



NEW SOUTH WALES
Crime Commission

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BY HAND

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Deputy Director General
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Department of Premier and Cabinet
Level 39 Governor Macquarie Tower
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SYDNEY NSW 2000

Dear Sir

Review of the Police Integrity Commission Act 1996

Thank you for the invitation to make a submission in relation to your Review and for the copy of the Terms of Reference.

The Commission would be interested to see other written submissions prior to the finalisation of your Report so that it could comment on any amendments proposed by the other agencies mentioned in the Terms of Reference.

The Commission made submissions to the Police Royal Commission on the subject of a separate Police Integrity Commission. The Commission has little to add to this. It should be noted, however, that there would be substantial efficiencies gained in combining into one agency the anti-corruption functions of the ICAC, the PIC and the Ombudsman's office. If this is an issue which is to be addressed by your Review, the Commission could elaborate on its submission.

This letter will touch on some other issues.

PIC to have functioning of auditing Commission

The Commission believes that the role of the PIC in respect of the Commission should be limited to investigating allegations of serious misconduct and corruption, and should not be expanded to include an audit function.

This Commission is not only subject to review by the PIC. It is also subject to supervision by its Management Committee (which comprises some of the most senior and experienced people in law enforcement), to audit by the Audit Office, to internal audit obligations mandated by Government, and to various regulatory requirements. Its internal arrangements include an active Management Team, an Internal Audit and Risk Committee (including two external members) and an internal auditor. Furthermore, most of the Commission's functioning is subject to review by the Supreme Court or is conducted by way of litigation in that Court.

Ms Babilana

These measures and circumstances are sufficient for most audit and review purposes. In this context, there probably is little to be gained by conferring on the PIC an additional function of auditing this Commission.

Any perceived advantage in conferring such a function on the PIC should be balanced against the burden of subjecting the Commission to a further audit process. Whereas a large agency is able to establish a separate unit to respond to audits and reviews, a small agency such as the Commission cannot do so. Accordingly, much of the burden of responding to audits and reviews falls on the chief executive officer and other senior officers, distracting them from their core work, and distracting the agency from its core work.

The experience of this Commission in complying with the requirements of the PIC has been that this has involved significant diversion of the Commission's resources and a distraction of the Commission from its own statutory functions. The Commission and its senior officers, for example, were significantly distracted by having to deal with the risk management review of its operations conducted by the PIC in 2009, which review produced a substantially flawed report. The accuracy and usefulness of that report were undermined by the reviewers' apparent lack of experience, expertise and understanding of this Commission, its functions and the environment in which it works.

Public hearings

It is the view of the Commission that for a standing Commission public hearings should be the exception rather than the norm. There have been many instances of persons' reputations being severely damaged, and not repaired, as a consequence of publicity. In the case of police and public servants, this can be devastating. The criminal justice system goes to enormous lengths to ensure that persons are not falsely accused and not wrongly convicted, but investigations conducted by way of public hearing can result in the damaging airing of unfounded allegations.

Staff of the PIC

The PIC employs former staff of this Commission, but does not employ NSW police officers or former officers. This contributes to the PIC's lack of understanding of the environment in which this Commission operates. It is hard to gain knowledge and understanding of crime and corruption without some experience working on the problem. The PIC's difficulties are increased further by the fact that it appears to have very limited flows of intelligence to it (it appears that much of the intelligence that the PIC gets is received from law enforcement agencies—especially the Professional Standards Command of the NSW Police Force).

It ought to be possible to enhance the effectiveness of the PIC, without compromising the integrity of its operations, by adopting recruitment practices that would give sufficient confidence to allow the PIC to employ NSW police and former police.

Research

We understand that questions have been raised about the relevance, validity and usefulness of research projects conducted by the PIC. This Commission has little experience of these. It may be that in an amalgamated environment this function could be enhanced. It might also be considered preferable to have it assigned to a more research orientated organisation such as BOCSA.

Yours sincerely



P Singleton
Assistant Commissioner