

The Chairperson
Standing Committee on Legal and Constitutional Affairs
Parliament House
Canberra

supplementary
submission

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Dear Mrs Bishop,

BY: *Gillian Gould*

I hereby authorise you to release to other members of your Committee, at your discretion, my supplementary submission and supporting material, dated 26 November, 2002, which I had provided to you under confidential cover.

I further authorise the release for publication, any or all such documents or other materials contained within that supplementary submission as you, the Committee chairperson, sees fit, conditional only upon such material release being deemed by the Committee as evidence given by myself under Parliamentary privilege.

Yours Sincerely,

Mark Fenlon

12/02/2003

In 1998, the NSW Police Force, under the direction of then Commissioner, Peter Ryan, introduced a new promotion system.

The introduction of this new promotion system was part of a series of organisational reforms which Ryan was charged with initiating as a consequence of recommendations arising from the Wood Royal Commission into Police corruption.

The responsibility for the creation and implementation of the promotion system was delegated to Human Resources and Development Command. Control of the project lay with Mr Mick Tiltman, then deputy director of that Command and Ms Anglea Myers, who was then director of Assessment Services. These two individuals could be accurately described as being the architects of the promotion system which was subsequently introduced.

Surprisingly, overall responsibility was at some stage apparently delegated by Ryan to then Deputy Commissioner Jeff Jarratt, rather than the then Executive Director of Human Resources, Dr Ed Chadbourne. This is an important point to emphasise, given what will later be revealed in my evidence, in that it establishes the reporting structure which existed between Myers, Jarratt and thence to Ryan himself.

The promotion process itself, involved a number of phases. These were, a written application (referred to at the time as an 'expression of interest'), a psychometric test, participation in a series of assessment centre exercises and finally a structured interview.

It was believed by police that each of these stages would be graded and factored together to provide a wholistic approach to the selection of candidates. Indeed that is exactly what police in the field had been led to believe as we had seen that approach implemented with appointments to Superintendent. That too is what the Police Association had been expecting. However secrecy surrounded this issue and not even the Police Association were successful in gaining answers from Human Resources Command on the matter and for good reason. Human Resources Command were rushing matters and did not know what to expect as a result.

From the earliest stage problems commenced to emerge regarding the implementation of the promotion system.

Information was poorly communicated and in some instances, intentionally withheld by Human Resources Command, not just to ordinary police seeking explanations but even to the Police Association, who experienced constant difficulty in obtaining salient details on issues such as integration of results, access to material, composition of interview panels, rights of appeal and promotion eligibility lists.

In hindsight, these problems were not just indicative of teething problems experienced with the introduction of something new and untested, they were in fact the earliest indication that the promotion system was poorly conceived and grossly mismanaged.

In any event, in 1998, as an eligible applicant, I took part in the new promotion system process, submitting an expression of interest to undertake the Assessment Centre exercises. I subsequently passed the exercises and awaited the advertisement of a number of grade 2 Inspector vacancies.

It is important to note here that these vacancies were the first of the newly created Duty Officer positions. Their creation was in effect thrust upon Ryan in direct response to another recommendation of Wood arising from the Royal Commission investigation. That being inadequate supervision and the role it had played in the emergence and maintenance of corruption within the Police Force.

This new promotion system was therefore to be trusted with the appointment of the building block of integrity for Ryan's new Police Force, its supervisors and managers.

I was later to learn that over 1200 police had applied to undertake the assessment centre. This volume of applications which was neither expected or prepared for by Human Resources Command, presented enormous logistical difficulties for that command.

This forced a number of ad-hoc decisions regarding methods of culling applicants which led to a series of disputes between the Police Association and Human Resources Command. The end result of those disputes and subsequent negotiations was that there was to be no wholistic approach for these promotions. The written application, psychometric test and assessment centre results were merely to be used for culling applicants. The results of the structured interview alone would be the determining factor as to whom was successful for appointment. However this was not made known to applicants until after the interviews were well underway.

This decision still led to over 700 police being eligible for interview for just over 100 of the new grade 2 Duty officer Inspector positions. I was one of them. However, given the number of applicants I subsequently learned that the interviews would take almost three months to complete.

In time I attended my interview and was surprised by its unfamiliar format. I was asked eight questions by the three member panel and at its conclusion handed a written direction not to discuss any of the questions I had been asked.

Leaving the office I started to analyse the entire promotion system. It was becoming apparent to myself at least, that it had major procedural flaws and indeed was susceptible to improper manipulation. In other words it could be easily corrupted.

I learned that the same questions were being asked of every candidate and given that the process took three months to complete, it was reasonable to assume that those who were

last to be interviewed may well gain access to the interview questions in advance, simply by virtue of the duration of the process. Clearly the simple direction not to discuss the interview questions, I and every other interviewee received, was not of itself a sufficient anti-corruption strategy nor was it any guarantee against improper conduct.

Moreover the possibility that the structured interview could be undermined through prior access to questions by applicants, led me to conclude that a more sinister scenario involving senior officers and nepotism could be easily adopted within such a promotional environment.

I commenced to grow concerned about this issue and indeed the entire validity of the process and sought advice from the Police Association regarding these aspects of the promotion system.

In that regard, on the 8th June, 1999, I forwarded a letter to the then President of the Police Association, Mark Burgess and former president, now employee of the Association, Phil Tunchon.

I tender a copy of that letter.

I continued to make my own inquiries and then on the 17th July, 1999 I sent a 14 page email to both Burgess and Tunchon. That email requested the Police Association approach the Executive Director, Human Resources, and seek responses to 25 specific questions regarding the promotion system.

I tender a copy of that email.

Of particular interest are questions 4 and 5.

Question four requested the Police Association to ask the Executive Director..

“Does the Exec. Director agree that the integrity of the structured interview process, could and quite possible has been compromised through lack of confidentiality attached to interview questions?”

Question five requested the Police Association ask the Executive Director,

“Does the Exec. Director agree that the structured interview was in fact an oral examination which if a candidate had access to those questions in advance, would have little difficulty in succeeding in that type of interview?”

Confirmation of receipt of the email was provided by Phil Tunchon, whom I spoke to on the 19 July, 1999. He assured me that the issues would be raised with the establishment of Tri-partite committee, comprising representatives of the Association, Police Force and Police Ministry. Efforts on my part to achieve responses from the Police Association in those representations were to prove fruitless.

A probable explanation for this lack of communication and assistance from the Police Association in this matter could be attributed to the poor personal relationship between myself and persons within the Association executive and management. During my policing service I had been involved as a police association branch delegate and had in that time cause to call to question the actions and decisions of the executive of the police association a number of times in relation to various issues. These disputes were not always resolved amicably.

As a result, my reputation within the Elizabeth Street headquarters of the Police Association was considered by some as that of a "firebrand" and "trouble maker". That view was apparently prevailing for both I and my concerns concerning promotions were effectively ignored by senior members of the Police Association and no one within the executive or management would discuss the matter further with me.

These documents, I submit, prove conclusively that serious issues questioning not only the validity, but more importantly the integrity of the promotion system by highlighting its potential for corruption, were made known to the most senior members of the Police Association, in mid 1999. Yet Mark Burgess, Phil Tunchon and others, including the current President, Ian Ball, did nothing to address those issues.

One need not go too far as to provide motives for that inaction on their part.

The first motive. Police Association organisational unity.

The Police Association had just successfully negotiated a merger with the Commissioned Police Officers Association. This was beneficial for the Union in three ways, increased membership numbers, increased income through membership fees and more importantly the potential for the development of closer relationships on all levels with the senior administration.

Commissioned officers were now part of the Police Association fold and it would be detrimental to the benefits gained through the merger, for the Association Executive to point the finger of conspiracy and incompetence at senior management this early in the game.

The second motive. Greed and self interest.

The fact that the promotion system could be corruptly manipulated could be utilised to internal political advantage by members of the executive of the Police Association as readily as it could be by senior executive members of the Police Force. Factions exist within the Police Association as they do within the Police Force and this promotion system provided the perfect means to shore up members of those factions into positions of more power and authority both within the Police Force and Police Association.

The third motive. Control of appointments through the appeals process.

Criticism of the promotion system could have led to a review of the entire promotional system, threatening the Police Associations involvement in the appeal process. It has been a matter of some discussion over a number of years that rigging of the promotions appeals process at the Government and Related Employees Appeals Tribunal, was a regular occurrence. That favoritism was shown to serving and former members of the Police Association Executive, appearing before G.R.E.A.T. at promotional appeals.

So to conclude on this aspect of my evidence for the time being. The Police Association had much to lose by pressing the issue of the integrity of the promotion system. As a body it has been as culpable as the management of the Police Force for what was to follow.

I was not successful in my application for promotion, however that was of little concern to me at the time. I was more concerned regarding whom had been successful.

Less than five of all the applicants from police stations in the western and south western suburbs of Sydney had been successful in gaining an initial nomination for promotion. On the other hand a disproportionate number of candidates from the Endeavor and Georges River Regions had gained nomination. The significance of this statistic was not lost on myself or others, as the senior officers who comprised the promotion interview panels during that first round of promotions were also from the Endeavor and Georges River Regions.

I grew increasingly alarmed. I was also hearing from other officers, blatant efforts on the part of some senior police in securing promotion for certain subordinates. I was told that a white board was being utilised in Crime Agencies to collect and disseminate interview questions to a select few and that in other Commands, Superintendents were providing to other select individuals, the interview questions under the guise of "promotional workshops". Circumstantial and hearsay evidence at the time, certainly, but cause for grave concern none the less.

After considering the matter further I arrived at the conclusion that it was my duty and responsibility to bring the concerns I held to the notice of the Commissioner through an official complaint to the Commander of Special Crime and Internal Affairs, Mal Brammer.

I must readily admit that at this time I was a Ryan convert. I believed like so many, that he had the requisite intelligence, experience and integrity to carry out his duties as Commissioner, Moreover he appeared to have the capacity to bring about the much need organizational reforms following on from the Royal Commission.

As an outsider, I trusted him as Commissioner. He had no ties to the previous administration and as such I believed that he would act at once when the significance of the issue and its potential impact upon the integrity and future well being of the Police Force was made apparent to him.

So on the 14th August, 1999 I wrote a formal complaint regarding the integrity of the promotion system which was forwarded to Mal Brammer personally by my Commander at Blacktown, Superintendent Les Wales.

I tender a copy of that complaint.

That complaint was subsequently designated as CIS (complaint information system) file 99003193 by Special Crime and Internal Affairs.

That complaint document speaks for itself regarding the issue of the susceptibility of the promotion system to corruption. It also called for the issue to be brought to the attention of the Commissioner as a matter of urgency.

While I am not in a position to state whether Brammer did in fact notify Ryan of the complaint or not, I can through the provision of a series of emails between myself and Brammer, confirm that Brammer was personally aware of the complaint and by definition both its substance and significance in terms of the integrity risk to the Police Force.

I tender copies of those emails.

It is necessary that you appreciate that at the time of penning that complaint, my attention was directed primarily towards the structured interview phase of the promotion system in use. I had no idea at that time that all other aspects of the promotion system had been compromised to some degree by corrupt conduct. In this regard I am referring to the written application, the assessment centre exercises and the appeal process itself.

I would also like to stress to the committee that my complaint also revealed my appreciation of the difficulty of detection that the nature of such corruption presented. However instead of impressing further the seriousness of my concerns upon those charged with overseeing the probity of the promotion system, this fact and the absence of hard evidence of corruption of the promotion system, which I was not in a position to provide at that time, was later to be used to discredit my complaint.

Whilst awaiting for an investigation of my complaint to commence by SCIA, I took advantage of an opportunity to take part in an episode of the Police Forces in house television program, Police TV. Ryan had chosen that forum to field questions from police officers throughout the State on various issues of the reform process. It was scheduled for the 10 November, 1999 and I applied to take part.

My intention was to raise the issue of the Duty Officer promotions and indicate that the promotion system lacked integrity, value and credibility with field police. I would also request a review take place and for consultation with operational police to be included as a component of that review.

The episode went to air on 10 November, 1999. The "panel" included Ryan, Jarratt and the current Commissioner, Ken Moroney.

I tender a copy of the transcript of the relevant portion of that program together with a video recording of the relevant portion of that program.

My concerns and requests were not addressed, moreover it was quite clear that Ryan knew little of the workings of the promotion system he had introduced. His concern was confined to the delays in appointments as a result of the appeals process before G.R.E.A.T. His ignorance of human resource matters within his police force was further demonstrated by his assertion that the Duty officer positions were new promotional opportunities he had made available, when in fact they were not. The positions had been created only through the devolution of other pre-existing positions. As for the issues of integrity of the system or a review of the processes, they were avoided by him.

Similarly Jarratt, who at this time was clearly delegated responsibility for overseeing the promotion system, was called on by Ryan to comment on my question. Again instead of delivering answers to my concerns, he merely entered into a meaningless diatribe re-iterating what Ryan had said but again avoiding any direct response to the concerns raised.

As for Mr Moroney, he offered no comment.

Whilst completely dissatisfied with the responses received by both Ryan and Jarratt, Ryan did extend an opportunity for police in the field to contribute in a positive way to improving the promotion system.

I interpreted that offer as a potential opportunity to meet with Ryan himself to discuss my concerns and immediately faxed a report to the Commissioners then Chief of Staff, Superintendent Scipione requesting such a meeting.

I tender a copy of that report

That report, which I must assume was made known to Ryan by Scipione, contained specific reference to my complaint to Brammer in its final paragraph.

I had now twice attempted to bring my concerns to the attention of those responsible for leading the Police Force.

As a consequence of my report I was subsequently contacted by the Commissioners office and advised that I would be afforded a meeting on the 2 December, 1999.

I subsequently prepared a 13 page submission for consideration by the Commissioner. That submission outlined the concerns I held regarding the susceptibility of the promotion system to corruption and went so far as to recommend changes to same which I considered necessary and indeed vital.

Those recommendations included structured career progression (one rank at a time with minimum tenure), pre-qualifying examinations and the abolition of the structured interview.

I tender a copy of that submission

However on the 2nd December, 1999 instead of meeting with Ryan or Jarratt, my concerns had been relegated to that of Inspector Adrian McKenna and Superintendent (former) Peter Rankin. Both of these officers I later learned were members of Jarratts personal staff.

Despite assurances from both that the submission would be brought to the attention of the Commissioner, both McKenna and Rankin gave the impression that they had been directed to placate this agitator. Both their demeanor and body language made it quite apparent that my submission and the issues it raised were being paid nothing but lip service.

The meeting was necessary. Not because of the issues I raised but because I had requested it. In other words the Police Force (i.e. Ryan) could not now be accused of failing to allow Sergeant Fenlon to express his concerns. The fact that the Police Force would continue to ignore those concerns was never and never would be, in issue. Fenlon and his complaint could now be effectively summarily dismissed.

I left that meeting convinced that little if anything had been achieved by my actions. A very minor procedural change was made to the promotion system however it remained based upon application, assessment and structured interview.

By this time the Grade 1 Chief Inspector, Duty Officer positions had been advertised and I had submitted an application for interview. I was successful in gaining an interview which was scheduled for the 20th January, 2000.

I then commenced a period of annual leave and used this time to deliberate over a course of action. The decision was difficult, however my personal integrity, sense of duty and sincere concern for the welfare of the future of policing in New South Wales prevailed.

I subsequently withdrew my application for promotion. To do otherwise would have been hypocritical in the extreme. I also refused further opportunities to relieve as a Duty Officer. In brief I had no intention of lending credence to a promotion system I knew to be inherently flawed and corruptible, even if others failed or refused to identify it as such.

On the 19th January, 2000 I forwarded a report to the Manager Assessment Services indicating my intention to refuse to participate in the promotion process.

I tender that report

Upon returning from annual leave I contacted Special Crime and Internal Affairs in an effort to establish what had been done regarding my complaint. I was directed to Mr Michael O'Brien who had apparently been delegated responsibility for addressing it by Brammer. O'Brien was evasive and would provide no information regarding the investigation itself, the identity of the investigators, whether I was to be interviewed or the status of the complaint. Bear in mind that it is now February, 2000, six months after I made the complaint to Brammer.

This response from SCIA was simply indicative of the manner in which such complaints have and are always dealt with by the Police Force. Indeed in my original complaint of August, 1999, I predicted as much.

I was being deliberately kept in the dark regarding the progress of the investigation, indeed I had no idea if there even was an investigation and no way of finding out.

On the 20th January, 1999 I forwarded a complaint to the NSW Ombudsman regarding lack of action by the Police Force regarding my complaint. On 25 February, 2000 I received a reply from the Ombudsman indicating that inquiries would be made with the Police Force.

It was not until March, 2000 that I received a letter in my correspondence tray at Blacktown Police station.

The letter was signed by Mick Tiltman, however it was authored by Angela Myers. The date of the letter is very significant in terms of what is to be revealed in further evidence. It was dated 22 February, 2000.

I tender a copy of that letter

What this letter constituted is what is referred to as an internal investigation report.

To my disbelief Human Resources Command, that is Myers and Tiltman, had apparently been delegated the responsibility to "investigate" my complaint by Brammer.

As the architects of the promotion system, I could readily identify the obvious conflict of interest. How could one possibly expect an unbiased investigation with unbiased findings to emerge as a result. Yet this conflict of interest was conveniently overlooked both by Brammer and the officer responsible for performing the quality review of the investigation.

Myer's and Tiltman's findings, which simply ignored or glossed over my concerns, were wholly supportive of the promotion system in place. These findings were then simply endorsed by Brammer and that was then end of the matter as far as the Police Force was concerned. Not only was I not interviewed, no changes occurred to the promotion system.

This document is evidence of incompetence and unethical conduct being officially endorsed by senior management.

Those responsible for the creation and implementation of a seriously flawed promotion system were allowed to investigate my complaint and they were permitted to cover up their incompetence with a litany of lies. It is as simple as that. Myers and Tiltman were protecting themselves but in doing so, were also protecting Ryan's reformist reputation by protecting the integrity of one of his key reforms, the promotion system.

I contacted the NSW Ombudsman and spoke with Yvon Piga, indicating that I was not satisfied with the investigation undertaken by the Police Force. That it was inappropriate for Myers and Tiltman to conduct the investigation and that the findings were designed to protect both Myers and Tiltman from any culpability. Piga advised me that the Ombudsman had similar concerns and was in the process of raising them with the Police Force.

I awaited a response from the Ombudsman which was destined never to arrive. Then in July, 2000, I first became aware of the existence of top secret internal affairs investigation in the Lake Macquaire Command.

The investigation, which I later discovered had been code named "Radium", revealed promotions corruption involving senior police sharing interview questions prior to being interviewed

The very corruption I had warned the senior executive of, the very conduct I had warned the Police Association about, ignored time and again, was indeed occurring.

I contacted Mark Burgess by email again and surprisingly he knew about it. But did he as President of the Police Association do anything about it? No. There was no cry of outrage accompanied by any waving of the red flag in fact he and the Police Association did absolving nothing.

I tender copies of two emails

Efforts to confirm the existence of the investigation with Special Crime and Internal Affairs proved useless. I was simply advised that it was confidential.

I recall speaking with my Commander Les Wales and indicating that I was furious regarding the response of the Police Force and the Police Association to my complaint and that despite evidence of corruption of the promotion system through the "radium"

investigation, no changes had been implemented to the promotion system to address its integrity shortcomings. I told him that something needed to be done and that I intended to advise the Shadow Minister of Police and the Police Integrity Commission of this matter because clearly Ryan and his entire administration were not prepared to deal with it.

Wales' response was predictable given the prevailing managerial culture. He strongly advised me against that action, indicating that I could face criminal charges for hindering an internal investigation (i.e. Radium) were I to do so. I had however made myself conversant with the Protected Disclosures Act and knew his statement to be untrue, given his position he also must have known it to be untrue. It was a threat, I knew it was but I was in no position to tell him that. So I ignored it and proceeded anyway.

On the 1st June, 2000 I wrote a six page complaint to the Police Integrity Commission which outlined in detail my concerns and the risks associated with the promotion system in use by the Police Force.

I tender a copy of that document

It was October, 2000 before the Commission reached a decision. Despite the significance of the information contained in that document in terms of identifying a corrupted organisational system with service wide adverse implications, the Commission inexplicably refused to conduct any investigation of the matter, instead referring it to the NSW Ombudsman.

I tender a copy of the Commission's response dated 18 October, 2000.

My complaint, more serious now had just been put through the "complaint handling revolving door".

The Ombudsman in turn referred the matter back to the Police Force and that's where it stayed, unaddressed and un-investigated for another six months.

In December 2000, my attention was drawn to a newspaper article in the Sydney Morning Herald written by reporter Darren Goodsir.

I tender a copy of that article.

The discovery of this article was to prove to be a turning point.

Reading the article I discovered reference to my original complaint made in August of 1999 to Brammer. It also indicated that both Ryan and Jarratt had been questioned in February 2000 regarding their knowledge of the potential for the promotion system to be corrupted. Both denied ever having been made aware of problems surrounding the integrity of the process. Given the actions I had undertaken in the preceding 12 months

to bring my concerns regarding promotions corruption to the notice of the Commissioner and others, I knew these responses, as reported in that article, to be lies.

I met with Goodsir and obtained from him a copy of the confidential investigation report for operation Radium.

I tender a copy of that investigations report

That report , whilst confirming the existence of promotions corruption is also a blatant attempt to exculpate Ryan, Jarratt, and indeed Brammer from any culpability in the matter. It is a classic example of Internal Affairs covering up the incompetence of senior police.

Despite that report identifying a number of risks to the Police Force in continuing to use the promotion system, the report fails to initiate or recommend any significant changes to the promotion system, accepting instead the ludicrous rewording of the written direction to police not to disclose interview questions.

As for Myers the report clearly indicates that she was made aware of the existence of promotions corruption through operation "Radium" BEFORE preparing the letter which I received under the hand of Mick Tiltman dated 18 February, 2000.

In other words Human Resources Command already had concrete evidence of promotions corruption taking place in exactly the manner I had predicted in my complaint in 1999 and yet maintained in that letter that the integrity of the promotion system was intact. Myers and Tiltman had lied to prevent exposure of their incompetence.

As can be seen in the "Radium" report, the responses of both Ryan and Jarratt can also only be described as lies.

Both had been made aware of the integrity failings of the promotion system, not once but three times and on each occasion, neither had taken any action to address the issue.

Faced with direct evidence of promotions corruption occurring, the only position either could take in order to protect their reputations and shield their own incompetence, was to feign ignorance of the matter and they had no qualms about doing so. And in the case of Jarratt he was to lie again in May, 2001 to Parliamentary Committee No3, regarding the integrity of the promotion system.

The report also includes an interestingly phrased admission by the Police Force which is highlighted on the final page of that report as Finding No.6. and I quote:

"Prior to the commencement of the second round of duty officer panels, major concerns with the use of the same questions for all applicants were brought to the attention of Human Resources Command through a very specific complaint that predicted the breaches that did occur. These allegations were not given the weight of attention required."

Whilst that comment does wholly vindicate the validity of my complaint to Brammer in August, 1999, it performs another function. It attempts to exculpate responsibility and accountability from Brammer and SCIA, to whom my original complaint was directed by pointing the finger at Human Resources Command.

It had been Brammer's decision to refer the complaint to Human Resources. Now, in the face of evidence of promotions corruption, that decision was being concealed. Brammer had demonstrated not just poor judgement but a gross neglect of duty in his appreciation and handling of my original complaint.

Clearly he and SCIA had failed in their role and now both he and SCIA were being protected by this report. A report, I add, prepared by SCIA officers, under Brammers command.

The "Radium" investigation report is a most damning piece of evidence of the incompetence and lies which accompany internal investigations where the actions and conduct of senior police and managers are questioned by junior officers through complaints.

Now being privy to the "Radium" report contents I managed to contact the person who had overall responsibility for that investigation, a Gary Richmond.

Richmond as I later discovered, was the most senior public servant attached to Special Crime and Internal Affairs and effectively took over as Commander of that unit temporarily, when Brammer moved to the I.C.A.C. Richmond was for that time the key senior officer attached to that Command.

I first spoke to Richmond in December, 2000 and told him that the findings in "Radium" were nothing short of a cover up and that I intended to make further complaints through the Ombudsman regarding the entire affair. I advised him that both Ryan and Jarratt had deliberately misled his investigators with their respective responses and that both had been made aware of problems with the promotion system prior to this incident in the Lake Macquarie Command.

He advised me that he had not been personally aware of my original complaint at the time of the "Radium" investigation. I told him that was nonsense as the "Radium" report made specific reference to my complaint.

He admitted that he had major concerns regarding the promotion system as a result of the "Radium" investigation and as a result had personally submitted a report to the Commissioner recommending that the promotion system cease operation immediately. I told him that his recommendation was obviously not endorsed by the Commissioner because it had been 10 months since "Radium" had concluded and the promotion system remained unchanged and in operation.

I also inquired of him the outcomes regarding the officers involved in the promotions corruption investigated through "Radium. He advised me that it involved an Inspector and several sergeants, however no charges had been preferred and that had been the decision of the Commissioner, Ryan.

Clearly if Richmond was to be believed, Ryan and/or Jarratt had deliberately ignored not just my concerns regarding the integrity of the promotion system, they had also deliberately ignored Richmond's report and recommendations as well.

As a result, on the 12th December, 2001, I wrote a two page complaint to the NSW Ombudsman concerning the "Radium" investigation findings and alleging that both Ryan and Jarratt has deliberately misled that investigation.

I recall discussing this complaint with my Commander, Wales. He asked to see it and I allowed him to read it. He immediately demanded a copy. I refused his demand and he indicated that I could face departmental action for not complying with reporting procedures. I told him that my complaint was addressed to a statutory investigative body and I was within my rights to withhold the complaint from him. Wales was most upset with my response. It is my belief now that Wales' reaction was driven out of concern for Jarratt. Wales would be relying on Jarratt's endorsement if ever he was to become a Region Commander and information of this type delivered into the hands of Jarratt, fore warning him of same, could later be advantageous to Wales.

I tender a copy of that two page complaint

I was later contacted by an officer attached to the NSW Ombudmans office, a Kim Castle. She confirmed receipt of the complaint and indicated that she had been allocated as the case officer.

At this time, given the escalation of events, I resolved to involve the media. I made contact with a well known and reputable newspaper reporter working for the Daily Telegraph.

During this time, a co-worker at Blacktown, advised me that he had appealed against the promotion of an Acting Inspector from Internal Affairs, a Carole Dowsen. He told me that during his inquiries into her written application he had discovered that she lied regarding her possession of tertiary qualifications. He told me that he had proof positive from the educational institution and that he had raised it during the appeal. He further stated that she had lied to the Appeals Tribunal and that it was now being investigated by Internal Affairs.

He showed me a series of documents he had obtained and it was damning evidence which again confirmed that rorting of the promotion system was taking place in exactly the manner I had predicted in my submission to the Commissioner on 2 December, 1999.

Given her position as an acting Inspector at SCIA, where integrity of personnel was supposed to be vetted and assured, this was another revelation. No one was above suspicion, even the thief takers, as Ryan was later to call his IA investigators, were not above this type of corrupt conduct.

As a footnote, Dowsen was found to have acted corruptly by the internal investigation conducted. However, despite the criminality of her actions and I cite here offences under the Crimes Act of "Forge and Utter" and "attempt to obtain benefit by deception". She was not to face criminal charges, in fact she was not even dismissed.

Instead she was removed from Internal Affairs and transferred to a metropolitan police station, returning to her substantive rank of senior constable.

This is a typical example of how corrupt officers escape prosecution. Not because of want of evidence but because of the need to keep certain matters covered up. In this case to preserve the image and reputation of Internal Affairs. As serious as it is, the Dowsen incident is just one example of this type of investigation outcome.

I was at this time aware of an inquiry code named "Malta" which was being held by the Police Integrity Commission concerning an investigation into the disbanding of the Crime Management Support Unit by Ryan. That unit had been established by Ryan to oversee his reform process, however it was alleged by its members that it had been the subject of constant attacks by senior members of the Police Force. The inquiry I believed, could benefit from an insight into the managerial culture and I considered the information I had was relevant in that it highlighted the failure of a key reform, promotions. I attempted to have this information entered into evidence at the Commission by forwarding a submission to the PIC on the 17 March, 2001.

On the 27th March, 2001 I subsequently received a response from Mr Tim Sage, indicating that the issues I raised were outside the inquiries terms of reference and would not be included.

I tender both my submission and the response of Mr Sage

After a series of telephone calls to Kim Castle at the Ombudsman's office where I indicated my intention to involve the media, a meeting was arranged. I add here that had it not been for threat of public exposure of the matters, I do not believe anything would have eventuated.

The meeting took place in the Ombudmans office on the 4th April, 2001. There were four people present. Myself, Castle, Senior Sergeant Steve Graham from the Internal Witness support unit and Gary Richmond himself. Richmond at this time was effectively the acting Commander of SCIA as Brammer had since moved to the ICAC.

I indicated my intention to record proceedings and no objections were raised. Richmond had also brought with him a recorder and did likewise.

I tender a 20 page transcript of that meeting

The transcript is a damning document. It proves conclusively that the Police Force was well aware of integrity problems with the promotion system. It was well aware that it had been corrupted and remained susceptible to further corruption. It proves that they knew and it proves that they did nothing and intended never to do anything about it.

It establishes that Richmond shared my views and also held grave concerns regarding the integrity of the promotions system.

It establishes that Ryan and Moroney were fully briefed by Richmond personally regarding promotions corruption prior to his meeting with me.

It establishes Richmond's intention to meet further with the Commissioner and Moroney after his meeting with me.

It establishes that Jarratt had been and was to be deliberately excluded from such briefings.

It establishes that Myers investigation and report concerning my original complaint to Brammer in August, 1999 was a fraudulent mis-representation. Or in lay-mans terms, a lie.

It establishes Richmond's role in that meeting as being charged with the protection of the Commissioner, Moroney and Brammer as he clearly seeks to attempt to exculpate them from their responsibility for the implementation and continued use of the promotion system.

It establishes that Richmond personally held a view that the Police Integrity Commission, not just the Police Force, should share in the responsibility for failing to appropriately address the matter. In fact he seeks to shift the responsibility completely from Internal Affairs to the PIC.

It establishes that Richmond personally identifies a conflict of interest with his carrying out an investigation.

It establishes that a guarantee was made to myself by Richmond, not once but several times, regarding the conduct of a full and thorough investigation surrounding my original complaint and matters arising.

In respect to the last issue, the passage of time has proven those guarantees to be nothing less than more lies.

Richmond was placating me. Simply attempting to control this police whistleblower by telling me what he had been told to tell me. What they (Ryan and Moroney) believed I wanted to hear in order to avoid or delay as long as possible my going to the press. Richmond even concludes by calling on me to allow him time to conduct the investigations.

I cannot stress the importance of this transcript and I cannot over state the significance of Richmond's involvement in this conspiracy of lies from this point forward.

Richmond has played a pivotal role in the protection of Ryan, Moroney and Brammer. I suspect this involvement was driven by his loyalty and a genuine belief that Ryan and Moroney had not been aware of the problem and had been lied to by Jarratt and others. Certainly his loyalty to Brammer and Ryan is obvious in that transcript.

However, Richmond I believe was also being misled. I believe he was later to discover that he had been misled and was being hamstrung in his efforts to get to the truth by his superiors. Richmond was later to be removed from Internal affairs under very suspect circumstances.

At the conclusion of our meeting I gave Richmond two weeks to commence his investigations and to see some results. At the end of those two weeks he advised me that he was having problems interviewing Myers because of constraints within the Public Service Act. I told him that he should then be interviewing McKenna, Rankin and Jarratt. He told me he could not and would not. The investigation was being intentionally delayed and I knew it.

I was left with little choice.

The story broke in the Sunday Telegraph on the 29th April, 2001. Television and radio stations contacted me and I re-affirmed my allegations.

I tender a copy of the newspaper article and advise that excerpts from the television news reports are contained on the video I presented earlier as an exhibit.

Comment was sought by the media from the Police Association regarding the matter but the Police Association simply declared that they were not happy with the promotions system in place. Again they made absolutely no comment surrounding the integrity of the process.

As for the Police Force, a statement was issued which simply declared that there was an ongoing inquiry and it was not appropriate to comment further. It neglected to say that the investigation was in fact going nowhere.

As a consequence of that media attention I was later contacted by a Detective Senior Constable Frank Reitano.

Like most police, I had been aware of the Parliamentary inquiry into Cabramatta, and the fact that Detective Sergeant Tim Priest had revealed major problems with drugs and drug related crime in the area. I knew too that he had alleged a cover up of the problem by the Police Force. I had not heard of Reitano.

Reitano related to me that he had knowledge of promotions corruption within Crime Agencies and that he had given evidence of same to that Parliamentary Committee. We commenced a dialogue on that and many other issues.

My contact with Reitano turned my attention in the direction of the inquiry into Cabramatta and I commenced to access the transcripts of evidence posted on the NSW Parliamentary internet site of those hearings.

On the 28th May, 2001, I received a telephone call from Reitano advising me to check the transcripts of evidence before the Parliamentary Committee for the 14 May, 2001.

I tender copies of pages 14 and 15 of that transcript.

Jarratt was appearing before that Committee on behalf of Ryan and was responding to questions raised by Mr Dyer and the Chairperson of the committee, Helen Sham-Ho.

Jarratt blatantly lies in his response to the questions by Dyer on pages 14 and 15 and goes further in his response to the question asked by Sham-Ho.

His response to Sham-Ho is not only a blatant lie, he alludes to my particular complaint of promotions corruption made in 1999, which was dismissed by Myers in her so called investigation.

Proof positive of promotions corruption was known to Jarratt and all other members of the senior executive prior to his giving evidence before that Parliamentary Committee.

He knew that it was open to corruption through my particular complaint and efforts, he knew that it had been actually corrupted through the "Radium" report. Yet despite this, he deliberately chose to lie to that Committee regarding the integrity of the promotion system in place.

Jarratt lied to that Committee, he knew he was lying and he did so solely to protect his own position within the Police Force.

I contacted Gary Richmond that same day and indicated that I intended to reveal to the Parliamentary Committee that Jarratt had deliberately misled their inquiry by telling lies. Surprisingly Richmond endorsed that action, however I was astute enough to recognise

that Jarratt was now "on the outer" as far as Richmond was concerned and I sensed something was coming for Jarratt.

Shortly after that conversation with Richmond, I sent a two page email to Helen Sham-Ho and Lee Rhiannon, which should have left no doubt in their minds that action was required by her committee to explore the truth of Jarratt's evidence of the 14 May, 2001.

I tender a copy of that email.

However instead of taking action regarding my revelations, Helen Sham-Ho and that Committee buried the information I provided her.

Clearly in any deliberations that committee may have had regarding my email of the 28th May, 2001, a decision was reached not to go down the path of exposing the second most senior police officer in the State, as a liar. It is my firm belief that in this case the terms of reference were inappropriately but conveniently utilised by that Committee to play a Pontious Pilate with the matter and they wasted no time washing their hands of it.

On the 15th August, 2001 I received another telephone call from Richmond indicating that the Police Integrity Commission was about to commence an inquiry into promotions corruption.

That date I forwarded a further three page submission to the Police Integrity Commission outlining specific issues of concern which I considered critical as inclusions within the terms of reference of the investigation to be carried out.

I tender a copy of that submission

I draw this committee's attention to the first four issues which I requested the PIC include within their terms of reference of their investigation

- 1) the examination of the entire promotional processes for not only Duty Officers but Crime Managers, specialist positions (Human Resources, Education etc), all Senior Sergeant and Sergeant positions. The identification of specific integrity shortcomings utilised at each stage of the process. What conclusions can be drawn regarding the integrity of the processes.**
- 2) the examination of the conduct of Deputy Commissioner Jarratt and others responsible for the introduction and continued use of promotion systems, despite considerable evidence that such systems were not corruption resistant. What motivated so many people to do absolutely nothing about the problems?**

- 3) **the examination of the Government and Related Employees Appeals Tribunal as it relates to Police appointments. The integrity of that body and its capacity to be corruptly manipulated by the Police Service and the Police Association.. Its lack of accountability regarding decisions arrived at and the absolute power which the finality of its decisions confers upon it.**
- 4) **the examination of the complicity (by inaction) of the Police Association regarding promotions issues. How conflicting industrial (and in some cases, personal) interest has influenced that organisations decision not to take action in the public interest on the issue of corruption of the promotion system.**

On the 20th August, 2001, the Police Integrity Commission commenced it's operation Jetz hearings in promotions corruption.

The issues I sought to have investigated and answered were not to be included by the PIC in their Jetz hearings.

Instead the investigation focused only upon the conduct of Inspector Robert Menzies and others close to him in promotions corruption.

No examination of the causal reasons for such corruption occurring in the first instance was to be examined and I believe this was deliberate, for in ignoring these matters it effectively allowed senior management within the Police Force to escape accountability for continually failing to address the corruption risk since 1999.

Of note here too is that Menzies was then Vice President of the Police Association and was utilising the susceptibility of the promotions sytem to corruption, to secure his press for the position of President of the Association. He was in fact providing information about promotions questions in exchange for votes from other members of the Police Association Executive. Proof positive that promotions were being used as the illegal tender currency for corruption and again exactly as I had predicted in my various complaints since 1999.

Menzies too, in his position as Vice-President of the Police Association also allowed him to sit on the Government and Related Employees Appeals Tribunals during promotions appeals. My understanding is that he sat on over 50 during his tenure and was therefore in a position to corrupt that process as well as gaining access to other confidential promotions information which he could later trade for personal advantage.

To evidence the extent of the corruption surrounding the promotion system throughout the Police Force, one need look little further than the Menzies example. Menzies himself admitted in a 19 page statement made to the PIC on 29th August, 2001 that he had

provided confidential information to between 20 and 30 police officers before he was caught.

He implicated by name the following officers,

Senior Sergeant Michael Lynch – Water Police
Senior Constable David Lyons - Water Police
Senior Constable Paul Museth – Eastwood
Senior Constable Todd Scott – Kempsey
Senior Constable Simon Jones – Dee Why
Sergeant Anthony Long – Kempsey
Senior Constable Kel Graham – Newcastle Anti-Theft
Inspector Mark Messenger – Dee Why
Det/Sen/Con Andrew Marks – Kogarah
Det/Sgt Shayne Woolbank – Secondment to I.C.A.C.
Det/Sen/Con Scott Whyte – Miranda
Chief Inspector Darren Spooner – City East
S/Const Peter Moss – Gladesville
S/Const Sean Hampstead – Gladesville
Det/Sen/Con Christopher Kelly – Bourke

He implicated a further two officers who's names were omitted by the Commission,

An acting Duty Officer from Eastwood and another from Gladesville.

The statement made by Menzies indicates that each of these officers were either provided information by Menzies or provided information to Menzies or others concerning confidential material used for police promotions. The geographical location of those involved at the time is indicative of how widespread the practice of promotions corruption has been throughout the Police Force. And I would point out that this list is as a result of just one person having been caught.

Whilst the PIC might, subsequent to my evidence now before this committee, seek to take credit for exposing promotions corruption as a consequence of conducting the Jetz investigation, I would like to point out that the Jetz investigation occurred as an accident, not as a result of any direct attempt to uncover promotions corruption by the PIC.

The telephone interceptions relied upon by the PIC during the Jetz hearings into Menzies and others had in fact been acquired incidentally during the Operation Florida investigation into drug matters involving police officers. (This fact was later confirmed to myself by Mr Les Tree, Director of the Police Ministry at a meeting with the Minister on 26th June, 2002.)

While the Commission had previously felt justified in ignoring my complaints regarding promotions corruption, ostensibly for want of direct evidence, they now found

themselves confronted with such evidence and were therefore compelled to do something about it.

However instead of examining all aspects of the matter, its terms of reference were deliberately confined to steer the investigation away from any potential for criticism of the Police Force hierarchy and more importantly now, the PIC itself for ignoring the concerns I had raised with that body in June, 2000 concerning the integrity of the promotion system and its susceptibility to corruption. I quote counsel assisting the PIC, Mr Hoy in his address upon the opening of public hearings into Jetz

“this hearing is not intended in any way to examine the promotional system within the NSW Police Service...”

There is no doubt in my mind that in June 2000, the Police Integrity Commission failed in its obligation to address the emergence of corruption within the NSW Police Force. It had an opportunity to examine the promotion system, assess its integrity risks and recommend changes to the Police Service senior executive. It chose not to.

It has instead, since the Jetz investigation, sought to justify it's decision in failing to conduct an investigation into my complaint of June 2000, simply by stating that it was appropriate at the time to exercise it's discretionary powers conferred under the Police Integrity Commission Act, not to investigate it. This fact led me to make a formal complaint to the Parliamentary Committee for the NSW Ombudsman and Police Integrity Commission in January, 2002.

Within days of the commencement of the JETZ hearings the Commissioner, Ryan wasted no time in taking credit for the PIC inquiry, supported of course by the then Minister, Paul Whelan.

I tender a copy of that media release

Ryan was portraying himself as a corruption busting Commissioner. The truth however is that corruption flourished within the Police Force under his leadership and he had done nothing to address it. This media release was political spin doctoring designed to protect Ryan.

Another example of spin doctoring is contained within a further statement issued by Ryan.

I tender a copy of that statement

Ryan opens that statement,

“Many of you will be aware of my concerns about the police promotion system-concerns which I have held for some time”.

Ryan never entertained any concerns regarding the integrity of the promotion system or its susceptibility to corruption. His statement therefore within the context of the Jetz investigation was a deliberate mis-representation of the truth. A lie constructed to deflect responsibility from him for his part in failing to address the concerns I had raised with him and his senior executive continuously during the preceding two years.

He goes on to say,

“You can be assured that I am as dismayed as you at the revelations now appearing. Reform – real reform – of the promotion process remains one of my key objectives. I have made very clear to those concerned my expectations for the immediate future in respect of both the promotion system itself and the implications of evidence now emerging before the Police Integrity Commission.”

Again another lie. The revelations should have come as no surprise to Ryan. I had already advised him and his senior executive that the process was susceptible to corruption and he had already been made aware of actual promotions corruption through the Radium Investigation in February of 2000.

As for his direction to “those concerned” for appropriate action to be taken – No action was ever taken to improve the systems integrity.

In so far as his appreciation of the implications of the evidence, they were again made obvious to him through my various complaints and through the operation Radium investigation in 1999 and 2000.

The fallibility of the promotion system to corruption had undermined its credibility entirely. Therefore the integrity of all appointments made in the preceding two years using this promotion system must now also be brought into question.

In light of my complaints to Ryan and the senior executive of the Police Force concerning promotions corruption together with further knowledge provided to Ryan and his senior executive through the Radium investigation, I drew the only conclusion possible, that Peter Ryan was not only the most incompetent Commissioner I had ever served under, he was also prepared to lie to conceal his incompetence and if necessary seek to attribute responsibility to others for that incompetence. That is a view I maintain to this day.

The statement issued by Ryan is also important in that it calls on police involved in promotions corruption or those knowing of it, to come forward with information. I was later to find out from Richmond that a staggering 419 separate cases presented themselves to Internal Affairs as a result.

Ryan however was not the only party interested in distancing themselves from these most embarrassing and dangerous events.

Following the resignation of Menzies and Paul Museth from their positions on the executive of the Police Association, Ian Ball, President of the Police Association issued a statement which appears could have been prepared by the same person who had penned Ryan's.

I tender a copy of that statement.

I quote Mr Ball,

"I along with all rank and file police, was dismayed to learn the promotions system had been used by a few officers for political purposes."

And further on..

"As Police Association President, I have been concerned about the promotions system for some time..."

The only surprise that Ian Ball had in relation to the evidence given by Menzies was that the promotions system was being used for political purposes that could have threatened Ball himself in his position as President of the Association. The fact that it was being corrupted should have come as absolutely no surprise. I did after all raise these concerns with the Police Association as early as June 1999 but they had done nothing about it. In fact they had never before commented on the integrity of the process and even here Ball was careful not to specifically mention the integrity of the promotion process in his statement.

As for his remark regarding the "concerns" he had for some time, the statement like Ryan's simply seeks to distance himself and the Police Association from their neglect in addressing concerns about the promotion systems susceptibility to corruption which I raised with the Police Association, ala Burgess and Tunchon in 1999 and it should be noted here that Ball was then Vice President of the Police Association in 1999.

What has always been of concern to myself is the position the Police Association has taken regarding promotions corruption. They have always attempted to avoid the issue and even when confronted by the facts, insist that the conduct has not been widespread despite evidence to the contrary. They have deliberately ignored the risk to the integrity of the Police Force and the subsequent risk to the community which has now arisen as a result of the adoption of this promotion system. A promotion system which has been corrupted and one which allows the corrupt, unethical and incompetent to attain positions of responsibility and power. Regardless of the Police Associations responsibility to it's members, which I add it has failed, as Police Officers its executive has a fundamental and over-riding responsibility to the community of NSW. It has failed in that responsibility indeed they have been as culpable as the Police Force for the mess promotions and policing now finds itself within this State.

I charge Mark Burgess, Ian Ball and others within the Police Association as having failed to safeguard the interests of the community of this State. I charge them with failing to represent and support internal police informants and their concerns and I charge them with failing to act ethically in their respective positions.

During this time I had remained in contact with Richmond concerning the progress of my complaint.

I recall receiving a telephone call from Richmond on the morning of the 5th September, 2001. Richmond advised me that the Commissioner had directed the termination of Jarratt's employment contract. I asked Richmond if that was as a result of my complaint and he simply replied that the Commissioner had had enough of Jarratt lying to him. Richmond advised me that the press release would be issued within the hour. Thirty minutes later Jarratt's dismissal was broadcast on the radio news.

I tender a copy of the official press release issued by the Police Force and excerpts from newspapers.

What was surprising is that no reason for the termination accompanied the announcement. In fact no reason has ever been proffered for the termination of Jarratt's services. This of course has ultimately led to the payment of compensation to Jarratt for unfair dismissal by the Police Force. Public monies used for no other purpose than to purchase his compliance in remaining silent on the matter.

Jarratt's dismissal raises serious questions concerning the motive for his dismissal and the reluctance of Ryan to reveal those motives.

It is my belief that the reasons were never provided to protect Ryan from further embarrassment and humiliation. Whilst it is my belief that the evidence reveals Jarratt as both incompetent and a liar and as such deserved dismissal, he did provide Ryan with a suitable fall guy to cover Ryan's own incompetence.

I later contacted Richmond and enquired why the reasons for Jarratt's dismissal were not being made known and he advised that he had been required to sign a confidentiality agreement with the NSW Crime Commission and could not answer that or other questions relating to the investigation before the 5th December, 2001.

In the interim no action had been taken regarding promotions under than to suspend all promotional appeals to GREAT.

I tender a copy of a press release by the Police Force

The promotion system unchanged was still being used by the Police Force to appoint officers.

Given the series of events I remained very concerned regarding the direction of the Jetz investigation at the PIC and the responses of the Police Force to the issue of promotions corruption. No remedial action appeared to be forthcoming from the Police Force to undo the damage that had been done and the organisational integrity risk remained.

I continued to seek some answers.

On the 19th September, 2001 I sent an email to Richmond.

I tender a copy of that email

The email is self explanatory and was responded to by a further telephone call by Richmond to myself. Richmond again hid his responses behind the alleged secrecy agreement he had been required to sign with the Crime Commission but did confirm that the tapes used by the JETZ inquiry had been "happened upon" during another investigation. He also advised me that number of reports of promotions corruption received at Internal Affairs were "in the hundreds". He urged me to wait for the inquiry to continue.

I remained dissatisfied with the response of Richmond and contacted the Commissioner's office on the 24th September, 2001 when I spoke with his Chief of Staff, Superintendent Bernard Aust. I advised Aust that I intended to send the Commissioner an email and requested the Commissioners email address. Mr Aust assured me that the Commissioner would be made aware of the email.

On the morning of the 25th September, 2001 I sent a two page email to Ryan, receipt of which was later confirmed by Aust.

I tender a copy of that email

The email is unprecedented in that I demand responses from the Commissioner regarding what he proposes to do about the matter and expressing my intention to maintain my efforts in pursuing the issues to a satisfactory conclusion.

I make no excuses for my demeanor at the time. I had suffered considerable frustration in the preceding two years in attempting to have my concerns regarding promotions corruption addressed and I considered Ryan as being ultimately responsible for both the problems emerging with the promotions system and my own personal situation.

I was not to receive a timely response from the Commissioner, in fact I was to wait until the 30th November, 2001 before I received a one page reply under the hand of Deputy Commissioner Peter Walsh. A response which made no attempt to address my questions or concerns.

I tender a copy of that letter

Whilst waiting for Ryan to respond to my email I was made aware through Richmond that the PIC were about to recommence public hearings into Police corruption. Richmond gave the impression that more evidence of promotions corruption would be revealed however he would not confirm this.

I tender copies of newspaper reports concerning that inquiry dated 4th October, 2001.

In May, 2001 I had been given a copy of a confidential promotions document which I had discussed only with Richmond up to this point. The four page document had been provided to me from a detective seconded to a task force within Crime Agencies. That officer had been outraged that it was being broadly circulated to police within Crime Agencies and had given it to me to reveal the extent that the promotions system had been undermined by corrupt conduct of officers.

I tender a copy of that document

The document is clearly marked twice as being confidential and for the information of Assessors/Interviewers only.

Clearly access to this document would allow applicants for promotion to undermine the integrity of the promotion system.

Clearly too the fact that it had been leaked supports my contention that senior police, who perform as assessors and interviewers for promotion, were involved in promotions corruption.

I believed it was time to reveal this document and the circumstances of it coming into my possession and as a result contacted a reporter, John Kidman of the Sun-Herald. I provided Kidman with a copy of the document and expressed my concerns regarding the upcoming PIC hearings.

The Sun-Herald subsequently ran a two page story on the matter on the 7th October, 2001.

I tender a copy of that article

This article subsequently generated other media interest in the matter.

I refer to the video tape previously tendered as an exhibit

On the 8th October, the PIC hearing code named operation FLORIDA commenced and its was as I feared, solely directed at police officers involved in drug dealing. No further public hearing or PIC investigation concerning promotions corruption was to take place beyond the Menzies/Jetz matter.

Ryan however was still receiving media criticism on an almost daily basis for his management of the Police Force and I speak here not only of the promotions system debacle but as a consequence of the Cabramatta inquiry and the "Malta" hearings at the PIC. Ryan however continued to look to others to blame and in respect to promotions, he pointed the finger at the Police Association.

I tender a copy of a news report dated 8 October, 2001.

Ryan was now blaming the Police Association for blocking his attempts to implement changes to the promotion system for over two years, a claim hotly denied by the President of the Police Association, Ian Ball in his official response the following day.

I tender a copy of that response

Again someone was telling lies.

On the 8th of October, I sent an email to the PIC requesting a meeting with Mr Tim Sage, Deputy Commissioner of the Police Integrity Commission.

I was dissatisfied with the advice that Richmond had been providing me regarding the direction of the investigation of my complaint and his assurances that the PIC were looking into it. Given that the Jetz hearings had concluded I began to suspect that I had been deliberately misled by Richmond and that there had never been any intention on the part of the PIC to investigate my complaints.

I tender a copy of that email

The events over the next two days were to provide the truth of the matter.

At 10.30am on the 9 October, 2001 I received a telephone call from a Richard Kenna, Legal officer for the PIC and their Chief Investigator involved in operation JETZ.

I recorded the details of that conversation upon a copy of the email I had sent which I will clarify here.

I explained to Kenna my concern that I had not been told the truth (by Richmond) regarding the promotions system inquiry carried out by the PIC. I advised him that Richmond had told me that my complaint was to be included for investigation by the PIC.

I explained that my analysis of the situation indicated that Ryan's actions were designed to protect himself and his reputation and I quoted here, the dismissal of Jarratt, the development of a new promotion system for implementation in December, 2001, and the outsourcing of a management review, all prior to any recommendations being made by the PIC as a consequence of operation JETZ.

Kenna advised me that he would organise a meeting but that he would have to consult "other people" first and would advise me the following day.

I indicated to him that I did not want another written response from the PIC, that I wanted to meet with someone in a position to tell me the truth. That I had been given numerous undertakings by Richmond that the PIC would be investigating my complaints and that that did not appear to be happening. I wanted some answers.

At 4.25pm on 10th October, 2001 I spoke to Kenna. He advised me that he had been re-directed to investigate my submissions for possible inclusion in operation JETZ. Now I was the one expressing "dismay". The PIC never had any intention of including my complaints in any of the JETZ inquiry and quite clearly Richmond had known this but had concealed it from me.

Richmond had over the preceding months assured me that the PIC/Internal Affairs joint investigation was based upon my complaint and that it would be examined in detail during the JETZ hearings at the PIC. I had been lied to.

I was incredulous and advised Kenna that I had been lied to by Richmond. He indicated that he would review the material and get back to me.

Shortly after finishing that conversation with Kenna I sent an email to Richmond about 6pm on 10 October, 2001.

I tender a copy of that email

The email unreservedly sets out my concerns regarding what Richmond had been telling me and serves to confirm the conversation I had with Kenna that day.

I did not have to wait long for a response.

At 7.10am on the morning of the 11th October, 2001, I received a telephone call from a very irate Richmond, who took issue that I would dare question his integrity in the handling of my complaints.

I recorded the course of the conversation we had on a copy of the email I had sent him.

Richmond commenced by stating that he, Moroney and the Commissioner had pressed the PIC for an inquiry on promotions and stated that the PIC had refused to do so. He stated that the Police Force could do no more with my complaints.

I asked him where the complaint file had been for the past five months and he advised me that it had been with Moroney. I asked him what had been done with it and he told me nothing had been done with it.

I asked him why he or Moroney had had not referred it back to the NSW Ombudsman and he stated that it was not his responsibility to do so.

I asked if anyone had been interviewed beside Myers and he responded that no one, not even Myers had been interviewed and he again cited problems with interviewing public servants.

I asked him why he had misled me to believe that the PIC were looking into my complaints and he responded by denying that he had.

I asked him why he had failed to inform me that the PIC had refused to investigate my complaint as part of JETZ and he again responded by saying that it was not his responsibility.

Richmond went on to say that he had made numerous submissions to then Deputy Commissioner Moroney regarding the risks of the promotion system both as a consequence of the Radium investigation and my complaint. He went so far as to say that he had kept copies of these submissions in his safe.

Richmond admitted to having met with Ryan before and after our meeting at the Ombudmans office and that he was personally not happy with the manner in which my complaint was being dealt with. He further admitted and stated that the matter had to be resolved in an inquisitorial forum, preferably the PIC but otherwise the Ombudsman.

He went further and stated that neither Internal Affairs nor the PIC had the resources to adequately investigate my complaint or promotions corruption generally and most damaging of all, he finally admitted that he had been personally directed to drop the investigation.

When I asked who had issued that direction, he refused to identify the person. Only Ryan or Moroney were in a position to issue such a direction to Richmond.

I asked him to provide a written account of what he had just told me and he immediately refused. I asked for copies of his submissions to Moroney on the matter and again he refused, suggesting that I make my own representations through his new Commander, Superintendent Scipione (former Staff officer to Ryan and whom Ryan had recently appointed to head Internal Affairs as Brammers replacement) or through the Deputy Ombudsman, Steve Kinmond.

Clearly Richmond felt very uncomfortable regarding the entire matter and I suspect that he was finding it very difficult to reconcile his own conscience with the directions he had received from his superiors regarding the investigation of my complaints.

In fact I sensed his discomfort throughout our conversation which ended reasonably amicably.

I later received a further telephone call from Richmond at 11.30am advising me that he had become aware of the date for the resumption of hearings at the PIC, being the 19 November, 2001 and that he had done so from sighting a response from his office to a Ministerial file from Whelan.

I now knew that no inquiry was to take place. No one was to be held accountable for the debacle that the promotions system had become nor was there to be any remedial action.

Meetings involving Richmond, Kinmond and representatives of the PIC, if they ever took place, were not directed towards exposing the incompetence of the senior executive of the Police Force, in fact quite the contrary. Everyone it appears, wanted to put the lid on the issue.

I resolved to continue pursuing the matter and later on the 10th October, 2001 after speaking with Richmond I called Kenna at the PIC again. I related what Richmond had told me and told him that it represented a conspiracy by the senior executive of the Police Force to bury this matter.

Kenna advised me that he would record our conversation and indicated that he had commenced to read my material.

Kenna stated that he agreed that some important issues required addressing. He went on to state one of those issues,

“why did the senior executive of the Police Force not recognise the problems with the promotion system and when brought to their attention, why did they not act?”

It is a credit to Mr Kenna that in less than 24 hours he had arrived at the crux of the matter.

He stated that he believed it would be in the interest of his investigation to interview me and made arrangements for that to occur.

That same day I sent a further email to Helen Sham-Ho enquiring as to the reason no action was taken by her or her committee in regard to the information I provided regarding the evidence given by Jarratt to that committee in April, 2001.

I tender a copy of that email

I received a reply from Sham-Ho's secretary two days later confirming receipt of my email and indicating that she would respond in writing at some later stage.

On the 11th October, 2001 an article appeared in the Sydney Morning Herald which described succinctly what had been happening to policing in NSW under Ryan's administration. It also highlighted the political efforts being made to save his reputation.

I tender a copy of that article

During all of this time, only one senior officer from Blacktown, a Chief Inspector John Thommeny has remained in contact with myself. During my service at Blacktown he impressed me as being the only competent senior officer there and someone I could confide in regarding my concerns.

Since reporting off duty on stress leave, Thommeny would visit me on a regular basis, not as a consequence of his professional responsibility (he has made that quite clear to me on a number of occasions) but rather out of a genuine personal concern he holds for my welfare.

Thommeny had indicated to me a number of times how disgusted he was regarding the handling of my complaints by the Police Force. He too appreciated the affects that Ryan's administration had had upon policing in New South Wales and was as frustrated as I regarding achieving any positive outcomes as a result of my complaints.

At considerable personal risk, he let those frustrations be known through an article appearing in the Blacktown Advocate on 17 October, 2001. An article which I had no prior knowledge of.

I tender a copy of that article

Thommeny was later castigated by Superintendent Wales and advised that the Region Commander, Clive Small was "less than happy" with the comments he had made and that "if necessary" a meeting with Small would be heading his direction. Thommeny had been warned to "pull his head in".

On the 19th October, 2001 Ryan issued a memo to all police regarding proposed changes to the promotion system as a result of the Jetz hearings.

I tender a copy of that memo

The memo sets out new procedures to be adopted to allegedly improve the integrity of the promotion system in light of the PIC hearing into promotions corruption involving Menzies.

It is highly relevant in that these actions pre-empt any published recommendations arising from the PIC investigation and further, they formed the basis of the Bill later introduced by Costa which was subsequently passed in State Parliament to take effect from January 1 2002. A Bill which I was later to advise the Minister, did nothing to improve the integrity of the promotion system in place.

On the 22nd October, 2001 I attended the Police Integrity Commission and was interviewed by Kenna. In preparation for that interview I had prepared a ten page submission regarding my concerns and provided that to Kenna prior to my interview commencing.

I tender a copy of that document

After 3 hours I had not finished in delivering my information when the interview was suspended by Kenna. He advised me that he had sufficient material to go on with for the time being and would contact me again for further information when required.

I was not to be re-interviewed.

A week later I received a letter dated 24 October, 2001 from Sham-Ho, in response to my emails of the 28th May, 2001 and 10th October, 2001.

I tender a copy of that letter

Sham-Ho chose to ignore that my complaint to her as chair of Parliamentary Committee No.3 was that of Deputy Commissioner Jarratt presenting deliberately misleading evidence before her Committee. Not, as she conveniently relates in her letter, promotions corruption.

However by referring to my previous correspondence to her as constituting a complaint regarding promotions corruption, it allowed her to inappropriately exclude my allegations against Jarratt from further examination by Standing Committee No.3.

To add insult to injury she concludes by suggesting I contact the Police Integrity Commission regarding my concerns.

Regardless of the merits of Standing Committee No.3 and the efforts of Sham-Ho and others on that Committee in revealing the true state of crime within the Cabramatta area, it was incumbent upon that committee to re-examine Jarratt's testimony in light of my allegations.

I submit that the excuse proffered by Sham-Ho for not doing so, is so appallingly inadequate that it beggars belief.

Sham-Ho deliberately ignored my allegations. Her motives for doing so should in themselves, be a matter for investigation.

During this time the Police Association had not been idle in their response to the revelations of the Jetz hearings involving Menzies. In particular the threat he had presented to the existing President, Ian Ball.

On the 22nd November, 2001, Ball issued notice to all members of the Police Association regarding a special conference to be held on 7 December, 2001.

I tender a copy of that notice

The significance of that notice should be obvious in that it presents recommendations for rules changes to the charter of the Police Association regarding the election of its President and executive.

Needless to say these rule changes were swiftly adopted and fresh elections were subsequently held with Ball maintaining his position as President.

Also in November, 2001 I resolved to raise another significant matter which was in my assessment, a perfect example of how managerial corruption had manifested itself within the Police Force. That of false statistics surrounding the implementation of the Police and Public Safety Act.

I had been aware for some time that within Blacktown Command, the statistics gathered were highly questionable, particularly in relation to knife searches being carried out. Indeed it was common knowledge amongst Police officers, just how the statistics were being artificially inflated.

I was also aware that when the legislation had been introduced in 1998 by the Carr Government in response to rising street crime, the senior executive of the Police Force, in particular Ryan and Jarratt were anxious to see the legislation demonstrated as successful. In that regard, Jarratt himself admitted before the Parliamentary inquiry into Cabramatta that he pushed the implementation of the legislation.

I tender a copy of the relevant page of the transcript of Jarratt's evidence

Jarratt's influence upon the some 80 Local Area Command Superintendents, including my Commander, Wales, at various Operational Crime Reviews (OCR's) regarding the implementation of the legislation is quite apparent when one considers the statistics being returned by Commanders across the State to Jarratt regarding same.

This downwards pressure would subsequently lead to operational street Police falsifying reports concerning "move ons" and "knife searches" and this in order to deliver upon the expectations of their Commanders by Jarratt and Ryan.

My own analysis of the statistics at Blacktown strongly supported this contention. They also confirmed in no small measure that powers conferred to Police under the legislation were disregarding the premise of "reasonable cause". They were in fact being implemented as random powers.

My primary concern of course was that this should be permitted to continue. I knew that given the managerial culture, this conduct was, if not unofficially endorsed by Local Area

Commanders, being turned a blind eye to by those senior officers. It was therefore never likely to be raised by any Superintendent especially those whom had designs to further their progress in the Police Force. It was also likely to be highly embarrassing to the Police Force and Government if it were revealed that the statistics were false. This would provide sufficient motive for the Police Force to bury any complaint I was likely to make to it directly.

What must be noted by your Committee is that personal advancement and security of their employment contract are the primary concerns of most if not all senior officers within the Police Force and this alone dictates their decisions and actions. They are in the main a group both morally and ethically bankrupt. That is my experience. I have seen it first hand.

That self interest and their cowardice is echoed every day in their deafening silence during the exposure of such issues as promotions corruption and falsification of statistics. Not one has made comment, not one, preferring instead to leave it to a mere Sergeant to expose these matters and suffer alone the consequences of doing so.

In any event I resolved to report the matter and on 13 November, 2001 I wrote a complaint to both the NSW Ombudsman and the Police Integrity Commission concerning the matter.

I tender copies of those complaints

Within those complaint documents I specifically requested an independent investigation of the matter by either or both of those agencies. I did this because I realised that a significant conflict of interest existed for the Police Force to carry out such an investigation given the potential for embarrassment for the Police Force, Ryan and the Labor Government. I believed that any investigation undertaken by the Police Force of this matter, would suffer the same fate as that of the promotions corruption complaint. It would be buried or it would be compromised.

Another significant change had occurred within the political spectrum during this time. Paul Whelan had been replaced by Michael Costa as Minister of Police.

Subsequent to the appointment of Costa I requested a meeting with him. I had been advised by Kenna that the PIC Jetz inquiry would not be holding any further public hearings and would be commencing the preparation of its report to the Minister. I was outraged at this news for it effectively meant that Ryan, Jarratt and others would therefore be escaping accountability for their part in the promotions system mess that had resulted from their incompetence and lies.

I received no immediate response from the Ministers office to my request and therefore sent a two page email to his office.

I tender a copy of that email

That email is extremely candid in content. It also serves to demonstrate the direction my future meeting was to have with the Minister and just as importantly the fact that I have never entertained any political bias in the pursuit of my complaints and concerns.

During this time I had also requested a further meeting with Kenna and his superior Sage at the Police Integrity Commission. Kenna advised me that a meeting had been arranged for Thursday 13th December, 2001 with himself and Deputy Commissioner Brian Donovan.

I was subsequently granted a meeting with the Minister on the 10th December, 2001.

I met with Costa on 10th December, 2001 and took with me a three page letter I had prepared for him dated 7th December, 2001.

I tender a copy of that letter

More critically I also took with me and provided the Minister copies of the complaints I had written to the Ombudsman and the Police Integrity Commission concerning the falsification of statistics surrounding the Police and Public Safety Act.

In regard to the latter, some six months later I was to suffer the very public humiliation of being labelled a liar by the Minister, who would deny to both Parliament and the media ever having received copies of those documents during our meeting or indeed ever having been made aware of problems with the statistics surrounding the Police and Public Safety Act.

The meeting was lengthy and whilst I did not make notes during it, I did make contemporaneous notes on the train trip home from that meeting.

I tender copies of those notes

I extrapolate on those notes now.

I provided some background on myself personally and the efforts I had gone to to have promotions corruption dealt with only to have them corruptly dealt with by Ryan, Jarratt and others.

We discussed Ryan and he asked me if I would be prepared to meet with him and Ryan concerning my matters. I told him I had no faith in Ryan, that he had lied time and again, blamed others for his mistakes and that I did not trust him.

The Minister asked "What would you have me do then? Sack him?" I told him that I would but that I appreciated it would not be viable for his Government to do so given that they would end up with political egg on their faces.

He asked me what I wanted done.

I told him that I wanted the matter properly addressed. I wanted all appointments rescinded, that corruption of the promotion system was rife and that the risk to the Police Force was too great to maintain the status quo.

I told him that I wanted Ryan, Jarratt and others held publicly accountable and that if necessary he should direct the Commissioner of the PIC to re-open the Jetz investigation hearings to accommodate that.

I told him that there were double standards regarding how the Police Force dealt with senior officers involved in mis-conduct. That they were permitted to resign or retire without facing charges and that this situation had to change immediately. I told him that a clear message had to be sent to senior police that they were not above the law. That incompetence and corruption should be rewarded with public prosecution and dismissal.

He cited the dismissal of Jarratt and I advised him that no reason had been given by the Commissioner or Government for his dismissal. I asked why, he would not respond to that. I told him that it was simply another example of the lack of transparency surrounding the internal workings of the Police Force and Government. That people had a right to know why Jarratt had been sacked and that if necessary he should be re-instated and publicly held accountable by Ryan.

I told him that Carr's and Ryan's continual claim of having corruption resistant systems within the Police Force was nothing short of a joke. That the systems were being corrupted daily and by the most senior officers in the Force. I then gave him the copies of the complaints I had sent to the Ombudsman and the PIC regarding the falsification of statistics surrounding the Police and Public Safety Act and told him it was just another example of the lies coming out of Police Headquarters.

I told him I was concerned that Jetz was concluded, had been confined to Menzies and that no examination of the promotion system was to take place by the PIC. He denied that JETZ had concluded taking evidence and gave me undertakings that it was an ongoing inquiry.

He advised that he was proposing a new Bill to Parliament to improve the integrity of the promotion system. I asked to see it and he could not provide me with a copy. Nor could he provide specific details other than it included the introduction of a statutory declaration obligation and the bar coding of applications. I asked who would be responsible for it's administration and he told me the Police Force would be. I told him that it would not work, that material would be leaked again and the system corrupted once more. I told him that the Police Force could not be trusted with promotions.

He also stated that he would seek an interim report from the Commissioner of the PIC regarding the matter and that in that report he would call for an assessment regarding the extent of the corruption of the promotion process. He stated that he would take action if it was established to have been widespread but would not elaborate further.

He gave me an undertaking that he would meet again with me when that report was made available to him.

He also gave me an undertaking that he would provide me with a copy of the minutes being taken of our meeting, that he would keep it confidential and that he was taking the matter very seriously.

That was the context of our meeting and I now know that I was played for a fool. At the time I wanted to give him the benefit of the doubt but I have since learned that he has never been in a political position to support his undertakings to me with any action.

I later met with Kenna and Donovan at the PIC on 13 December, 2001. Unfortunately neither were prepared to comment on the Jetz investigation other than it was in its submission stage. I expressed my anger and disappointment at the decision to confine the hearings to Menzies without any examination of the causal factors. I indicated to both that I personally held the PIC accountable for failing to address promotions corruption when the opportunity presented through my complaint in June, 2000.

I had by this time also examined the Bill amending the promotions system put forward by the Minister and formed the opinion that it did little if anything to effectively ensure against the re-emergence of corruption of promotions.

It occurred to me also that the substance of the Bill reflected the endorsement of a conglomeration of recommendations obviously agreed to previously by both the Police Force and the Police Association during meetings of the Tri-partite Committee. The Bill represented a quick fix for the Minister, one that could enable him to announce that he was addressing the problem of promotions corruption. I put these views to Donovan and Kenna during our meeting.

I tender a copy of the Ministers press release and other documents relating to the introduction of the Bill.

My meeting with Kenna and Donovan failed in its purpose in that neither were prepared to comment on any aspect of the details of the Jetz inquiry nor did it bring about any extension of that inquiry by the PIC. Despite assurances by the Minister that Jetz was ongoing, it was in fact dead in the water.

On the 14th December, 2001 I sent a further email to the Minister.

I tender a copy of that email

I did not receive a reply nor was I invited to meet with him again regarding the matter as he had previously promised.

On the 15th December, 2001 whilst reading the Hansard for the Upper House, I discovered that the Minister had again breached my trust. He did so by revealing our meeting on 10 December, 2001.

What was also of concern to me was that the Bill was being rushed through Parliament by the Minister who had obviously decided to completely disregard my advice and reservations concerning same. It was his "silver bullet" solution for promotions corruption.

Of interest also is that Sham-Ho referred to myself twice in her support for the Bill and this without any prior advice or consultation with myself. Had she, she would have learned that I did not support the Bill and the reasons for same. Instead she sought to gain political mileage from the matter and displayed nothing more than complete ignorance of the issues at stake and their consequences.

I was very upset with the Minister and this prompted a further email to him from myself on the 15 December, 2001.

I tender a copy of that email

Again I received no response from the Minister or his office.

Needless to say by this time I had lost all confidence and hope that my concerns were ever likely to be addressed.

It had been put in the "too hard" basket by all and sundry and that is where it was going to stay.

By this time media interest in the matter had waned completely but I believed it was necessary to go on record once more.

I tender a copy of article appearing in the Blacktown Advocate.

Needless to say the entire ordeal had continued to take its toll on my health and I let matters lie for nearly two months to recuperate a little. I did however take the time to meet with Mr Geoff Schuberg who had been recently appointed to a position on the Police Ministers Advisory Council.

On the morning of the 31st January, 2001, not having heard anything from Richmond for some time, I sent him an email.

He responded by calling my home at 9.30am. Again I recorded the context of our conversation on a copy of the email I had sent him.

He advised me that the Police Force had carried out no further investigation of my complaints and were never likely to.

He advised me that SCIA (Special Crime and Internal Affairs Command) had not yet seen any interim report from the PIC.

He advised me that meetings had taken place between Human Resources Command and Legal Services to determine the most effective way to deal with the 419 complaints that had been received by Internal Affairs of promotions corruption. He advised that consideration was being given to reviewing appointments of those complained about but whatever was determined it would be designed to deal quickly with the complaints. Task Force Uman was to be the end result.

Richmond struck me as being very melancholy during our conversation and when I asked him if he was ok he told me that the powers had dis-established his position at Internal Affairs and he no longer had a job. He told me that he had been offered a position at the Firearms Registry on about \$120,000 a year and was glad to be going. He said it would do him and his family good to move to the coast and that it was probably for the best given his heart condition. (Richmond had undergone heart surgery).

He then told me that he had lost all faith in the capacity of the Police Force to police itself and that he was sick of it. He told me that if the opportunity presented he would tell the Minister that himself.

He went on to express concerns for the people who had worked under him at Internal Affairs. He stated that he was sick of seeing his staff arrive at adverse findings regarding serious complaints against senior police only to see no action being taken. He said that he feared retribution for those investigating officers who were now open to payback by those senior police.

These were extraordinary and extremely disturbing comments to hear given that Richmond was a very senior officer attached to Internal Affairs and had been for a time its Acting Commander. If he had no confidence in the Police Force investigating itself, how much confidence should I or other Police whistleblowers have in it?

It is my firm belief that Richmond was forced out of Internal Affairs. His comments to me clearly indicate that he had been at odds with someone on the senior executive regarding my complaints and the response from his superiors had been to make him redundant at Internal Affairs through the dis-establishment of his position. A very effective and on the surface, legitimate means to remove malcontents. Richmond was not happy but he was making the best of the situation.

Richmond concluded by advising me that his last day at Internal Affairs was the 19th February, 2002 and stated that he would advise me who would take over the promotions corruption file, not that it would be going anywhere.

I tender a copy of my email and the notes I made.

It had now been confirmed to me by my conversation with Richmond, the Police Force was covering up the entire promotions corruption matter.

I later contacted Kinmond by telephone and he advised me that as far as the NSW Ombudsman was concerned the matter was no longer in their hands. It was, as far as he was concerned, being handled by the PIC. I told him the PIC weren't looking at it and he simply restated the position of the NSW Ombudsman office. They would have nothing more to do with it.

Since I knew too that the PIC were not going beyond the Menzies revelations and the Minister was simply engaged in his own form of political damage control by throwing a coat of paint (in the form of his Bill) over the problems, I finally considered the matter a lost cause.

There was no one left to appeal to.

Meanwhile promotions were still taking place using the written application, assessment centre and structured interview processes. I had no doubt it was still being compromised and I had no doubt that the integrity of the Police Force had now been undermined to a degree where any remedial action would fail to undo the risk and the adverse affects upon policing in New South Wales.

I was later to find out that the Police Force decided to establish a Task Force called UMAN to investigate the 419 complaints received. This had apparently come about as a result of the meetings Richmond had referred to between Human Resources and Legal Services Commands.

I have been contacted by several officers who, as whistleblowers, have been interviewed by members of this Task Force and they have all concluded that the investigation is nothing more than a whitewash.

The investigation strategy adopted by that Task Force apparently involves nothing more than putting the allegations to the officers identified in the complaints. The allegations are simply being denied and the investigations are written off with a "No adverse finding" result.

The Police Force has simply been going through the motions, covering its backside. For despite this internal investigation having gone on for nearly 12 months, I have not heard of one dismissal or any other punitive action taken against any police officer as a result of that investigation.

I submit that this matter of police promotions corruption and the manner in which it has been dealt with, has been a scandalous example of systemic managerial corruption within the NSW Police Force. Corruption most foul and debilitating to the well being and effectiveness of the NSW Police Force. Corruption aided and abetted in no small measure by the incompetence and unwillingness of its oversight agencies to perform their function and corruption deliberately ignored by a Minister and Government who fear adverse political outcomes which would result from full exposure of the matter.

Events regarding my complaint concerning the Police and Public Safety Act were still being progressed by the NSW Ombudsman and on the 4th February, 2002 I attended a meeting at the Ombudsman office regarding same. The purpose of that meeting was to assist the Ombudsman's office in determining the best course of action to investigate the matter.

Attending that meeting besides myself were Ms Christine Burgess, Investigator assigned to the matter, Mr Simon Cohen, Legal Officer attached to the NSW Ombudsman, Senior Sergeant Steve Graham of the Internal Witness Support Unit and another female attached to the NSW Ombudsmans office who's name I cannot recall. She was however identified by Cohen as being responsible for completing the NSW Ombudsman's review of the implementation of the Police and Public Safety Act legislation.

During that meeting I continually pressed these officers for the Ombudman to conduct an independent inquiry of my complaint. I stressed a number of times that I had no faith in the Police Force conducting the investigation, that there was an obvious conflict of interest for the Police Force and stated that if it was permitted to conduct the investigation it would compromise the investigation because it had a vested interest in doing so.

Those concerns were ultimately ignored and the Ombudsman decided to permit the Police Force to conduct the investigation, taking on for itself instead a supervisory role.

I knew that the complaint would suffer the same fate as the promotions complaint I had made and made that quite clear to these Ombudsman officers. I also told them that I fully expected it to be avoided by the Police Force and that nothing would be done with it. I told them that I fully expected to be forced into a position where I would have to "whistleblow" this matter to the media and members of Parliament in order to generate any action from the Police Force. I also told them that I would take that action without any reservations.

Confirmation of that meeting and the action proposed by the office of the NSW Ombudsman was provided by way of letter to myself from Cohen dated 7 February, 2002. Attached to that letter was a copy of correspondence from the NSW Ombudsman to the Police Force regarding my complaint.

I tender copies of that letter and attached correspondence to the Police Force from the NSW Ombudsman.

I can only assume here that the Police Integrity Commission, who had received a copy of my complaint, had agreed after some consultation with the NSW Ombudsman, to allow the Police Force to carry out the investigation also for I received no further correspondence from the PIC other than original confirmation of receipt of my complaint.

I tender a copy of that letter

Other events had since transpired and were about to transpire within the Police Force which remain unprecedented in its history.

There was the highly irregular and I add improper appointment of Superintendents David Madden and Andrew Scipione to the senior positions of Deputy Commissioner rank. These appointments were made without advertisement of the positions and without any application made by those officers for those positions.

As these appointments were endorsed by the Minister, and bearing in mind what was about to occur concerning Ryan, I can only assume that the recommendations for the appointments of Madden and Scipione were made by the current Commissioner, Kenneth Moroney. In the case of Madden I can only assume his previous relationship to Moroney within Education Services Command, placed him in good stead for the position.

Also as I have alluded to, in respect to Ryan, he was effectively dismissed by the Minister as Commissioner. However once again, the circumstances of his leaving the Police Force were not made public.

Instead the public of NSW were delivered a charade by the Premier who continued to maintain that Ryan was the best Commissioner ever. It was a wanton display of damage control by Carr and the Labor Government.

The reasons for Ryan's dismissal, for that is what it surely was must be made known and explained in full. The people of this State have a right to know definitively as to the reasons.

In the interim, Moroney was appointed acting Commissioner.

My concerns regarding my complaint about the Police and Public Safety Act statistics were again to prove prophetic.

On the 23rd of April, 2002, Madden issued a press release concerning the Police and Public Safety Act.

The pertinent excerpt read :

NSW POLICE CONSIDER STRATEGIES TO COMBAT ASSAULTS.
Issued at 2pm, Tuesday, 23 April, 2002.

"The knives have been taken from people whose behaviour was clearly suspicious and gave police reasonable cause to suspect they had a knife in their possession," he said.

This statement by Madden was no co-incidence. My complaint had focussed on police conducting searches without having the requisite reasonable cause as required by the legislation. He had also been in possession of my complaint for some time before making it.

I contacted Christine Burgess on the 25th April, 2002, and enquired what action the NSW Ombudsman had taken in overlooking my complaint and she advised me that she had personally attempted on 18 occasions to solicit a response from Internal Affairs regarding the progress of the complaint and on each occasion she had been ignored. However she advised that she had only recently been advised that it had been in Deputy Commissioner Maddens office for at least two weeks and that he had only just that date allocated it to Superintendent John Laycock for investigation. I expressed complete dissatisfaction with the situation and brought her attention to Maddens press release of the 23rd instant. I called on her to provide me a written report on the matter.

On the 26th of April, 2002, having heard nothing from the Police Force regarding my complaint and having been advised by Burgess that my complaint had only just been allocated for investigation by the Police Force. I sent an email to Moroney vide Superintendent Aust.

I tender a copy of that email and the responses I received.

There can therefore be absolutely no doubt that the current Commissioner was made personally fully aware of my complaint, its consequences for the Police Force and my concerns regarding it's handling by Madden.

In regard to Madden, I consider his press release on the 23rd April, 2002 nothing less than an improper attempt to discredit my complaint through his provision of an opposing pre-emptive statement.

More than six months had since elapsed from the time I had lodged my complaint and as I expected attempts were being made at the highest levels to cover the matter up.

I finally received a letter from Burgess dated the 21 May, 2002. However by this time I considered the integrity of police investigation of my complaint beyond redemption.

I tender a copy of that letter.

I saw little alternative at this time but to raise the matter within the political spectrum and provided details of my concerns to the State Liberal party through Mr Morgan Ogg, whom I later met with.

Subsequently on the 13 June, 2002 the Minister was asked several questions regarding the matter during the sitting of the Upper House.

I tender two extracts of the hansard for that date.

The matter was reported in the Sun-Herald on 16th June, 2002.

I tender a copy of that article.

However prior to the publication of that article, in fact about 3.30pm on Saturday the 15th June, 2002, I received a telephone call at my home from Chief Inspector Glynnis Lapham, Commander of the Internal Witness Support Unit.

The call I received could not in any way be construed as being legitimately connected to her role within Internal Witness Support. I relate the details of that call now.

She advised me that she had been directed by Deputy Commissioner Maddens office to contact me to ascertain my knowledge concerning an article he had become aware of which was about to be published in the Sun-Herald the following day. I objected to her seeking this information but she insisted that it was a legitimate request in order for the Police Force to prepare for a media response. She stated that she had been asked to ascertain the substance of the article and in particular if my name was to appear in the article. Most curiously she also wanted to know if I had ever contacted or spoken with a reporter from that paper, a Les Kennedy. I told her that I had never spoken to Kennedy in my life and that I considered it none of her or Maddens business if I had.

Needless to say I considered this telephone call highly intimidatory and improper. Madden had utilised the relationship between the Internal Witness Support Unit and myself to attempt to solicit information for the purpose of preparing for the fall out.

Madden's media response had nothing to do with myself or my welfare. On the 16th June, 2002 in response to media questions he instead set about undermining my complaint once more by publicly stating his confidence in the statistics provided by the Police Force regarding the implementation of the Police and Public Safety Act.

Madden had again displayed bias on the part of the Police Force by pre-empting the findings to the police investigation through his very public support regarding the manner in which the legislation was being enforced in the field. His comment was improper, highly preferential and undermined the integrity of the investigation before it had an opportunity to even commence.

On the 17th June, 2002 I sent an email to Burgess of the Ombudsman office concerning what had occurred and again pressed for an independent inquiry.

I tender a copy of that email.

I also contacted Cohen by telephone and expressed my concerns in person to him.

I later received an email from Cohen in relation to his assessment of the matter.

I tender a copy of that email.

I disagreed with Cohen's assessment of the incident involving Lapham and have of this date not received any information concerning the media comments by Madden or their affect upon the Police investigation of my complaint.

On Friday the 21st June, 2002, faced with the prospect of another obvious conspiracy in the making concerning this complaint I felt it my duty and responsibility to bring the matter once more to the attention of the media.

On the grounds of the Domain at the rear of Parliament House I delivered a statement to the media. That statement condemned the Police Force, the NSW Ombudsman, the Police Integrity Commission and the Police Minister in their respective handling of my complaints concerning both police promotions corruption and the falsification of statistics surrounding the Police and Public Safety Act. That statement was absolutely true in all aspects including the fact that the Minister had been made aware of my complaint regarding the falsification of the statistics in December, 2001 and had done nothing about it.

I tender a copy of that statement

A media release was subsequently issued by the Ministers office that date.

I tender a copy of that media release

This media release again just another example of political damage control which included not just a denial from the Minister ever having been advised of the falsification of knife search statistics but also espousing what has become the standard political doctrine of the Minister and the Premier in such matters. A call supporting that the matter be referred to the Police Integrity Commission.

Since the PIC has a well established track record in declining such complaints, the latter statement by the Minister amounted to nothing more than camouflage. In this case the PIC had already declined to investigate and it was not likely to change its mind now. That therefore permitted the Police Force and by default, the Minister and his Government, to continue to control the investigation and its outcomes.

The media release was a politically expedient lie and remains so. The Premier's efforts were no better.

I tender a copy of the hansard for the Lower House on 20 June, 2002.

Further media attention was given the matter however the focus was directed not at the issue but on who was telling the truth regarding the Minister having had prior knowledge of the matter, Costa or myself.

Never before in my nineteen years a Police officer, has it ever been suggested by any person I have dealt with, (and I include the many criminals that I have prosecuted), that I ever fabricated evidence or swore false testimony as a police officer. Now I found myself subject to that allusion by my own Police Minister.

I tender various newspaper reports appearing at the time

Faced with a situation where my integrity was being questioned by the Minister and with the possibility that such a position left unchallenged might adversely affect my credibility and the credibility of my complaints and concerns, I had no choice but to provide copies of the notes I had made on the 10 December, 2001 following my meeting with Costa and one further and vital piece of evidence to the media. A copy of an email I had received from Geoff Schuberg following my meeting with him later in December, 2001.

I tender a copy of that email

This email remains damning evidence against the Minister in light of his continued denials regarding knowledge of my complaint surrounding the falsification of statistics.

It does more than condemn the Minister, it suggests that Ryan was also made aware of the problems surrounding the statistics during his tenure as Commissioner, by no less than the Minister himself and did absolutely nothing about it.

Further media attention was afforded the matter where I had little choice but to defend my integrity regarding my allegations concerning the Minister.

I refer to the video tape previously tendered

It should be appreciated by Committee members that at this stage I was placed under considerable additional stress as a result of events. My psychological well being had been under constant assault for some months already and these latest matters saw me approach breaking point.

It was within this frame of mind that I accepted an invitation to meet with the Minister to discuss my concerns yet again in his offices on the afternoon of the 26 June, 2002.

Professor Richard Basham, whom I had met and spoken to several times over the preceding months, accompanied myself to that meeting.

On this occasion, the Minister had assembled no less than four other persons to the meeting, including Mr Les Tree of the Police Ministry.

Discussion surrounding the Ministers knowledge of the falsification of statistics was avoided. He wanted to focus on what I wanted to see done.

I was extremely agitated but again I told him that the Police Force was filthy from the top down and that another Royal Commission was well over due. He advised me that he only had the power to look at policy matters and could not direct any investigation into the operational arena. The division of powers between the Minister and the Commissioner dictated this.

He asked me if I would be satisfied with a Ministerial Inquiry focusing on what could be termed as "policy issues". I agreed that it would be a step in the right direction even if it was a small one. The composition of a committee and the identity of its members were then discussed with each proposed member being put to myself for "consent". Once the composition of the "Ministerial Committee" had been agreed to, the terms of reference of the inquiry were then rather hastily drawn up and again my "consent" was sought. A time frame was proposed for both an interim and full report and it was agreed that an interim report be made available to the Minister by 30 September, 2002. I was also given an undertaking that when that interim report was available I would again be extended an opportunity to meet with the Minister and discuss it.

In my state of mind at the time I found the entire experience surreal. I was so completely sick of the chain of events leading to the present situation, that I was again willing to believe that something, anything was being done. The reality is, I was again being played for a patsy. It was again damage control and I was being placated, told what I wanted to hear in order to secure my silence. My revelations had been a political embarrassment for Costa and he was doing to me, what he does best. I just wasn't in a fit state of mind to realise it at the time.

It worked, he successfully defused the situation and that was, in reality, as far as it was ever going to go.

Geoff Schuberg, who was selected to Chair the Committee has since delivered the Committee's interim report to the Minister. Despite assurances to the contrary, I have as of this date neither seen it nor have I been invited to meet again with the Minister to discuss it. Again it is highly unlikely that anyone in the senior echelons of the Police Force, former or serving, will ever be held accountable for the disaster that is policing in New South Wales.

The Police Minister, Michael Costa has proven himself as one who continuously and deliberately avoids addressing corruption issues within the NSW Police Force. Despite

continual assurances to myself and others, he has time and again been incapable of or unwilling to, call to account the senior management of the Police Force. Instead we receive minor and ineffectual changes to policy and procedure in response to our concerns and more empty promises. Damage control, nothing else. He has allowed his conscience to place second behind his personal political future and the survival of the Labor Party at the next State election.

In regard to my complaint concerning the Police and Public Safety Act. I was finally interviewed by the investigating police, Chief Inspector Matthews of the Hills Local Area Command and Detective Sergeant Shoobridge of Internal Affairs, at home and in the presence of Simon Cohen of the Ombudsmans office and Senior Sergeant Graham on the 2nd July, 2002. Eight months after making my complaint.

I tender a copy of the audio recording of that interview.

It should be apparent to the Committee from that interview, a number of issues of concern, all of which are serious.

It concerned me greatly also, that Inspector Matthews in particular sought to "test" upon myself, alternative explanations for the "statistical anomalies" as he puts it, in an attempt to exclude police misconduct as the primary reason for such "anomalies". Even at this early stage the outcomes were already being heralded.

Suffice it to say that the interview did little to instil any confidence in myself in either the conduct or outcome of the investigation. I can recall at it's conclusion having to actually demand a copy of the audio tape of the interview which was initially refused thence finally conceded to by Matthews.

Matthews at the conclusion of the interview also gave an undertaking to carry out the investigation as quickly as possible and when complete he would arrange a meeting with myself and representatives of the NSW Ombudsmans office, presumably Cohen, to discuss the outcomes.

Matthews has spoken to me on only three occasions since interviewing me.

The first time was initiated by him, the second and third however were as a result of a complaint I made to Superintendent Aust and Simon Cohen regarding the conduct of the investigation.

Between the 1st and 8th September, 2002 I was contacted by three different sources within the Police Force who advised me that they were aware that despite the investigation not having finished, the investigation outcomes had already been made known to the very Police under investigation at Blacktown, including the Commander, Wales. I was advised that the outcome of the investigation would arrive at the following findings:

That Sergeant Killen and Senior Constable Crampton would be counselled for failing to properly conduct quality control of computerised crime reports.

That inadequate training had been provided to Police regarding the computerised entry of incidents surrounding the Police and Public Safety Act.

That failings within the computerised operational policing system was the primary cause for the "statistical anomalies".

This information from three different sources was of grave concern to myself for it strongly suggested misconduct on the part of the investigators had taken place. Misconduct in that the investigation had a pre-determined outcome and following that, assurances had been made to those involved that nothing detrimental would result from the investigation.

I subsequently sent emails to both Cohen and Aust.

I tender copies of those emails and their respective responses.

I subsequently received a telephone call from Matthews two days later. He denied that he had discussed anything with Wales or other officers at Blacktown other than the need to improve quality control of computerised crime entries.

He denied categorically having discussed the outcomes of the investigation beyond that issue and stated that he had not, in any event, finished his preliminary investigations report. I asked if this meeting he had admitted to with Wales and others had been in the company of an officer from the NSW Ombudsman's Office, he stated it had not but that he had gained approval from the NSW Ombudsmans office to have the meeting. This was not supported by Cohen in his response in fact Cohen had been ignorant of the meeting taking place. Since the Ombudsman was to oversight all aspects of the investigation I remained concerned regarding the purpose of the meeting admitted to by Matthews.

Matthews again stated that he would arrange a meeting when the investigation was completed and I advised him that I wanted a copy of his investigation report made available to myself prior to such meeting taking place. He indicated that it would not be his decision but he would bring my request to the attention of the Region Commander, Assistant Commissioner Robert (Bob) Waites. I left the matter there with Matthews but re-iterated my concerns to Cohen regarding the probity of the investigation.

I last received a telephone call from Matthews more than two months ago indicating that he had completed his preliminary investigation report and had forwarded to the Region Commander, Waites for review. He refused to discuss its outcomes with me.

That is where the report has since remained. Safely tucked away, un-actioned and unavailable. Of particular note though is the recent and dramatic decline in knife search

statistics Statewide. A phenomenon which coincidentally has manifested itself since my complaint was made public.

As for Cohen and the NSW Ombudsman, their position is one where they are simply advising me to contact Matthews regarding it's status. An unacceptable response but again one which Police whistleblowers are used to in New South Wales.

As far as the PIC is concerned, it neither cares nor is it accountable. Its governing legislation ensures that. In that regard I tender documents relating to a complaint I made to the NSW Parliamentary Committee for the NSW Ombudsman and Police Integrity Commission on 30th January, 2002.

I tender those documents.

No accountability, no responsibility and all quite legal.

There is no doubt in my mind that this internal investigation concerning the falsification of statistics was always destined to be compromised. Like the promotions system complaint, it's handling from commencement to this point in time has been designed with one express purpose, to minimise the damage to the Police Force by concealing the incompetence and corrupt conduct of it's senior managers.

I submit that given the circumstances, no other conclusion can be drawn.

Madam chair, members of the Committee, my motive in placing this information before you should be self evident. The State of New South Wales under it's current Government, has neither the will nor the desire to expose the corruption of its Police Force. It will not listen to, nor will it act upon, the evidence of Police whistleblowers and it does nothing to protect them. A criminal organization is permitted to continue to investigate it's own crimes and the results are obvious. The corrupt and incompetent are protected, whistleblowers complaints ignored or subjected to substandard investigations with pre-determined outcomes, the whistleblowers themselves victimised and the quality of policing in this State allowed to decline further.

No one has listened to us. For years, literally, our complaints have continued to fall on deaf ears, yet our sense of duty to the office of Constable has compelled us to continually seek the means to bring this evidence to light. The community which we have faithfully served would expect nothing less from us.

On their behalf then, indeed as much for their welfare as ours and in light of the information your committee has been presented, I call on you to give serious consideration to call for a Federal Royal Commission into the NSW Police Force and its administration by the current NSW Government. Anything less and you condemn us all into the hands of those who will continue to reward us with suffering for our courage in taking this stand.

In conclusion I tender to you some examples of complaints I have received from others who would have you made aware of them. Serious complaints that have also seen cover up and victimisation. I urge you to read them for they, like the matters I have placed before you, expose the real NSW Police Force.

Mark Fenlon
Sergeant
NSW Police Force
26th November, 2002