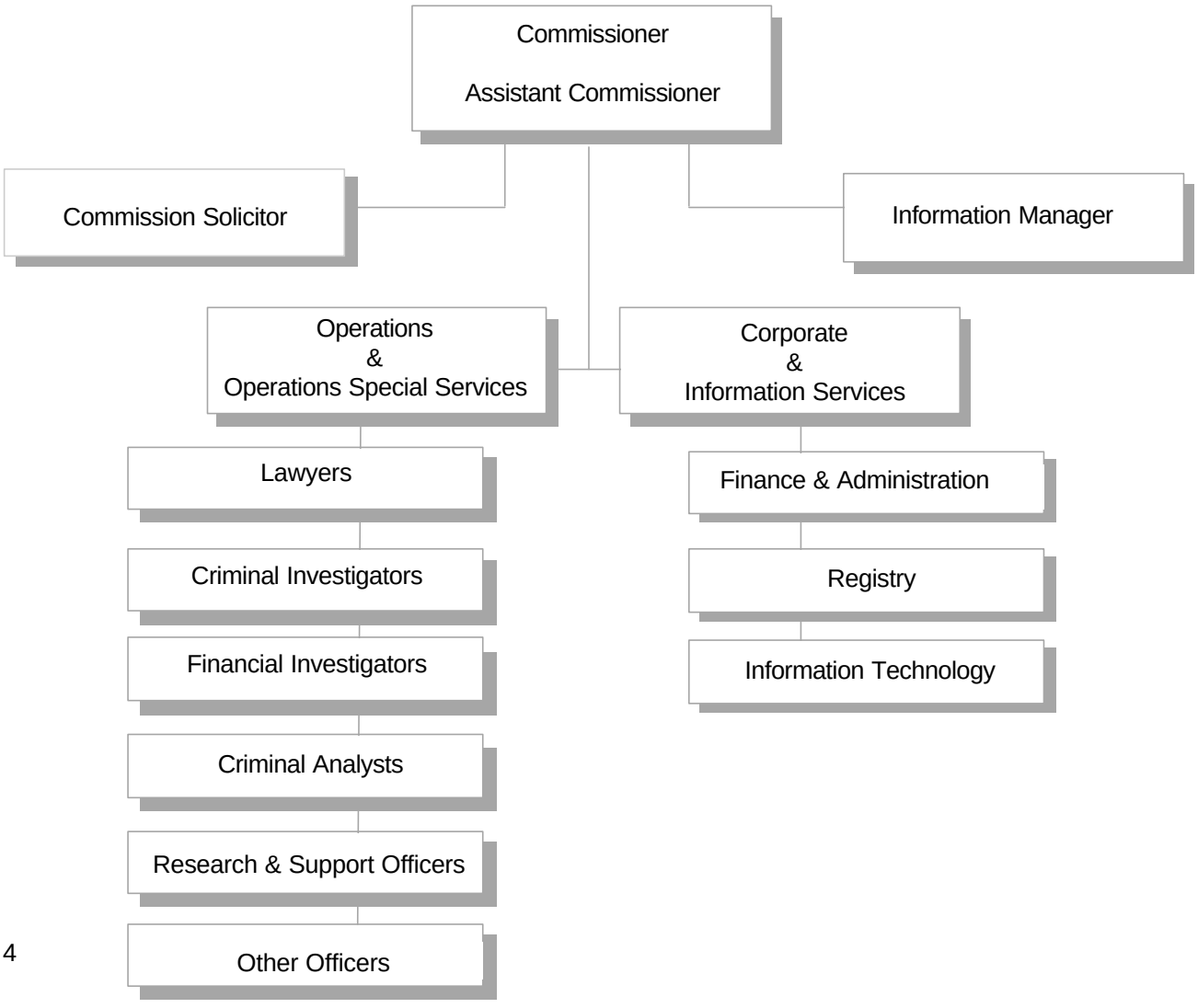
The Director, Corporate and Information Services

The Director, Corporate and Information Services, Mr Dave Rawson, was born on 31 March 1950. From 1969 to 1994, he was employed within a number of NSW Public Service organisations, including the Land Titles Office, Lands Department, Premier's Department and the Olympics Co-ordination Unit. During that time Mr Rawson has acquired extensive public service strategic management, administration and policy related experience.

Mr Rawson was seconded to the Royal Commission into the NSW Police Service, when it was established as the Director of Corporate Services, responsible for the management of the financial, personnel and administrative services for the Commission, including the management and oversight of the extensive security related fitout of the Commission's premises. Mr Rawson was then promoted to the position of Executive Director within the Royal Commission in October 1996.

Mr Rawson was appointed to the position of Director, Corporate and Information Services of the Police Integrity Commission in April 1997, responsible for the management of the financial, personnel, administrative, registry and information technology services. Mr Rawson also continued to provide Executive services to the Royal Commission during this period.

ORGANISATIONAL STRUCTURE



SIGNIFICANT COMMITTEES

The Commission is a member of the Steering Committee for the Police Complaints/Case Management System (PCCM) which is chaired by the Premier's Department.

During the reporting period the Commissioner established the following three internal groups to assist him in the execution of his statutory responsibilities.

- **The Management Advisory Group**, comprising the Commissioner, the Assistant Commissioner, the Director, Corporate and Information Services, the Director, Operations Special Services and the Information Manager, provides advice to the Commissioner on management matters.
- **The Operations Advisory Group**, comprising the Assistant Commissioner, the Director, Operations Special Services and the Chief Investigator, provides advice to the Commissioner on operational matters.
- **The Category 1 Group**, comprising the Commissioner, the Assistant Commissioner and the Information Manager, considers Category 1 (and other) complaints which are referred or made to the Commission.

3. ESTABLISHMENT OF THE POLICE INTEGRITY COMMISSION

THE ROYAL COMMISSION'S INTERIM REPORT OF FEBRUARY 1996

The genesis of the Commission lies in the first report of the Royal Commission into the NSW Police Service under Mr Justice Wood. The Interim Report of February 1996 dealt particularly with those two terms of reference which covered 'the nature and extent of corruption within the Police Service' and 'the capacity of the Professional Responsibility Command, and the civilian oversight agencies, to investigate and deal with corruption and with complaints of serious misconduct'. While the report stated that the full picture must await the Final Report, it acknowledged that:

> sufficient is now known for the conclusion that a serious state of corruption exists which has not been prevented by existing anti-corruption plans and which has not been effectively detected or investigated by the Professional Responsibility Command or the other agencies having civilian oversight of the Police Service.

The Interim Report went on to describe the existing system for investigating police misconduct and corruption and to set down what the Royal Commission had discovered up to that point about corruption in the Police Service and about problems arising in dealing with police misconduct and corruption. The Royal Commission concluded as to corruption that:

> Evidence has been called of an identifiable pattern of police providing protection, receiving bribes and benefits from the criminal milieu, failing to exercise their office to bring to justice those criminals with whom they have formed an illicit association and engaging directly in criminality and extortion themselves.

The Royal Commission also found that corruption 'seems to be sufficiently well-established as to be beyond the capacity of any Internal Affairs unit to police effectively'.

As to the problems identified in dealing with police misconduct and corruption, the Royal Commission found that the existing system was widely regarded as cumbersome, slow and inflexible; insufficiently responsive to corruption; unproductive in terms of the resources and managerial time involved; lacking in credibility; and counter-productive in terms of overall operational effectiveness.

The Royal Commission further identified the following reasons for this state of affairs:

- the existing police culture was a 'major stumbling block' to the internal investigation process;
- the complaints management system suffered from 'inflexibility and a narrow focus', was 'reactive to single instances of misconduct', did not 'allow for classification of complaints which would reflect their variety and different levels of seriousness', and was 'confined unduly within a structure of formality';
- the adversarial nature of the system;

- delays (30 per cent of complaints took over one year to finalise); and
- problems experienced by some groups in 'accessing the complaints system'.

The Royal Commission went on to identify additional matters which affected the quality and integrity of internal investigations by the Police Service:

- inadequate resources;
- devolution of internal investigations to regional responsibility, where they were accorded low priority and again suffered from inadequate resources;
- bias in investigations and discouragement of complainants;
- leaks of information and collaboration among those officers the subject of the complaint;
- defective investigative methodology;
- doubts about the competence of investigators;
- lack of confidence by informers (police and other) in internal investigations;
- poor record keeping;
- inappropriate legal advice and ineffective intelligence and information management systems.

Having dealt with the limitations of the existing system for external oversight, the Royal Commission then considered other models, both here and overseas, for investigating police complaints and corruption. It characterised these as:

- the complete self-regulation model;
- the complete external investigation model;
- the internal investigation with external oversight model; and,
- a combination internal and external investigation model.

The Royal Commission concluded that the preferable option for NSW was 'a combination of police investigation with external oversight for most matters and external investigation of serious police misconduct and corruption', and it proposed that a new external agency be established, to be called the Police Corruption Commission. Based on its findings and analysis of the existing state of police corruption, and the existing system for investigating it, the Royal Commission proposed that the new agency have powers and functions necessary to deal effectively with the problem.

GOVERNMENT RESPONSE

When the Interim Report was released on 5 February 1996, the Premier announced that the Government gave 'in principle' support to all the recommendations contained in it.

On 24 April 1996, the Minister for Police, the Hon Paul Whelan, introduced into the Legislative Assembly the Police Corruption Commission Bill and the Police Legislation Amendment Bill. The Minister indicated that the Bills had been developed by a Royal Commission Implementation Task Force, which had included representatives of the Royal

`Commission, the Ombudsman, the Independent Commission Against Corruption and the Police Service. He also emphasised that the Bills were exposure drafts which would be the subject of full consultation with all affected parties.

On 4 June 1996, following the consultation process, the Minister introduced amended Bills, the Police Integrity Commission Bill and the Police Legislation Amendment Bill. He noted that as result of the consultation process, over 100 amendments had been made to the original Bills, including several significant changes. The Bills were debated in the Legislative Assembly on 11 June 1996, the Opposition stating that it 'strongly supports the general thrust of these Bills'. The two Independent Members also indicated their support. An amendment proposed by the Opposition concerning the powers of the Joint Parliamentary Committee with respect to the appointments of the Commissioner and the Inspector was accepted by the Government.

The Bills came before the Legislative Council on 17 June 1996, and the Opposition, the Australian Democrats, Call to Australia and the Independent Member all indicated their support. A further amendment was made to the provisions concerning the Joint Parliamentary Committee, which was accepted by the Assembly on 19 June 1996.

Parts 1, 2, 6, 7 and 13 and Schedules 1, 2 and 3 of the Act commenced on 1 July 1996. They contained administrative and machinery provisions. It was not until 1 December 1996 that most of the remaining provisions (including those containing the principal functions of the Commission) commenced and not until 1 January 1997 that all of the other provisions (including Part 4 "Police Complaints") commenced.

THE ROYAL COMMISSION'S FINAL REPORT OF MARCH 1997

It is convenient to deal here with those recommendations of the Royal Commission's Final Report of March 1997 which affected the Police Integrity Commission.

In Volume II of its Final Report, the Royal Commission made 174 recommendations concerning the reform of the Police Service, a number of which affected the Police Integrity Commission. Chief among these were that the Police Integrity Commission:

- perform a role in the reform process generally, it being recommended that the Police Service's Internal Reform Committee report on progress to the Minister, the Police Commissioner and the Police Integrity Commission and that an external strategic auditor be engaged by the Police Integrity Commission to carry out a qualitative and strategic audit of the reform process;
- monitor the progress of the Employee Management System, which was proposed to replace the current complaints handling and discipline system;
- participate in an annual audit of the Protective Security Response Group; and
- have a role in the Internal Witness Support Program.

At the end of the reporting period, the recommendations of the Royal Commission in this Final Report were still under consideration by the Government, which had sought the views of the Police Integrity Commission.

4. THE PARLIAMENTARY JOINT COMMITTEE

THE COMMISSIONER

By virtue of part 7 and schedule 1 of the *Police Integrity Commission Act 1996*, the appointment of the Commissioner of the Police Integrity Commission must be approved by the Parliamentary Joint Committee.

In accordance with this provision, on 5 August 1996, Judge Urquhart, as Commissioner Designate, appeared before the Committee.

FUNCTIONS OF THE COMMITTEE

The Committee's functions with regard to the Commission are set out in section 95 of the *Police Integrity Commission Act* as follows:

a) to monitor and review the exercise by the Commission and the Inspector of their functions,

b) 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,

c) 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,

d) 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,

e) 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.

The section also provides that the Committee is not authorised:

a) to investigate a matter relating to particular conduct, or

b) to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint, a particular matter or particular conduct, or

c) to reconsider the findings, recommendations, determinations or other decisions of the Commission in relation to a particular investigation or a particular complaint.

MEMBERS OF THE COMMITTEE

As at 30 June 1997 the members of the Joint Committee were as follows:

Mr B J Gaudry, MP, Member for Newcastle (Chairman)
Mr J Anderson, MP, Member for St Marys
Mr A R G Fraser, MP, Member for Coffs Harbour
The Hon M J Gallacher, MLC
Mr J S P Kinross, MP, Member for Gordon
Mr P G Lynch, MP, Member for Liverpool
Ms R Meagher, MP, Member for Cabramatta
Ms C Moore, MP, Member for Bligh
The Hon E Nile, MLC
The Hon P Staunton, MLC
Mr A P Stewart, MP, Member for Lakemba

INFORMATION PROVIDED TO THE COMMITTEE

During the reporting period the Police Integrity Commission has twice provided information to the Committee.

Information on the establishment of the Commission was sought in writing by the Committee on 28 November 1996, and a response was provided by the Commission by reply dated 5 December 1996.

On 21 May 1997 the Committee met in public and private session and the Commissioner and senior officers of the Commission attended. Prior to the meeting, the Commission had been provided with written questions, the answers to which were furnished to the Committee before the meeting. The matters dealt with in the public session included the Commission's structure; budget and accommodation; broad aspects of its operations; its initial workload; dealing with police complaints; inter-agency relationships; and the Commission's relationship with the Inspector.

The Commission considers that it has established cordial relations with the Committee and looks forward to preserving these relations into the future.

5. THE COMMISSION'S FUNCTIONS AND POWERS

FUNCTIONS

The principal legislation under which the Commission functions is the *Police Integrity Commission Act 1996.* The Commission has further functions which are dictated by its responsibilities under the *Police Service Act 1990* and the *Criminal Assets Recovery Act 1997* (formerly the *Drug Trafficking (Civil Proceedings) Act 1990*.

PRINCIPAL FUNCTIONS

The principal functions of the Commission as set out in section 13 of *the Police Integrity Commission Act 1996* (the Act) are as follows:

- to prevent serious police misconduct and other police misconduct,
- to detect or investigate, or manage other agencies in the detection or investigation of, serious police misconduct,
- to detect or investigate, or oversee other agencies in the detection or investigation of, other police misconduct, as it thinks fit,
- to receive and assess all matters not completed by the Police Royal Commission, to treat any investigations or assessments of the Police Royal Commission as its own, to initiate or continue the investigation of any such matters where appropriate, and otherwise to deal with those matters under this Act.

Police Activities and Education Programs

The Commission's functions in regard to police activities and education programs as stated in sections 14 of the Act are:

- to undertake inquiries into or audits of any aspect of police activities for the purpose of ascertaining whether there is police misconduct or any circumstances that may be conducive to police misconduct;
- (in particular), to monitor the quality of the management of and investigations conducted within the Police Service and to undertake audits of those investigations;
- to make recommendations concerning police corruption education programs, police corruption prevention programs, and similar programs, conducted within the Police Service or by the Ombudsman or the Independent Commission Against Corruption for the Police service;
- to advise police and other authorities on ways in which police misconduct may be eliminated.

Evidence and Information Collected

Other functions regarding evidence and information collected by the Commission are set out at section 15 of the Act, which requires the Commission to assemble evidence that

may be admissible in the prosecution of a person for a criminal offence against, or a disciplinary offence under, the law of the State, and to furnish such evidence to the appropriate authority in the State.

If the Commission obtains any information in the course of its investigations relating to the exercise of the functions of a public authority, the Commission may furnish the information to the authority or the Minister responsible and may also make recommendations relating to the exercise of the functions of that authority.

Drug Trafficking (Civil Proceedings) Act 1990

Section 19 of the *Police Integrity Commission Act 1990* provides that the *Drug Trafficking (Civil Proceedings) Act 1990* applies to the Commission in the same way as it applies to the NSW Crime Commission, so the functions that may be exercised by the NSW Crime Commission may also be exercised by the Police Integrity Commission. The section specifically states that it is intended that the Police Integrity Commission will exercise a function under the *Drug Trafficking (Civil Proceedings) Act 1990* only in connection with matters arising during or out of its own investigations, and then only after consultation with the Crime Commission. The *Drug Trafficking (Civil Proceedings) Act 1990* has since been amended and renamed the *Criminal Assets Recovery Act 1997*. (Refer to Chapter 8 for further details).

Category 1 Complaints

Part 4 of the *Police Integrity Commission Act 1996* and Part 8A of the *Police Service Act 1990* confer functions on the Commission with regard to making decisions on Category 1 complaints made against serving or former police officers. Category 1 complaints are the most serious class of complaints made against police officers. Any such complaints received by the Police Service or the Ombudsman must be referred to the Commission, which may take over the investigation, or refer them back to be dealt with in accordance with Part 8A of the *Police Service Act 1990*. Further details of this function are set out in Chapter 6 of this report.

Appointment of Police Commissioner and Executive Officers

Section 24 of the *Police Service Act 1990*, which deals with the appointment of the Commissioner of Police, requires the Commission to furnish a report to the Minister on a person recommended for appointment, on the basis of information available to it and without the need for any special investigation or inquiry.

A parallel provision in section 39 of the *Police Service Act 1990* deals with appointments of executive officers in the Police Service (these being the most senior officers apart from the Commissioner of Police). The Commissioner of Police is required, before recommending or making an appointment, to make inquiries from the Commission as to the integrity of the person to be recommended for appointment; and the Commission is required to furnish a report to the Commissioner of Police on that person, on the basis of information available to it and without the need for any special investigation or inquiry.

Non- Executive Appointments

Sections 64 and 71 of the *Police Service Act 1990* make similar but not identical provision for persons appointed as non-executive officers and non-executive commissioned police officers (who are, broadly speaking, those ranks between senior officers and sergeants).

(Non-executive commissioned police officers are officers of the rank of Inspector and above who are not members of the Police Service Senior Executive Service. Non-executive officers other than non-executive commissioned police officers are officers having ranks between Sergeant and below Inspector).

For both classes of officers, the Commissioner of Police is required, before appointing a person, to make inquiries as to the integrity of the person from any person or body the Commissioner of Police considers appropriate, the Commission not being specifically identified. The Commission is in these cases 'authorised but not required' to furnish a report to the Commissioner of Police on the person.

POWERS

PRINCIPAL POWERS

The powers of the Commission are very considerable and follow from its functions. They resemble the powers of the Royal Commission and the Independent Commission Against Corruption. In summary, the Commission has the power, by virtue of the *Police Integrity Commission Act 1996*, to:

- conduct an investigation on its own initiative, on a police complaint made or referred to it, on a police complaint of which it has become aware or on a report made to it; the Commission may conduct an investigation even though no particular police officer or other person has been implicated and even though no police misconduct is suspected (s 23);
- require a public authority or public official to produce a statement of information for the purposes of an investigation (s 25);
- require a person to produce a document or other thing for the purposes of an investigation (s 26);
- authorise an officer of the Commission, for the purposes of an investigation, to enter and inspect premises occupied or used by a public authority or public official in that capacity, to authorise that officer to inspect any document or other thing in or on the premises and to take copies of any document in or on the premises (s 29);
- apply to the Supreme Court for an injunction restraining any conduct in which a person is engaging if the conduct is the subject of an investigation or proposed investigation by the Commission (s 30);
- hold hearings in public or in private (ss 32 and 33);
- summon persons to appear at hearings to give evidence or to produce documents and other things (s 38);

- issue warrants for the arrest of a witness who fails to attend the Commission as a witness, having been served with a summons (s 39);
- require witnesses at hearings to answer questions or to produce documents and other things (subject to certain safeguards) (s 40);
- require the attendance at a hearing of a prisoner (s 44);
- issue search warrants or apply to an authorised justice for their issue (s 45);
- seek the issue of a warrant under the *Listening Devices Act 1984* (s 50);
- make orders and arrange for the protection of witnesses and persons assisting the Commission (s 51);
- direct that evidence given before the Commission not be published and that information identifying a witness or potential witness or the fact that a person has or is about to give evidence not be published (s 52);
- direct that a person receiving a notice or a summons not disclose any information about the notice or the summons that is likely to prejudice the investigation to which it relates (s 54);
- recommend to the Attorney-General that a person be granted an indemnity from prosecution or an undertaking that disclosures made before the Commission will not be used in evidence against the person (s 55);
- request the Ombudsman to direct the Commissioner of Police not to investigate a complaint (ss 71 and 74);
- refer a matter to the Police Service for investigation or action and require a report to be submitted by the Police Service in relation to the matter and the action taken (ss 77 to 78);
- make reports to the Minister of Police where the Commission is not satisfied with the action taken by the Police Service (s 79);
- refer a matter to a person or authority (other than the Police Service) for investigation or action and request a report on the action taken (ss 83 and 85);
- make reports to the Minister for the relevant authority where the Commission is not satisfied with the action taken by the authority (s 86);
- make reports to the presiding officer of each House of Parliament (ss 96 and 98);
- summon a person alleged to be in contempt to appear before the Commission (s120)
- issue a certificate to the Supreme Court setting out the details of the alleged contempt, thereby requiring the Supreme Court to inquire into this contempt (s 119)
- issue a warrant for the arrest and detention of a person alleged to be in contempt who fails to answer a summons to attend (s 120); and,

Additional Powers

Section 11(5) of the Act prohibits the Commission from engaging current or former members of the NSW Police Service as members of the Commission's investigative staff.

Accordingly, the Commission's investigative staff comprises police officers seconded from Police Services of Australian States and Territories other than NSW.

Seconded police investigators have all the powers of NSW police officers (s 123). Commission investigators and Commission surveillance officers who have been seconded from other police services may possess and use semi-automatic weapons without the need to obtain a licence or permit under the *Firearms Act 1909*. They are also authorised to use other police equipment (s 124).

Under s 181C of the *Police Service Act 1990* the Commission may recommend that a police officer be allowed to resign, and if the officer tenders his or her resignation, the Commissioner of Police is required to accept it.

See Legislative Matters (Chapter 8) for an explanation of the Commission's powers under the *Drug Trafficking Act (Civil Proceedings) Act 1990*.

6. THE WORK OF THE COMMISSION

INVESTIGATIONS

Section 23 of the *Police Integrity Commission Act* provides that the Commission may conduct an investigation on its own initiative, on a police complaint made or referred to it, on a police complaint of which it has become aware, or on a report made to it. Section 24 provides that an investigation may be in the nature of a preliminary investigation and can be conducted, for example, for the purpose of assisting the Commission to discover or identify conduct that might be made the subject of a more complete investigation under the Act, or to decide whether to make particular conduct the subject of a more complete investigation under the Act.

As noted, the Commission's powers to obtain information and to do other things are expressed as being 'for the purposes of an investigation'. In practice, the Commissioner decides whether a matter should become the subject of an investigation and the Commission's powers are then exercised, where necessary or appropriate, in carrying out the investigation.

In the reporting period, the Commission began 36 investigations (14 of which were preliminary) and completed 1. The investigations varied in scope from a single complaint against a particular police officer to wide-ranging matters which are likely to take some time to complete. Of the 36 investigations:

- 21 (9 of which were preliminary) were begun as a result of Category 1 complaints referred to the Commission by the Police Service or the Ombudsman (see section below on Complaint Handing Procedures); and,
- 15 (5 of which were preliminary) emanated from the following sources:

Sources of Investigations of Non-referred Complaints

SOURCE OF INVESTIGATION	NO OF INVESTIGATIONS
Commission's own initiative	3
Royal Commission material	4
Law Enforcement agencies other than NSW Police Service	3
Individual Complainants	2
Member of Parliament	1
Other	2
Total	15

The completed investigation (on a referred complaint) resulted in no action being taken against the police officer concerned, no evidence having been found to support the allegation.

For obvious reasons and because of the strict secrecy provisions in section 56 of the *Police Integrity Commission Act 1996*, it is not possible to give details of investigations while they are in progress.

COMPLAINT HANDLING PROCEDURES

As noted previously in Chapter 5, in its February 1996 Interim Report, the Royal Commission was critical of the existing complaints and corruption investigation system, including the failure of the system to 'allow for classification of complaints which would reflect their variety and different levels of seriousness'. Later in that report the Royal Commission recommended that the following classification of police misconduct be adopted:

Category 1: Serious Misconduct and Corruption, comprising:

- behaviour which constitutes corruption and other serious criminality;
- matters warranting dismissal from the Police Service; and
- matters in which it is unlikely that there will be public confidence in an internal police investigation (for example, where the complaint relates to a death or serious injury in police custody).

Category 2: Misconduct, comprising:

- serious breaches of police rules or procedures and lesser criminal conduct, which warrants investigation, and would require some sort of disciplinary action, short of dismissal, if proven.

Category 3: Customer Service Matters, comprising:

- lesser breaches of police rules or procedures, and matters suitable for conciliation, including, for example, failure of an officer to take necessary action, rudeness, incivility, perception of a threat and unreasonable treatment.

Category 4: Internal Management Matters, comprising:

- matters where there is no allegation or implication of misconduct but managerial action is called for, including, for example, loss or damage to police property, debts, failure to complete a rostered shift, absence from or during duty, incidents arising from police pursuits or discharge of firearms (not involving death or serious injury) and injuries to persons in custody not involving allegations of police misconduct.

The Royal Commission also recommended that Category 1 complaints should be referred to the Police Integrity Commission which should have a discretion to refer such complaints to the Police Service or another agency 'for investigation under its supervision or to conduct a joint investigation'. Complaints falling within Categories 2, 3 and 4 were recommended to be dealt with by the Police Service, with varying degrees of oversight by the Ombudsman. The Royal Commission also recommended, with respect to the Police Integrity Commission, that it should:

- 'have the capacity to take over an investigation of any matter within any category of complaint at any stage'; and
- 'be ready to target specific areas of serious police corruption, initiate investigations based upon tactical and strategic intelligence and be in a position to audit suspect areas by pro–active measures, including targeted integrity testing'.

The Royal Commission recommendations as to complaint classification and handling were accepted by the Government and were enacted in the *Police Integrity Commission Act* (Part 4 - Police Complaints) and the Police Service Act (Part 8A - Complaints about conduct of police officers, which was amended to take up the Royal Commission recommendations).

Under section 67 in Part 4 of the *Police Integrity Commission Act,* a Category 1 complaint means a police complaint 'that is of a class or kind that the Police Integrity Commission Commissioner and the Ombudsman have agreed should be referred to the Commission'. On 20 December, 1996 the Commissioner and the Ombudsman entered into an agreement under this section which identified the class or kind of complaints that were to be considered as Category 1 complaints. A copy of the agreed schedule is at Appendix 3 of this report. In summary, the following classes of Category 1 complaints were identified:

- perjury, perverting the course of justice and related offences;
- indictable offences with a minimum penalty of three years' imprisonment or more, an example being assault occasioning actual bodily harm;
- bribery;
- improper interference with a police investigation, including an internal investigation;
- improperly gaining access to or releasing official information;
- involvement in the manufacture, cultivation or supply of drugs;
- complaints involving an officer of superintendent or higher rank.

As to the last class, the Commission subsequently made it a policy to investigate all complaints against the Commissioner of Police and the two Deputy Commissioners. It did so because of the difficulties encountered by Internal Affairs' investigators in looking at complaints against persons holding these offices and also to ensure that such investigations have some credibility.

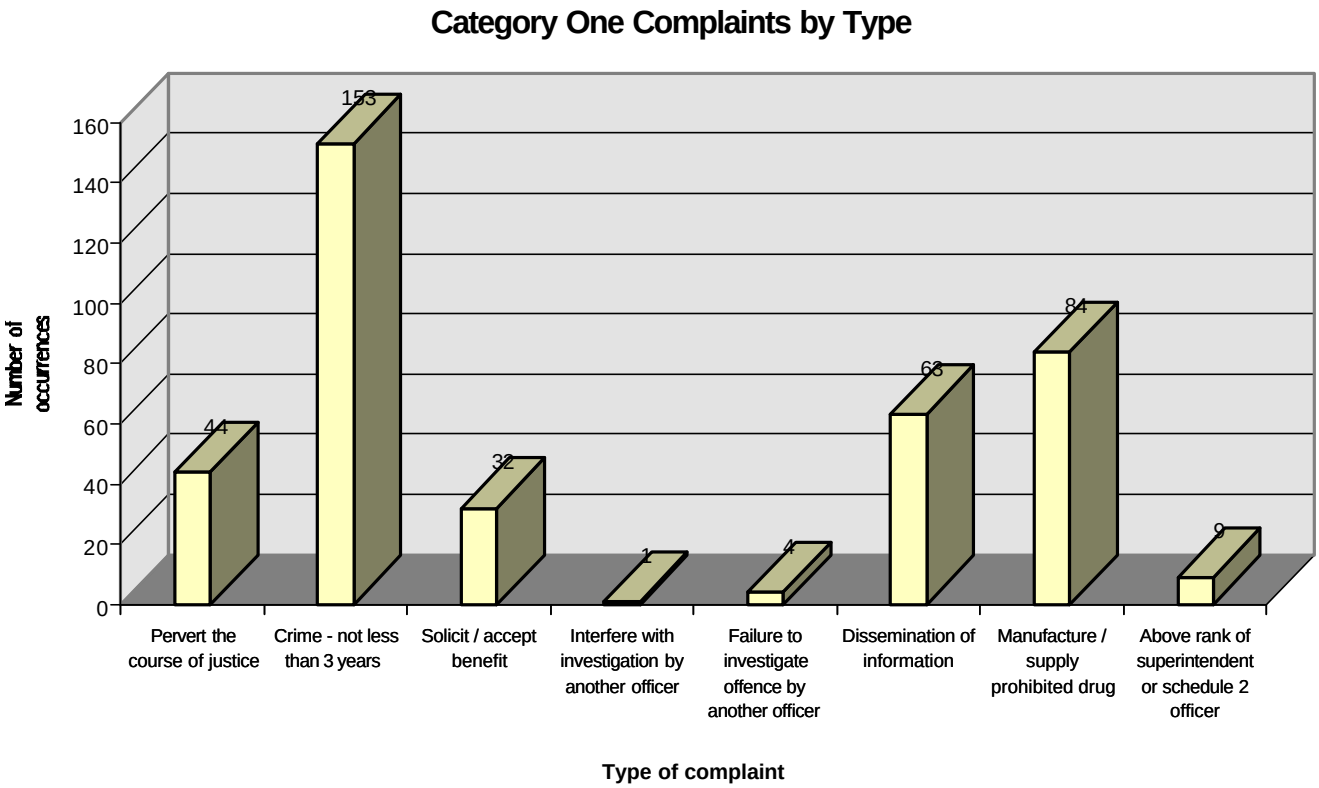
In practice, Category 1 complaints made to the Police Service (and the great majority of such complaints are made to the Police Service) are referred internally to the Office of

Internal Affairs and by it to the Commission. Category 1 complaints received by the Commission from the Police Service or the Ombudsman, are described in the Act as 'referred complaints'. Category 1 complaints received by the Commission from other than the Police Service or the Ombudsman are described in the Act as 'non-referred' complaints. During the reporting period the Commission received a number of non-referred Category 1 complaints directly from Members of Parliament, members of the judiciary, members of the public and from other agencies.

In the final part of the six months ending 30 June 1997, all complaints received by the Commission were referred to watch areas for assessment. Watch areas, which are headed by a solicitor, divide up among them the eleven police regions and other police functions of interest to the Commission. These assessments were then considered by a group comprising the Commissioner, the Assistant Commissioner and the Information Manager. The Commissioner made the decision in each case as to the action to be taken by the Commission, which in the case of all complaints referred by the Police Service and the Ombudsman, and some other complaints, was then notified to the Ombudsman.

In the reporting period the Commission considered and decided upon 440 Category 1 complaints. Not all Category 1 complaints received by the Commission in that period were considered and decided upon. Of the 440, 390 were referred complaints (335 by the Police Service and 55 by the Ombudsman) and 50 were non-referred complaints. A further 37 complaints sent to the Commission by the Police Service or the Ombudsman were considered not to be Category 1 complaints.

The incidence of the classes of referred complaints is shown in the following chart, which follows the classes agreed on by the Commissioner and the Ombudsman referred to above.



It should be noted in considering these figures that while many complaints comprise one allegation about 1 officer, a sizeable number involve more than 1 officer (1 complaint was directed at 12 officers), and often a single complaint contains a number of allegations.

While the drawing of firm conclusions by the Commission must await a longer reporting period, some preliminary observations regarding Category 1 complaints are in order. It is apparent to date that:

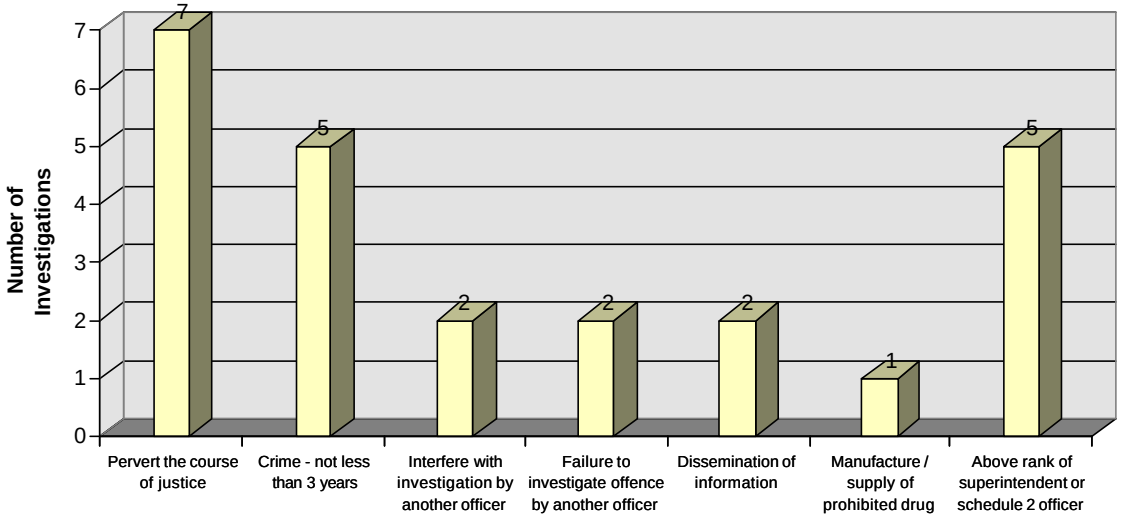
- there has been a large number of Category 1 complaints. In 1995-96 the Ombudsman received 5336 police complaints in all categories (as stated at p.22 of the Ombudsman's Annual Report for that year), and on present indications, Category 1 complaints will comprise about 20% of all police complaints;
- even while taking into account that some such complaints will turn out not to be genuine, there is a disturbingly high number of complaints about police involvement in drug manufacture, cultivation or supply; and
- despite the attention given to this area in 1995-96 by the Ombudsman and the Police Service, the number of complaints about police officers improperly gaining access to official information and/or improperly releasing it is a cause for concern. It is worth noting that these complaints continue to be made despite the relative ease of detecting such offences through computer audit trails.

Of the 390 referred complaints considered and decided upon by the Commission during the reporting period, the great majority (369) were referred back to the Ombudsman to be dealt with in accordance with Part 8A of the *Police Service Act*, that is, to be considered

and where appropriate, investigated by the Police Service with oversight by the Ombudsman. The Commission does not now have, and while the incidence of such complaints continues at this level will not have, the capacity to investigate more than a small proportion of such complaints. The Commission has the power to take over investigations into complaints which it is exercising and will continue to exercise in appropriate cases and as resources permit. Consistent with the findings and recommendations of the Royal Commission however, it sees itself as having a role in the monitoring of the quality of investigations carried out by the Police Service, including those conducted by the Office of Internal Affairs, and as to the latter with a view to that Office increasing its efficiency in dealing with such complaints and other police complaints.

Of those complaints referred back, the Commission specifically requested in 22 cases that it receive reports from the Police Service on the progress and outcome of the investigation. Of the complaints received from the Police Service and the Ombudsman during the reporting period, the Commission took over the investigation of 21, nine of them as preliminary investigations.

Investigation of Referred Category One Complaints by Class



NB: Three investigations were the result of more than one class of complaint on the schedule between the PIC and the Ombudsman.

THE EXERCISE BY THE COMMISSION OF ITS OTHER POWERS

(a) Under the Police Integrity Commission Act 1996

The following description of the exercise by the Commission of its other powers deals only with those matters where the Commission did exercise a power during the reporting period. There is for example, no mention here of the Commission exercising its powers to hold hearings, since at 30 June 1997 the Commission had not held any hearings. During the reporting period, for the purposes of an investigation, the Commission:

- disseminated three items of intelligence and information to agencies other than law enforcement agencies (section 18; details of disseminations made to law enforcement agencies are given below under the heading Statutory Reporting Requirements, paragraph (e));
- issued 4 notices requiring a public official or a public authority to produce a statement of information (section 25);
- issued 28 notices requiring persons to attend before an officer of the Commission and to produce a specified document or thing (section 26);
- sought and obtained the issue of 5 warrants under the *Listening Devices Act 1994* (section 50) and;
- arranged for the protection of a person assisting the Commission (section 51).

(b) Under the Police Service Act 1990

As noted in Chapter 5 above, this Act requires or enables the Commission to provide reports on proposed appointments to the senior categories of police officers. In the reporting period, the Commission provided reports on in excess of 100 officers.

By agreement between the Commission and the Police Service, the Commission on request also provides reports on officers in respect of whom the Commissioner of Police may be considering invoking his powers under s 181D of this Act (summary removal of police officers in whom the Commissioner of Police does not have confidence), or who have applied for medical discharge from the Police Service. Requests in both categories were under consideration at 30 June 1997.

CO-OPERATION WITH OTHER AGENCIES

During the reporting period, the Commission began to establish its own relationships with other agencies while at the same time taking advantage of the relationships already established by the Royal Commission with those agencies.

1. The NSW Police Service

Given its functions, the Commission necessarily has a close but independent relationship with the NSW Police Service. In keeping with the recommendations of the Royal Commission, the Police Service established a Police Integrity Commission Liaison Unit within the Office of Internal Affairs to be the major channel of communication with the Commission. Category 1 complaints received by the Police Service are forwarded to the Commission by the Liaison Unit which is also the usual inquiry point for the Commission when it seeks information or documents from the Police Service. The Commission was well served by the Liaison Unit during the reporting period.

Because of the common interests of the Commission and the Office of Internal Affairs, arrangements were made during the reporting period for weekly and other meetings between the Assistant Commissioner of the Commission and the Commander, Office of

Internal Affairs so that the Commission could be kept informed of the Office's activities. The Commission also regularly receives written reports on the Office's activities.

At the most senior level, the Commissioner of the Police Integrity Commission and the Commissioner of Police met and exchanged correspondence on a number of occasions during the reporting period on a range of issues.

2. Other Australian Police Services

As noted above, the *Police Integrity Commission Act 1996* prevents the Commission from engaging serving or former NSW police officers as members of its staff. The Commission, like the Royal Commission, had accordingly to look to other Australian Police Services for police investigators. The Commission is pleased to report that all the other Services have responded to the Commission's requests for staff and the Commission has among its ranks, police investigators from five other states.

On 3 March 1997, the Commissioner wrote to all Australian police commissioners (except Commissioner Ryan who was nevertheless provided with copies of the letters) explaining the Commission's functions and inviting them to provide to the Commission any information or intelligence relevant to those functions. Some relevant information was provided during the reporting period.

3. Ombudsman

Close relationships have also been established with the Ombudsman and her office, both in the area of complaint handling and on broader issues. The Commission receives from the Office of the Ombudsman all Category 1 complaints made to that office and notifies that office of its decisions on all referred (and some non-referred) Category 1 complaints. The Commission also suggests to numbers of complainants who get in touch directly with it that they take their matters to the Ombudsman. There were a number of discussions during the reporting period between the Commissioner and the Ombudsman on matters of mutual interest, including relevant recommendations of the Final Report of the Royal Commission.

4. The Inspector

Part 6 of the *Police Integrity Commission Act 1996* provides for the appointment of an Inspector of the Police Integrity Commission. The functions of the Inspector are to:

- audit the operations of the Commission for the purpose of monitoring compliance with the law of the State;
- deal with complaints of abuse of power, impropriety and other forms of misconduct on the part of the Commission or officers of the Commission; and
- to assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality or propriety of its activities.

In July 1996, the Hon Mr Justice James Wood, of the Supreme Court of NSW, and Royal Commissioner, was appointed as Inspector for a period of five years on a part-time basis. In March 1997, in view of his continuing commitment as Royal Commissioner, Mr Justice Wood resigned from the position.

In June 1997, the Hon M D Finlay QC, a former judge of the Supreme Court of NSW, was appointed to the position of Inspector for a period of three years on a part-time basis. The Commissioner held discussions with Mr Finlay during June 1997.

The Inspector is quite independent of the Commission, and has his own premises and staff. He also reports directly to the Parliament, and has the same relationship as the Commission with the Parliamentary Joint Committee.

5. Overseas Agencies

An information exchange was established during the reporting period between the Commissioner and Mr P J Knoll QC, Chairman, Law Enforcement Review Board of Alberta, Canada. The principal activity of the Board is to hear appeals from citizens who have complained about a police officer's actions and are not satisfied with the disposition of their complaint.

STATUTORY REPORTING REQUIREMENTS

Section 99(2) of the *Police Integrity Commission Act* requires the Commission to include in its Annual Report eight particular matters. These are listed below together with the Commission's responses.

a) a description of the types of matters that were referred to the Commission;

This description is provided above under the heading Complaint Handling Procedures.

b) description of the types of matters investigated by the Commission;

This description is provided above under the heading Investigations.

c) an evaluation of the response of the Commissioner of Police, relevant members of the Police Senior Executive Service and other relevant authorities to the findings and recommendations of the Commission;

The Commission did not during the reporting period make any formal findings or recommendations;

d) any recommendations for changes in the laws of the State, or for administrative action, that the Commission considers should be made as a result of the exercise of its functions.

The Commission has at this early stage of its existence no such recommendations to make.

e) the general nature and extent of any information furnished under this Act by the Commission during the year to a law enforcement agency;

During the reporting period, the Commission furnished under section 18(3) of *the Police Integrity Commission Act* to law enforcement agencies information not relevant to its own functions or not being pursued by it, in some cases in response to requests by other agencies for information, intelligence and evidence which may have been of interest to those agencies in exercising their investigative functions. Such information was furnished on eleven occasions, six to the NSW Police Service, two to the Australian Federal Police,

and one each to the NSW Crime Commission, the Queensland Police Service and the Australian Taxation Office. It should be noted that a good deal of police-related material was disseminated by the Royal Commission to law enforcement agencies during this period, most of this material being prepared by Police Integrity Commission staff.

Further details of other information furnished by the Commission pursuant to the relevant provisions of the *Police Service Act 1990* are set out above under the heading 'The Exercise by the Commission of its Powers'.

f) the extent to which its investigations have resulted in prosecutions or disciplinary action in that year

No investigations conducted by the Commission resulted in prosecutions or disciplinary action in the reporting period.

g) the number of search warrants issued by authorised justices and the Commissioner respectively under this Act in that year

No search warrants were issued under this Act in the reporting period.

h) a description of its activities during that year in relation to its education and advising functions;

Some planning was undertaken during the reporting period in relation to the Commission's education and advising functions.

7. MEASURING THE COMMISSION'S PERFORMANCE

The Commission's primary objective in 1996/97 was to get itself established. It believes that it has substantially achieved that goal.

The Commission's future performance is most appropriately assessed on a long term and short term basis. Clearly, given the reports of the Royal Commission, the Commission's function of preventing and dealing with serious police misconduct will be a long term objective, progress towards which will not be easily measured. The Commission believes that indicators of its long-term performance will evolve over time, and it will be giving further consideration to this aspect in 1997-98. Two possible measures are:

- a reduction in the longer term in the number of Category 1 complaints made; and
- a reduction in the numbers of police officers charged with criminal or disciplinary offences arising from serious police misconduct.

Turning to the short term, the Commission proposes at this stage to focus on the following key corporate goals and key achievement indicators:

GOALS	INDICATORS
Investigations	
Assembling evidence that may be admissible in the prosecution of persons for criminal or disciplinary offences	• Number of persons charged as a result of the Commission's activities • Minor investigations completed within three months
Monitoring the quality of the management of and investigations conducted within the Police Service	• Number of persons charged as a result of activities by the Office of Internal Affairs • As to investigations by Internal Affairs of serious police misconduct, a decreasing proportion of the outcomes of such investigations changed as result of Commission or Ombudsman re-investigations.
Assuming the passage of the relevant legislation, begin to conduct telecommunications interceptions.	• Such interceptions to begin within 6 months of the passage of the legislation.
Complaint Handling	
Dealing efficiently with referred Category 1 complaints	• 90% of new complaints to be considered within two weeks of receipt • Backlog to be eliminated
Dealing efficiently with non-referred Category 1 complaints, and an increase in the number of such complaints	• 90% of new complaints to be determined within two weeks of receipt • Backlog to be eliminated Substantial increase in the number of such

	complaints received, particularly from police officers
Implementation of Royal Commission recommendations	
Respond efficiently and effectively to Government decisions allocating responsibility to the Commission	Action to be taken within time frames agreed upon with the Government
Reporting	
Responding in a timely way to requests from the Police Service for appointment reports, loss of Commissioner's confidence matters and integrity reports on officers seeking medical discharge	Reports to be furnished within 21 days of requests being made
Public Image	
To increase Parliamentary and public awareness of the Commission's role and functions	• Maintain good relations with the Parliamentary Joint Committee • Make special reports to Parliament as necessary • Publish brochures on the Commission for wide distribution • Undertake visits to country areas • Commence public hearings
Corporate and Information Services	
Human Resources:	
To increase staff development and to maintain a safe and rewarding work environment	Increase staff participation in training activities, including attendance at conferences
Financial Services:	
To provide effective and efficient financial services	• Statutory reporting within specified timeframe • 85% of accounts paid on time
Information Services:	
To increase the usage of information technology in both investigative and non-investigative functions To play a leading role in the establishment of the Police Complaints/Case Management System (PCCM)	• Continual introduction of new software and hardware technology and services • PCCM project progresses in accordance with agreed timetables

8. LEGISLATIVE MATTERS AND LAW REFORM

POLICE INTEGRITY COMMISSION ACT 1996

As noted, the Commission was established upon the recommendation of the first Interim Report of the Royal Commission into the NSW Police Service. Its constitution, functions and activities are governed by the *Police Integrity Commission Act 1996*.

More formal parts of the Act (Parts 1, 2, 6, 7 and 13 and Schedules 1, 2 and 3) such as those relating to the constitution of the Commission commenced on 1 July 1996. Remaining Parts of the Act (including Part 3 which contains the principal functions of the Commission) commenced on 1 December 1996. As at 1 December 1996, the only provisions which had not yet commenced were those contained within Part 4 (Police Complaints) and sections 128 (Notification of Police Complaints by ICAC to Ombudsman or PIC) and 129 (Functions of ICAC where police officers involved). These provisions commenced on 1 January 1997.

AMENDMENTS TO THE POLICE INTEGRITY COMMISSION ACT 1996

In the period since the Commission's inception and prior to 30 June 1997, the Act was amended on 1 occasion.

The *Police Service Amendment Act 1997* amended section 40(3) of the Act by enabling evidence received by the Commission to be admissible in proceedings of the Industrial Relations Commission for the review of a decision by the Commissioner of Police under s 181D of the *Police Service Act 1990* to remove a police officer for loss of confidence. This is so irrespective of whether the evidence was given willingly or unwillingly. Section 40(3) had previously provided that answers given or documents produced in evidence before the Commission should not be admissible in evidence against the witness in any civil or criminal proceedings, except disciplinary proceedings. The *Police Service Amendment Act 1997* commenced on 26 June 1997.

PROPOSED AMENDMENTS TO THE POLICE INTEGRITY COMMISSION ACT 1996

Investigative Bodies Legislation Amendment Bill 1997

In the reporting period, it was proposed that the Act be further amended in the following ways:

a) by permitting the release of witnesses and those in contempt on certain terms and conditions to re-appear at a later time;

b) by enhancing powers available to the Commission to ensure the protection of witnesses appearing before the Commission and other persons assisting the Commission's inquiries.

These proposed amendments were contained within the Investigative Bodies Legislation Amendment Bill 1997. The Bill was introduced in the Legislative Assembly and read for a second time on 18 June 1997. It was read for a second time in the Legislative Council on 26 June 1997. Details of the Bill are given below.

Conditional Release of Witnesses and Persons Alleged to be in Contempt

Section 39(1) of the Act enables the Commissioner to issue a warrant for the arrest of a witness who has failed to attend the Commission in answer to a summons to give evidence. Once apprehended, section 39(4) of the Act authorises the witness to be brought before the Commission and detained in its custody until released by order of the Commission. Section 106(1) makes it an offence to fail to appear in relation to a summons to attend issued by the Commission. The penalty for this offence is 50 penalty units (that is, $5000) or imprisonment for 12 months or both. The Commission does not have power to release a witness who has been apprehended pursuant to a warrant for arrest of the witness.

Amendments proposed by the Investigative Bodies Legislation Amendment Bill 1997 will permit the Commission to release witnesses on certain conditions which will ensure that they attend when required to re-appear. In this regard, the amendment will fulfil similar objectives as a grant of bail. The amendments will also provide that witnesses who have not been released from custody or who have been released on conditions may seek to have the Commission's decision reviewed by the Supreme Court. The Supreme Court may make any order that the Commission may make in relation to the witness, including releasing the witness from custody.

The proposed amendments will also modify the penalty for failure to answer a summons to attend to 20 penalty units (that is, $2000) or imprisonment for 2 years or both. The same penalty will apply to breach of a re-appearance condition. A witness who fails to comply with conditions imposed for his or her release will be guilty of contempt of the Commission. Amendments to section 112 of the Act will make it clear that preventing the attendance of a witness who has been detained in custody or released on condition is as much an offence as if the witness had been arrested on account of a failure to appear.

The Investigative Bodies Legislation Amendment Bill 1997 will introduce further amendments allowing persons arrested and taken into custody as a result of an alleged contempt of the Commission to be released on certain conditions. Whereas persons arrested for failing to comply with a summons may be released on condition that they re-appear before the Commission, it is proposed that persons released on condition after having been detained for an alleged contempt of the Commission must appear before the Supreme Court. The Bill contemplates that conditions may include the provision of sureties, surrender of any passport and live and regular reporting to the Commission. It is also proposed that the Supreme Court may review any order made by the Commission not to release a person allegedly in contempt or to release that person on certain conditions.

Protection of Witnesses and Persons Assisting the Commission

Section 51 of the Act enables the Commissioner to make such arrangements as might be considered necessary in order to protect the safety of a witness or any other persons

assisting the Commission. The Investigative Bodies Legislation Amendment Bill proposes amendments that will have the effect of extending this power by enabling the Commissioner to also make *orders* for the protection of witnesses and other persons assisting the Commission. It is envisaged that this power may be used where, for example, it is necessary to restrict the publication of information that has not been adduced into evidence but that otherwise has become known and where further or more widespread publication may have the effect of prejudicing the safety of a person assisting the Commission.

Proposed amendments to section 52 will further enhance the Commission's ability to restrict the publication of information by permitting orders to be made in relation to persons who are about to give evidence, but have not yet done so.

Importantly, amendments proposed by the Investigative Bodies Legislation Amendment Bill 1997 will also permit the Commissioner for the Police Integrity Commission to vary or revoke arrangements made by the Royal Commissioner for the protection of persons assisting the Royal Commission (*Royal Commission (Police Service) Act 1994* section 26). Orders made by the Royal Commissioner under section 27 of the *Royal Commission (Police Service) Act 1994* restricting the publication of evidence will also be able to be varied or revoked by the Commissioner for the Police Integrity Commission.

Regulations

Section 143 of the Act permits the Governor to make regulations with respect to various matters, including:

- the appointment, conditions of employment, discipline, code of conduct and termination of employment of staff employed under the Act;
- security checks of officers of the Commission and persons who apply for employment as officers of the Commission;
- service of notices to occupiers whose premises are entered under a search warrant issued by the Commissioner;
- issue and use of Commission identity cards;and
- use and custody of the seal of the Commission.

As at 30 June 1997, no regulations had been made under the Act.

TELECOMMUNICATIONS (INTERCEPTION) ACT 1979

In February 1996, the Royal Commission into the NSW Police Service recommended that the Police Corruption Commission or the PCC (the Police Integrity Commission as it became) have available a full range of coercive powers necessary to detect and investigate serious police corruption, including the power to intercept and record telephone conversations. The Royal Commission itself had powers to receive intercepted information from other law enforcement agencies. It did not, however, have the power to seek the issue of warrants under the *Telecommunications (Interception) Act 1979* ('the

Interception Act'). The Royal Commissioner remarked in his Interim Report of February 1996, that this power was 'sorely missed'.

In March 1996, the Premier of NSW approached the Prime Minister bringing forward these Royal Commission recommendations for changes to relevant Commonwealth Statutes. In addition to amendments to the Interception Act, amendments were sought to the *Taxation Administration Act 1953*, the *Financial Transactions Reports Act 1988*, the *Life Insurance Act 1995* and the *Customs Act 1901*.

On 14 May 1997, the Federal Government introduced the Telecommunications (Interception) and Listening Device Bill 1997 ('the Interception Bill') into the House of Representatives. The Interception Bill sought to amend the Interception Act to permit the Commission:

- to receive intercepted information originally obtained by other law enforcement agencies where that information relates, or appears to relate, to police conduct that the Commission may investigate;
- to use intercepted information for investigating police misconduct; and
- to obtain warrants for the interception of telecommunications provided that the Commonwealth Attorney-General first issues a declaration under section 34 of the Interception Act.

The Interception Bill also sought to:

- enable members of the Administrative Appeals Tribunal (AAT) to issue warrants under the Interception Act;
- amend paragraph 219F(2)(a) of the *Customs Act 1901* to permit the chief officer of a Commonwealth law enforcement agency to communicate information obtained by use of a listening device directly to the Police Integrity Commission where the information appears to relate to police misconduct within the Commission's functions; and
- amend sub–section 27(16) and insert sub–section 27(1A) of the *Financial Transactions Reports Act 1988* to permit the Director of the Australian Transaction Reports and Analysis Centre (AUSTRAC) to authorise the Police Integrity Commission to have access to Financial Transactions Reports (FTR) information, provided that the Commission undertakes to comply with the specified Information Privacy Principles contained in the *Privacy Act 1988* in respect of FTR information.

On 18 June 1997, the Member for Banks, Mr Daryl Melham MP, outlined the view of the Federal Opposition in relation to the Interception Bill. He indicated that, while the Labor Party had no objection to amendments relating to the Commission, it was strongly opposed to the notion that members of the AAT should be able to issue warrants. He expressed the view that only judicial officers should be eligible to issue warrants.

The Senate Standing Committee on the Scrutiny of Bills ('the Standing Committee') expressed the same concern as Mr Melham in relation to the proposal that members of the AAT be authorised to issue interception warrants. The Standing Committee also

expressed concerns about the suggestion that the Commission should be eligible to receive intercepted communications. It observed that the proposal amounted to 'an extension of an intrusive power and, as such, a fresh example of legislative creep'. The Standing Committee sought the comments of the Commonwealth Attorney-General in relation to this issue. It also sought the Attorney-General's views as to whether the extension of interception powers proposed by the Bill should be subject to a sunset clause. The Committee stated that 'the need to obtain Parliament's assent to renewing these powers would enable Parliament to review whether the granting of these powers has been appropriate and worthwhile'. As at 30 June 1997, the Standing Committee had not indicated its final views in relation to these matters. The Interception Bill itself remained in the House of Representatives.

In relation to the *Taxation Administration Act 1953*, it is anticipated that relevant amendments to section 3E will be included within a separate legislative package and that this package of amendments will not be introduced into Federal Parliament until later in 1997.

LAW REFORM

During the year ended 30 June 1997, the Commission provided advice to the Ministry for Police in relation to draft legislation concerning a range of matters including privacy, video surveillance, publication of electronically recorded interviews and confiscation of proceeds of crime.

One of these matters concerned amendments to the *Drug Trafficking (Civil Proceedings) Act 1990* ('the DTCP Act'). The DTCP Act enabled the NSW Crime Commission to seek the issue of restraining and forfeiture orders over property belonging to persons suspected of engaging in drug-related activity. By virtue of section 19 of the *Police Integrity Commission Act 1996*, the DTCP Act applied to the Police Integrity Commission in the same way as it applied to the Crime Commission. The Police Integrity Commission did not take any action under the DTCP Act in the year ended 30 June 1997.

On 22 June 1997, the *Drug Trafficking (Civil Proceedings) Act Amendment Act 1997* amended the DTCP Act in several significant ways. Most notably, the definition of 'drug-related activity' was replaced by a much wider term — 'serious crime related activity'. The definition of 'serious crime related activity' includes offences punishable by a term of imprisonment of 5 years or more. The amendment has the effect of enabling property derived from non-drug related offences such as bribery and corruption, money laundering and perverting the course of justice to be the subject of restraining and forfeiture orders. For this reason, the DTCP Act has now been renamed the *Criminal Assets Recovery Act 1997* ('the CAR Act'). The CAR Act further extends the ambit of operation of the DTCP Act by applying to interests in property situated within and outside NSW and Australia.

9. CORPORATE AND INFORMATION SERVICES

The Commission's operations are supported by a Corporate and Information Services Division that is responsible for providing services to each of the operational areas within the Commission.

During 1996-97, by agreement with the Royal Commission, this Division provided services to both the Commission and the Police Royal Commission. The period of dual responsibility has had a marked effect on the resources available for the Corporate and Information Services Division to provide an efficient service to the Commission.

The services and management provided by the Division during 1996-97 are described under the following subheadings.

HUMAN RESOURCES

Staffing

Section 10 of *the Police Integrity Commission Act 1996* allows the Commission to employ staff either under the *Public Service Management Act 1988*, or as employees of the Commission. The Commissioner may also engage consultants and arrange for the use of the services of staff or facilities of a government department or a local or public authority.

As noted previously, the Commission is prohibited from appointing NSW police officers. It may, however, arrange for the secondment of:

- a member of the Australian Federal Police;
- a member of the Police Force of another State or Territory; or
- a member of the Police Force of any other country where the country has been prescribed by Regulation

All investigative staff employed by the Commissioner, are seconded from either federal or other interstate law enforcement agencies. Other operational and administrative staff are employed under section 10(2) of the *Police Integrity Commission Act*, and enter into individual employment contracts. The Commission does not employ any officers under section 13 of the *Public Sector Management Act 1988.*

Chief and Executive Officers

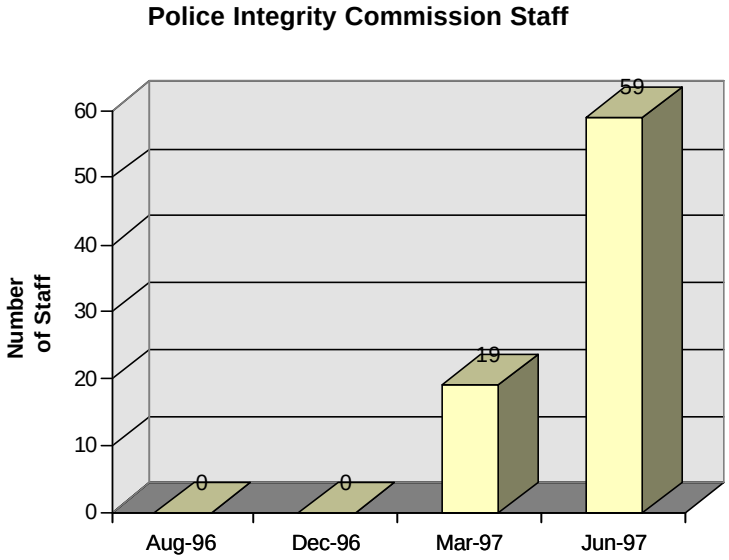
The Commissioner, Judge P D Urquhart QC, was appointed to the position under Schedule 1 of the *Police Integrity Commission Act 1996,* on 18 August 1996 for a period of two years.

Together with an Assistant Commissioner and two other executive positions (Director, Corporate and Information Services and Director, Operations Special Services), the

Commissioner has the responsibility for the strategic management and administration of the Commission's statutory functions.

Staff Numbers

The following chart shows the rate over time, at which staff were employed by the Commission. At the end of the reporting period, the total number of Police Integrity Commission staff was 59.



This chart represents employees who worked only for the PIC, and not for both the PIC and the Royal Commission.

Training

The Commission has a multi-disciplinary team of employees with diverse skills and expertise. A program has been implemented that provides for training of employees to maintain and enhance their existing skills. The program also provides study and exam leave for those wishing to continue to seek appropriate qualifications. High priority is given to the provision of training on specialised corporate information systems (both internally and externally focussed).

The Commission has a strong commitment to professional development. During the reporting year 6 staff from various disciplines undertook external training to enhance their existing skills and to develop new ones.

Personnel

The Commission's personnel area provides a comprehensive range of services, including recruitment, payroll, leave administration and Occupational Health and Safety.

Occupational Health and Safety

Staff of the Commission occupied parts of the premises leased by the Royal Commission during the year, and consequently were covered by the OHS policies determined by the Royal Commission.

Code of Conduct

By the end of the reporting period the Commission had not developed a Code of Conduct. The development of the Code of Conduct takes priority on the human resources agenda for the next reporting year.

Ethnic Affairs Policy Statement (EAPS)

The Commission recognises and upholds the principles of a culturally diverse society, and is committed to the implementation of these principles, both within the workplace, and in order that the full range of services provided by the Commission be available to all ethnic groups.

While still in it's establishment phase, the Commission did not enter into any agreement with the Ethnic Affairs Commission during its first reporting year.

The Commission's EAPS policy is as shown in the following table:

INITIATIVE	STRATEGIES/ TASKS	RESOURCES	TIMELINE	OUTCOMES
Prepare and widely distribute multi-lingual information brochures	Determine the major ethnic groups and target audience	Allocate appropriate funding	Dec 1997	To reach as many key ethnic groups as possible
Provide interpreter services for its dealings with those persons in need of such services	Seek services from certified and qualified providers	Allocate appropriate funding	Ongoing as appropriate	To provide support to witnesses and other people appearing before the Commission

Equal Employment Opportunity (EEO)

The Commission is committed to the principles of EEO which have been a significant consideration in the recruitment and employment of staff. During the year, the Commission's major EEO achievements included:

- the conduct of the Commission's first EEO survey;
- the determining of working conditions for contracted and seconded Commission staff;
- the identification of staff who would be working under flexible working arrangements; and
- the identification of staff who would benefit from consolidated salary arrangements.

The following table represents the percentage of total staff by level.

Staff Numbers By Level

Level	Total staff	No of staff responding to EEO data form	Women	Men	Aboriginal and Torres Strait Islander people	People from racial, ethnic, ethno-religious groups	People whose language first spoken was not English	People with a disability	People with a disability requiring adjustment at work
$22,215–29,178	2	1	1	0	0	0	0	0	0
$29,179–32,618	0	0	0	0	0	0	0	0	0
$32,619–41,278	9	7	6	1	0	2	2	0	0
$41,279–53,379	10	8	6	2	0	3	2	0	0
$53,380–66,724	13	6	1	5	1	0	0	0	0
>$66,724	24	13	4	9	0	1	0	0	0
TOTAL	58	35	18	17	1	6	4	0	0

FINANCIAL SERVICES

The Commission's finance area provides a comprehensive accounting and budgetary service. In late 1996, the SunSystem finance system was selected from the GSAS (Government Selected Applications Systems) contract and installed. This system has been designed to meet statutory reporting requirements, as well as the provision of efficient internal reporting requirements. The implementation of the finance system has taken longer than originally planned. However, it is anticipated that the extra flexibility of the system will meet all current and perceived future needs.

Audit

In June the Commission engaged the Audit Office of NSW to undertake a systems audit of the finance and personnel systems, with a view to ensuring that stringent internal control requirements could be complied with. A response to that audit will be part of our main focus during 1997-98.

The Audit Office also undertook the Commission's end of year financial audit.

Expenses

The majority of the expenses incurred for the year were salary related, and these were less than expected due to delays in staff recruitment.

Revenue

The Commission's main source of revenue is Consolidated Fund Appropriation from the Crown Transactions Entity.

Other income during the year was less than $1,000. The Commission also received monies for the value of recreation leave of staff transferring to us from the Police Royal Commission.

Consultants

During the year we used 1 consultant to provide advice on contractual arrangements relating to employment agreements for staff. The cost of this consultancy was below $30,000.

Funds Granted to Non-Government Community Organisations

The Commission did not grant any funds to non-government community organisations during the year.

Risk Management and Insurance

Other than minor insurance expended for operational purposes, the Commission did not pay any premiums to the Managed Fund Scheme, as its activities for the reporting period were covered by the insurance arrangements in place for the Royal Commission.

In 1997–98, the Commission will join the NSW Treasury Managed Fund Scheme of self insurance for government agencies.

Disclosure of Controlled Entities

The Commission does not have any controlled entities.

Major Assets and Acquisitions

Details of purchases of major non-current property, plant and equipment are shown in the notes to the Financial Statements. The Commission did not expend its full Capital Appropriation during the year due to delays in sourcing specialised operational equipment.

It is expected that during the next financial year, the majority of the Royal Commission's plant and equipment will be transferred to the Commission, together with the leased premises in the St James Centre. This will include some fixtures and fittings. Before these assets are transferred, a revaluation of all assets will take place during the 1997–98 financial period.

The Commission does not own or control any property.

Liabilities

Our current liabilities include employee entitlements (recreation leave) and a minor amount payable for superannuation.

INFORMATION TECHNOLOGY MANAGEMENT

The Commission has a variety of computer systems, some inherited from the Royal Commission, some improved versions of Royal Commission systems and some written specifically for the Commission.

Of these the most important is the main document handling system. This combines document imaging, electronic workflow, database searching and free text searching into a single system which controls all internally and externally sourced documents, manages a complaints handling facility and provides an intelligence database.

The Commission's IT Department is proceeding with urgent enhancements to the current systems, in anticipation that approval for the Police Complaints/ Case Management System (PCCMS) will be given in September 1997, and that the project will start in earnest in October 1997 (see below for further details of this proposed system).

Network Hardware

The network hardware was inherited from the Royal Commission and consisted of a number of file servers linked via network cabling to the other areas of the St James Centre occupied by the Royal Commission (levels 3,4,5,7,15 and the basement). The cabling to floors 7 and 15 was removed at the expiration of the Royal Commission's lease on the premises.

Steps are under way to rationalise the use of file servers and ultimately to consolidate the Royal Commission data onto a single server to be used as an archive for that data. Towards this end, another file server has been ordered and the speed of the network will be increased.

Desktop Computers

A considerable number of personal computers, previously used by the Royal Commission have been purchased over a period of time, some of which are no longer able to cope with the tasks demanded of them. Only the most recent will be retained. Following an extensive study of personal computers and desktop operating systems, the Commission has moved to a platform of new Personal Computers, using Pentium 200 processors, with 48 Mb of RAM, running Windows NT operating system. This configuration provides for the best use of personal computers with a much simplified maintenance workload, due to the use of a common platform and the advanced capabilities of Windows NT.

Software Development

Most of the software used by the Commission was developed specifically for the Royal Commission. While it served that organisation well, it was software developed for a temporary organisation.

The Commission has been involved in a program of updating the software to make it more suitable for a permanent organisation, and of adding features which are needed by the Commission but were not needed by, or not readily achievable for, the Royal Commission.

In particular, the document management systems have been extended to cater for internally generated documents, (where the older version catered only for external documents), matter control and electronic workflow.

The software is also being modernised to fit into a 32-bit environment and to use Microsoft SQL Server Database Management System, in place of the older database systems used by the Royal Commission. Other outdated components are also being replaced by more advanced tools.

The modernisations and extensions of the software, referred to above, are likely to continue throughout the 1997-98 financial year.

The Police Complaints/Case Management System (PCCMS)

In its February 1996 Interim Report, the Royal Commission noted the previous criticisms which had been made of the absence of an efficient centralised system for recording complaints against police, with access available to those agencies which had a role in investigating such complaints. It also expressed criticism of the 'archaic system of case file management' used by the Office of Professional Responsibility (now the Office of Internal Affairs).

In April 1996, the Premier's Department engaged a firm of consultants, Andersen Consulting, to:

- define the requirements for the Police Complaints Case Management System based on the needs of each of the participating agency's security issues and the need to collect and consolidate data from any existing systems;
- establish whether any of the participating agencies have a system or systems which can be adapted to satisfy the requirements identified; in addition, undertake a search of other organisations, nationally and internationally, to determine whether a suitable system exists which may satisfy the requirements identified; and
- recommend a preferred solution and a strategy for the acquisition of a system that will satisfy the requirements, including a timetable, estimate of project resources and costs to implement the recommended solution.

A Steering Committee for the project was established, comprising representatives of the Premier's Department, the Department of Public Works and Services, the Police Service, the Ombudsman and the Royal Commission. The consultant's final report was submitted in June 1996. Consideration was then given to the consultant's report.

A representative of the Police Integrity Commission joined the Committee in September 1996. The Government gave approval in December 1996 for the project to proceed, and a Project Manager was appointed in February 1997. The Steering Committee was reconstituted and now comprises:

- the Director, Public Sector Management Office, Premier's Department (Chair);
- the Assistant Commissioner, Police Integrity Commission;

- the Assistant Ombudsman (Police);
- the Commander, Internal Affairs, NSW Police Service; and
- the Director, Government Information Management Division, Department of Public Works and Services.

From this Commission's point of view, it was important to clarify the scope of the PCCMS, not only because of the Commission's legislative responsibilities for dealing with police complaints, but also to take into account the system's characteristics in designing its own internal systems.

A number of initiatives by the Commission resulted in the creation of a document 'Police Integrity Commission - Requirements for the proposed Complaints Management System' which was endorsed by Commission management, discussed with the Office of the Ombudsman and the Police Service and then presented to the Steering Committee in April 1997. This document proposed, among other things:

- the PCCMS Project is really three separate but interrelated sub-projects:
  1. 1. a complaints management / case management / intelligence gathering system for the overseeing agencies (the Commission, Internal Affairs, Ombudsman);
  2. 2. a complaints administration facility suitable for use by NSW Police;
  3. 3. a means of providing confidential access to data held in the NSW Police computer systems for use by the overseeing agencies;
- that a data warehouse, located at the Commission and collecting all nominated classes of data from the Police Service, is the best way to provide confidential data access; and
- that the internal systems currently used by the Commission should be used as a base for further development of the complaints management / case management / intelligence gathering system for the overseeing agencies.

The document has been accepted in principle by the Steering Committee and by its current consultants, Doll Martin Associates. The consultants are currently working on producing a more detailed statement of user requirements for all relevant agencies, and their final report and recommendations are expected in August 1997.

RECORDS MANAGEMENT

The Commission's Registry has the responsibility for providing the Commission with a comprehensive records management system covering registration, processing, summarisation, dissemination, filing, retrieval and disposal of documents. In keeping with its responsibilities under *the Archives Act 1960*, the Commission is developing a comprehensive records disposal schedule.

The Commission decided during the reporting period to make greater use of information technology in its day-to-day operations. All documents (save for some administrative

documents such as accounts) are now imaged as they are received, stored in an existing or new computer file and generally speaking then referred electronically to the relevant officers. Most outgoing correspondence is likewise imaged and stored in the computer file to which it relates, and which is searchable by file number, name, subject or key word. The relevant file number is automatically entered on outgoing correspondence. Files can also be referred electronically from one officer to another, with a record of the referral and the response being made automatically on the file. These innovations have contributed greatly to the efficiency of the Commission.

SUPPORT SERVICES

These services include property leasing and building management, coordinating leasehold improvements, coordinating motor vehicle fleet acquisition, providing stores and purchasing, maintaining plant and equipment, managing assets, cleaning services, and coordinating contracting arrangements for court reporters and interpreters.

10. APPENDICES

Appendix 1

FINANCIAL STATEMENTS

Financial Statements 1996–97

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Statement by Department Head

Pursuant to Section 45F of the *Public Finance and Audit Act 1983*, I state that:

a) the accompanying financial statements in respect of the year ended 30 June 1997 have been prepared in accordance with the provisions of the *Public Finance and Audit Act 1983* and Regulations, the *Financial Reporting Code for Budget Dependent Agencies*, and the *Treasurer's Directions*

b) the statements exhibit a true and fair view of the financial position and transactions of the Commission, and

c) there are no circumstances that would render any particulars included in the financial statements to be misleading or inaccurate.



Judge P D Urquhart QC
Commissioner

18 July 1997

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BOX 12 GPO
SYDNEY NSW 2001

INDEPENDENT AUDIT REPORT

POLICE INTEGRITY COMMISSION

To Members of the New South Wales Parliament and the Commission

Scope

I have audited the accounts of the Police Integrity Commission for the year ended 30 June 1997. The preparation and presentation of the financial report consisting of the accompanying balance sheet, income and expenditure statement, statement of cash flows, and summary of compliance with financial directives together with the notes thereto and the information contained therein is the responsibility of the Commissioner. My responsibility is to express an opinion on these statements to Members of the New South Wales Parliament and the Commissioner based on my audit as required by sections 34 and 45F(1) of the *Public Finance and Audit Act 1983*. My responsibility does not extend here to an assessment of the assumptions used in formulating budget figures disclosed in the financial statements.

My audit has been conducted in accordance with the provisions of the Act and Australian Auditing Standards to provide reasonable assurance as to whether the financial report is free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates.

In addition, other legislative requirements which could have an impact on the Police Integrity Commission's financial report have been reviewed on a cyclical basis. For this year, the requirements examined comprise: Chief Executive Service/Senior Executive Service remuneration; Payroll Tax on superannuation benefits; disaster recovery plans for computer installations and prompt payment of accounts.

These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial report is presented fairly in accordance with the requirements of the *Public Finance and Audit Act 1983*, Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) so as to present a view which is consistent with my understanding of the Police Integrity Commission's financial position, the results of its operations and its cash flows.

The audit opinion expressed in this report has been formed on the above basis.

Audit Opinion

In my opinion, the financial report of the Police Integrity Commission complies with section 45E of the Act and presents fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements the financial position of the Police Integrity Commission as at 30 June 1997 and the results of its operations and its cash flows for the year then ended.

A. C. HARRIS

SYDNEY
24 September 1997

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Operating Statement for Year Ended 30 June 1997

	Notes	Actual 1996–97 $'000	Budget 1996–97 $'000
Expenses			
Operating Expenses			
Employee related	2(a)	1,303	2,480
Other operating expenses	2(b)	478	1,860
Maintenance	2(c)	3	0
Depreciation and amortisation	2(d)	15	0
Other expenses	2(e)	2	0
Total expenses		**1,801**	**4,340**
Less:			
Total Retained Revenue	3	**0**	**0**
Gain/(loss) on sale of non-current assets	4	**0**	**0**
NET COST OF SERVICES	28	**1,801**	**4,340**
Government Contributions			
Recurrent appropriation	6	1,855	4,340
Capital appropriation	6	401	746
Acceptance by the Crown Transactions Entity of employee entitlements and other liabilities	9	21	50
Total Government Contributions		**2,277**	**5,136**
SURPLUS/(DEFICIT) FOR THE YEAR		**476**	**796**

The accompanying notes form part of these statements

Statement of Financial Position as at 30 June 1997

	Notes	Actual 1996–97 $'000	Budget 1996–97 $'000
ASSETS			
Current Assets			
Cash	27	209	50
Receivables	13	5	0
			0
Total Current Assets		**214**	**50**
Non-Current Assets			
Property, plant and equipment	15	385	746
Total Non-Current Assets		**385**	**746**
Total Assets		**599**	**796**
LIABILITIES			
Current liabilities			
Accounts payable	18	1	0
Employee entitlements	20	122	0
Total Current Liabilities		**123**	**0**
Net Assets		**476**	**796**
EQUITY			
Accumulated funds	22	476	796
Total Equity		**476**	**796**

The accompanying notes form part of these statements

Cash Flow Statement for the Year Ended 30 June 1997

	Notes	Actual 1996–97 $'000	Budget 1996–97 $'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee related		(1,244)	(2,430)
Other		(484)	(1,860)
Total Payments		**(1,728)**	**(4,290)**
Receipts			
Other	3	81	0
Total Receipts		**81**	**0**
NET CASH FLOWS USED ON OPERATING ACTIVITIES	28	**(1,647)**	**(4,290)**
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchases of property, plant and equipment	15	(400)	(746)
NET CASH FLOWS USED ON INVESTING ACTIVITIES		**(400)**	**(746)**
CASH FLOWS FROM GOVERNMENT			
Recurrent appropriation		1,855	4,340
Capital appropriation		401	746
NET CASH FLOWS FROM GOVERNMENT		**2,256**	**5,086**
NET INCREASE/(DECREASE) IN CASH		209	50
Opening cash and cash equivalents		0	0
CLOSING CASH AND CASH EQUIVALENTS	27	**209**	**50**

The accompanying notes form part of these statements

Summary of Compliance with Financial Directives for the Year Ended 30 June 1997

	Actual appropriations		Estimated expenditure
	Original 1996–97 $'000	**Revised 1996–97 $'000**	**1996–97 $'000**
Recurrent appropriations			
Program 1 *Prevention of Serious Police Misconduct*	4,340	1,855	1,855
	4,340	1,855	1,855
Capital appropriations			
Program 1 *Prevention of Serious Police Misconduct*	746	401	401
	746	401	401
Total appropriations	**5,086**	**2,256**	**2,256**

The Police Integrity Commission received an amount of $150,000 in November 1996, for preliminary expenditure. In late November, the Treasurer approved the provision of additional funds of $4.19 million being provided to the agency to meet recurrent expenditure in 1996–97, and an amount of $746,000 for the agency's capital program.

In March 1997, the Treasurer approved the re-allocation of $500,000 from the 1996–97 recurrent budget to the capital budget for use in capital investments. For reporting purposes in these financial statements, this re-allocation has not been shown as the expenditure for both recurrent and capital is significantly lower than that expected.

This variance between the original appropriation and the revised appropriation is due mainly to unavoidable delays in staff recruitment and delays in sourcing specialised operational equipment.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) *Reporting entity*
The Police Integrity Commission is constituted by the *Police Integrity Commission Act 1996*, and comprises a single entity. The Commission's activities for the 1996–97 period are covered by these financial statements.

There have been no inter-entity transactions and balances for this period.

(b) *Basis of accounting*
The Commission's financial statements are a general purpose financial report that has been prepared on an accrual basis and in accordance with applicable Australian Accounting Standards and the Urgent Issued Group Consensus Views, the requirements of the Public Finance and Audit Act and Regulations, and the Financial Reporting Directions published in the *Financial Reporting Code for Budget Dependent Agencies* or issued by the Treasurer under s9(2)(n) of the Act.

These financial statements have been prepared in accordance with the historical cost convention. All amounts are rounded to the nearest one thousand dollars and are expressed in Australian currency.

As these are the first financial statements for the Commission, no comparisons are available for prior periods.

(c) *Administered activities*
The Commission does not administer activities on behalf of the Crown Transactions Entity.

(d) *Parliamentary Appropriations and Contributions from Other Bodies*
Parliamentary appropriations are recognised as revenues during the reporting period (see note 6).

(e) *Employee entitlements*

(i) Wages and Salaries, Annual Leave, Sick Leave and On-costs

Liabilities for wages and salaries, annual leave and vesting sick leave are recognised and measured as the amount unpaid at the reporting date at current pay rates in respect of employee's services up to that date.

Unused non-vesting sick leave does not give rise to a liability as it is not considered probable that sick leave taken in the future will be greater than the entitlements accrued in the future.

The outstanding amounts of payroll tax and fringe benefits tax, that are considered consequential to employment, are recognised as liabilities and expenses where the employee entitlements to which they relate have been recognised.

The agency has not paid any workers' compensation insurance premiums during the reporting period, as the risk was assumed under the existing arrangements of the Royal Commission into the NSW Police Service workers' compensation insurance.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

(ii) Extended Leave and Superannuation

The Commission's liabilities for extended leave and superannuation are assumed by the Crown Transactions Entity. The agency accounts for the liability as having been extinguished resulting in the amount assumed being shown as part of the non-monetary revenue item described as "Acceptance by the Crown Transactions Entity of employee entitlements and other liabilities".

Extended leave is measured on a nominal basis. The nominal method is based on the remuneration rate at end of year for all employees with five or more years of service. It is considered that this measurement technique produces results not materially different from the estimate determined by using the present value basis of measurement.

The superannuation expense for the financial year is determined by using the formulae specified in the Treasurer's Directions. The expense for certain superannuation schemes (ie Basic Benefit and First State Super) is calculated as a percentage of the employee's salary. For other superannuation schemes (ie State Superannuation Scheme and State Authorities Superannuation Scheme), the expense is calculated as a multiple of the employee's superannuation contributions. Employer's superannuation contributions paid in respect of officers seconded from non-NSW government agencies are expensed in the year in which they are incurred.

(f) *Insurance*

The agency's insurance activities are conducted through the NSW Treasury Managed Fund Scheme of self insurance for government agencies. Other than minor insurance expended for covert operational purposes, the agency has not paid any premiums to the Managed Fund Scheme, as its activities for the reporting period were covered by the insurance arrangements in place for the Royal Commission.

(g) *Acquisition of Assets*

The cost method of accounting is used for the initial recording of all acquisition of assets controlled by the agency. Cost is determined as the fair value of assets given as consideration plus the costs incidental to the acquisition.

There were no assets acquired for nominal consideration or at no cost during the reporting period.

(h) *Plant and equipment*

Plant and equipment costing $5,000 and above are individually capitalised, as is plant and equipment costing less than $5,000 but forming part of an overall asset.

(i) *Re-valuation of Physical Non-Current Assets*

There has been no re-valuation of any of the Commission's physical non-current assets during the reporting period, as all assets were purchased during the reporting period.

The agency will re-value its physical non-current assets during the next financial period to ensure that the depreciation rates shown at note (k) are reflective of the true cost of asset utilisation. Following this review, each class of asset will be reviewed as appropriate, given the nature of the Commission's physical non-current assets.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

(j) *Assets not able to be Reliably Measured*
The Commission does not hold any assets that have not been recognised in the financial statements.

(k) *Depreciation of Non-Current Physical Assets*
Depreciation is provided for on a straight-line basis for all depreciable assets so as to write off the depreciable amount of each asset as it is consumed over its useful life to the Commission.

The agency has adopted the following depreciation rates for the reporting period:

Computer equipment	4 years
Office machines	7 years
Other plant and equipment	7 years
Leasehold improvements	The initial period of the lease

Following re-valuation of non-current assets in the next financial period, the depreciation rates shown above will be reviewed (see note (i)).

(l) *Leased Assets*
The agency's motor vehicle fleet are the only assets subject to an operating lease.

(m) *Major Periodic Maintenance*
The Commission does not have any major physical non-current assets.

(n) *Investments*
The Commission does not have any investments.

(o) *Inventories*
The Commission does not carry inventory.

(p) *Trust Funds*
The Commission does not receive monies in a trustee capacity.

(q) *Administrative Restructuring*
There has been no administrative restructuring affecting the Commission during the reporting period.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

2. EXPENSES

(a) Employee related expenses comprising the following specific items:

	1997 $'000
Salaries and wages	1,052
Superannuation entitlements	54
Extended leave	7
Recreation leave	79
Worker's Compensation Insurance	0
Payroll tax and fringe benefit tax	70
Other	41
	1,303

(b) Other operating expenses

	1997 $'000
Administration charges	10
Books and periodicals	16
Auditor's remuneration	12
Consultancies	7
Contractors (management)	34
EDP expenses	16
Insurance	1
Rent and outgoings	28
Minor equipment	271
Motor vehicle costs (including leasing charges)	18
Advertising	8
Printing and stationery	15
Staff development	5
Travelling expenses	17
Telephones	11
Other	9
	478

(c) Maintenance

	1997 $'000
Repairs and routine maintenance	3
	3

(d) Depreciation and amortisation expense

	1997 $'000
Depreciation	
Infrastructure assets	0
Other property, plant and equipment	13
Amortisation	2
	15

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

(e) Other expenses

	1997 $'000
Physical non-current asset revaluation decrement	0
Investment asset revaluation decrement	0
Legal	2
	2

3. REVENUES

The Commission's income during the year was less than $1,000. Other amounts received related to the value of leave accrued to employees transferred to the Commission, and Government contributions.

4. GAIN/(LOSS) ON SALE OF NON-CURRENT ASSETS

The agency did not sell any non-current assets during the reporting period.

5. CONDITIONS ON CONTRIBUTIONS

The Commission did not receive any contributions during 1996–97.

6. APPROPRIATIONS

	1997 $'000
Total recurrent appropriations	1,855
Less: Transfer payments	0
Recurrent appropriations	**1,855**

	1997 $'000
Total capital appropriations	401
Less: Transfer payments	0
Capital appropriations	**401**

7. ABNORMAL ITEMS

There are no abnormal items relevant to these financial statements.

8. EXRAORDINARY ITEMS

There were no extraordinary items during the reporting period.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

9. ACCEPTANCE BY THE CROWN TRANSACTIONS ENTITY OF EMPLOYEE ENTITLEMENTS AND OTHER LIABILITIES

The following liabilities and/or expenses have been assumed by the Crown Transactions Entity

	1997 $'000
Superannuation	21
Extended leave	0
	21

10. TRANSFER PAYMENTS

There were no transfer payments during the reporting period.

11. PROGRAMS/ACTIVITIES OF THE AGENCY

(a) Program 1: *Prevention of Serious Police Misconduct*

Objective: *To prevent, detect or investigate serious police misconduct and manage and oversee other agencies in the detection or investigation of police misconduct.*

12. CURRENT / NON-CURRENT ASSETS—INVESTMENTS

The Commission had no funds invested at the end of the year.

13. CURRENT / NON-CURRENT ASSETS—RECEIVABLES

	1997 $'000
Other debtors	5
Less: Provision for doubtful debts	0
	5

No provision for doubtful debts has been provided as all amounts are considered to be collectable.

14. CURRENT / NON-CURRENT ASSETS—INVENTORIES

The Commission had no inventories at the end of the year.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

15. NON-CURRENT ASSETS—PROPERTY, PLANT AND EQUIPMENT

	Leasehold improvements $'000	Computer equipment $'000	Office equipment $'000	Total $'000
At cost				
Opening balance	0	0	0	0
Additions	26	127	247	400
Closing balance	26	127	247	400
Accumulated depreciation				
Opening balance	0	0	0	0
Expense for the year	2	4	9	15
Closing balance	2	4	9	15
Net book value	24	123	238	385

There has been no re-valuation of physical non-current assets during the reporting period.

16. PROVISION FOR MAJOR PERIODIC MAINTENANCE

The Commission does not own any major physical non-current assets.

17. RESTRICTED ASSETS

The agency does not recognise any restricted assets in its *Statement of Financial Position*.

18. CURRENT LIABILITIES—ACCOUNTS PAYABLE

	1997 $'000
Creditors	1
	1

19. CURRENT / NON-CURRENT LIABILITIES—BORROWINGS

The Commission had no borrowings during the year.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

20. CURRENT / NON-CURRENT LIABILITIES—EMPLOYEE ENTITLEMENTS

	1997 $'000
Recreation leave	122
	122
Aggregate employee entitlements	**122**

21. OTHER PROVISIONS

There are no other provisions affecting the Commission.

22. CHANGES IN EQUITY

As the Commission did not have an opening balance at the beginning of the reporting period, all equity has accrued during 1996–97.

The equity of $476,000 (shown on the *Statement of Financial Position*) consists of $599,000 total assets (comprising $209,000 cash, $5,000 receivables and $385,000 non-current assets) less $123,000 total liabilities.

23. INCREASE / DECREASE IN NET ASSETS FROM ADMINISTRATIVE RESTRUCTURING

During the reporting period, there were no administrative restructures affecting the Commission.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

24. COMMITMENTS FOR EXPENDITURE

	1997 $'000
(a) Capital Commitments	
Aggregate capital expenditure contracted for at balance date and not provided for:	
Not later than one year	493
Later than one year and not later than two years	0
Later than two years and not later than five years	0
Later than five years	0
	493
(b) Other Expenditure Commitments	
Aggregate other expenditure contracted for at balance date and not provided for:	
Not later than one year	340
Later than one year and not later than two years	0
Later than two years and not later than five years	0
Later than five years	0
	340
(c) Operating Lease Commitments	
Commitments in relation to non-cancellable operating leases as payable as follows:	
Not later than one year	60
Later than one year and not later than two years	0
Later than two years and not later than five years	0
Later than five years	0
	60

These operating lease commitments relate to the Commission's motor vehicle fleet and are not recognised in the financial statements as liabilities.

(d) Finance Lease Commitments

The Commission has no finance lease arrangements.

25. CONTINGENT LIABILITIES

As at the reporting date, the Commission is not aware of any contingent liabilities that will materially affect its financial position.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

26. BUDGET REVIEW

The net cost of services was lower than the 1996–97 budget by $2,539,000.

This was due to a number of reasons, principally the unavoidable delays in staff recruitment as a consequence of the extension of time for the Royal Commission to provide its final reports. During the last half of the reporting year, both the agency and the Royal Commission agreed to share common resources, including staff, office accommodation and other support services, thereby reducing the net cost of services.

The agency also needed to source specialised equipment to provide it with sufficient electronic equipment and technology to enhance operations. Most of this equipment has a long lead time before delivery, and is only available from limited suppliers, most of which are located overseas.

27. CASH AND CASH EQUIVALENTS

For the purposes of the *Cash Flow Statement*, cash includes cash at bank and cash on hand. Cash at the end of the financial year as shown on the *Cash Flow Statement* is reconciled to the related items in the *Statement of Financial Position* as follows:

	1997 $'000
Cash	199
Cash on hand	10
Closing Cash and Cash Equivalents	**209**

28. RECONCILIATION OF NET COST OF SERVICES TO NET CASH FLOWS FROM OPERATING ACTIVITIES

	1997 $'000
Net cash used on operating activities	(1,647)
Depreciation	(15)
Provision for doubtful debts	0
Decrease/(increase) in provisions	(122)
Increase/(decrease) in prepayments and other assets	5
(Increase)/decrease in creditors	(1)
Acceptance by the Crown Transactions Entity of departmental liabilities	(21)
Net loss/(gain) on sale of plant and equipment	0
Net cost of services	**(1,801)**

29. NON-CASH FINANCING AND INVESTING ACTIVITIES

There were no non-cash financing and investing activities undertaken by the Commission for the reporting period.

Notes to and forming part of the Financial Statements for the year ended 30 June 1997

30. TRUST FUNDS

The Commission does not receive monies in a trustee capacity.

31. ADMINISTERED ASSETS AND LIABILITIES

During the reporting period, the Commission did not administer assets or liabilities on behalf of any other agency or entity.

32. ADMINISTERED REVENUE–DEBTS WRITTEN OFF

During the reporting period, the Commission did not write off any debts relating to administered revenue.

33. ADMINISTERED REVENUE–SCHEDULE OF UNCOLLECTED MONIES

During the reporting period, the Commission did not collect monies on behalf of any other agency or entity.

End of audited Financial Statements

Appendix 2

PIC / OMBUDSMAN AGREEMENT RE CATEGORY 1 COMPLAINTS

AGREEMENT made this TWENTIETH day of DECEMBER 1996

BETWEEN **THE COMMISSIONER FOR THE POLICE INTEGRITY COMMISSION** ("the PIC Commissioner") AND **THE OMBUDSMAN** ("the Ombudsman")

WHEREAS:

A. the Commissioner, the Ombudsman and others have certain duties in relation to police complaints within the meaning of the Police Integrity Commission Act 1996 ("the PIC Act") and in relation to complaints within the meaning of Part 8A of the Police Service Act 1990;

B. complaints within the meaning of the said Part 8A are classified as Category 1 complaints, Category 2 complaints, Category 3 complaints and Category 4 complaints;

C. a Category 1 complaint within the meaning of the said Part 8A is a Category 1 complaint as defined in section 67 of the PIC Act;

D. the said section 67 provides as follows

> ***Category 1 complaint*** *means a police complaint:*
>
> *(a) that is of a class or kind that the PIC Commissioner and the Ombudsman have agreed should be referred to the Commission, or*
>
> *(b) that the PIC Commissioner has requested should be referred to the Commission, or*
>
> *(c) that is of a class or kind prescribed by the regulations.*

IT IS HEREBY AGREED pursuant to the said section 67 (a) that a police complaint that is of a class or kind mentioned in the Schedule hereto shall be referred to the Police Integrity Commission.

PIC Commissioner

20/12/96

Ombudsman

20th December, 1996

Appendix 3

CATEGORY 1 COMPLAINT SCHEDULE

THE SCHEDULE

1. A complaint that a police officer has or may have sought to pervert the course of justice by giving false evidence, by destroying or interfering with evidence, by withholding or refraining from giving evidence, by fabricating evidence or by influencing another to so act.

2. A complaint that a police officer has or may have committed a crime punishable on conviction on indictment by a maximum sentence of not less than 3 years imprisonment or 3 years penal servitude.

3. A complaint that a police officer has or may have solicited or accepted a benefit for himself/herself or for another in return for failing to carry out his/her duties.

4. A complaint that a police officer has or may have sought to interfere improperly in the investigation by another police officer of an alleged offence.

5. A complaint that a police officer investigating an offence alleged to have been committed by another police officer, has or may have failed to carry out his/her duties in the course of that investigation.

6. A complaint that a police officer has or may have disseminated to a person not authorised to receive it or has or may have used for an unauthorised purpose any information of which he/she has become aware through proper or improper use of an information storage system of the Police Service or of any unit or part of the Police Service or of a system to which the Police Service or any unit or part of the Police Service has access.

7. A complaint that a police officer has or may have manufactured a prohibited drug, cultivated a prohibited plant, or supplied a prohibited drug or a prohibited plant unless the amount or number of such drug or plant is less than the indictable quantity therefor as specified in the Drug Misuse and Trafficking Act 1985.

8. A complaint made against a police officer who is of or above the rank of Superintendent or who holds a position referred to in Schedule 2 to the Police Service Act 1990.

PIC Commissioner 20/12/96

Ombudsman

20th December, 1996

Appendix 4

POLICE INTEGRITY COMMISSION

NEW SOUTH WALES

MEDIA RELEASE

APPOINTMENT OF CHIEF INVESTIGATOR FOR POLICE INTEGRITY COMMISSION

The Commissioner of the Police Integrity Commission, Judge P D Urquhart QC, announced today that Detective Chief Inspector Robert Michell, of the Victoria Police, had been appointed as the Commission's Chief Investigator.

Judge Urquhart said that Chief Inspector Michell, who is 48 and married with two children, has outstanding police and academic records. He is currently the Staff Officer to the Chief Commissioner of the Victoria Police, Mr Comrie, and has previously held senior appointments in the Major Fraud Group. In 1996 he conducted a review of the Victoria Police Internal Audit Division.

Chief Inspector Michell graduated in 1995 with a Bachelor of Arts with distinction in Criminal Justice Administration from the Royal Melbourne Institute of Technology University, and was awarded the Sir John Minogue medal for academic excellence for achieving the highest marks in the course. He is currently completing a Master of Arts degree.

Judge Urquhart said that the Commission was delighted to have been able to obtain Chief Inspector Michell's services. The Chief Inspector will play a senior role in the Commission's multi-disciplinary approach to the investigation of serious police misconduct.

18 March 1997

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11. DIRECTORY

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Dave Rawson
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