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Official Committee Hansard

**HOUSE OF
REPRESENTATIVES**

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS

Reference: Crime in the community

THURSDAY, 27 FEBRUARY 2003

SYDNEY

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HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

Thursday, 27 February 2003

Members: Mrs Bronwyn Bishop (*Chair*), Mr Murphy (*Deputy Chair*), Ms Julie Bishop, Mr Cadman, Mr Kerr, Mr Melham, Ms Panopoulos, Mr Sciacca, Mr Secker and Dr Washer

Members in attendance: Mrs Bronwyn Bishop, Ms Julie Bishop, Mr Melham, Mr Murphy and Ms Panopoulos

Terms of reference for the inquiry:

To inquire into and report on:

The extent and impact of crime and fear of crime within the Australian community and effective measures for the Commonwealth in countering and preventing crime. The Committee's inquiry shall consider but not be limited to:

- a) the types of crimes committed against Australians
- b) perpetrators of crime and motives
- c) fear of crime in the community
- d) the impact of being a victim of crime and fear of crime
- e) strategies to support victims and reduce crime
- f) apprehension rates
- g) effectiveness of sentencing
- h) community safety and policing

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Subcommittee met at 10.04 a.m.

CHAIR—I declare open this public hearing of the House of Representatives Standing Committee on Legal and Constitutional Affairs ‘Inquiry into crime in the community: victims, offenders, and fear of crime’. Since this inquiry began—and we began having public hearings in October—there have been some interesting developments. Firstly, in our first hearings we heard about a boy James, who backed up the claims made by Mr Tim Priest, a former policeman, concerning Cabramatta, and who had signed documents that the police had given him to sign and been promised by them the record of interview and those documents had been withheld from him for four months. I am pleased to say that those documents were made available the day before our aborted hearing on 6 December. They were delivered to his solicitor, I understand, at 4.30 the afternoon before that hearing was due to occur.

Secondly, Lola Scott has been sacked by the Police Commissioner and only this morning we have heard that Mal Brammer, who was the subject of evidence yesterday, has resigned from ICAC. The reasons given for this on the news and in the press reports this morning about Mal Brammer were that in the report of the Police Integrity Commission on Operation Malta, the quotes about Mr Brammer read:

- He misused SCIA investigative powers to conduct a wide-ranging “witch hunt” into members of the CMSU— which is the support unit for the reforms—

and a personal vendetta against Seddon.

- He used malicious and unfounded investigations into individuals as a means of maintaining the “old control and punishment mechanisms” in order to derail and delay genuine reform.

I also note that also adversely named in this report was Jeffrey Jarratt. The report says:

- He and Moroney— that is, the current commissioner—

actively undermined the Principle Led and Evidence Based Model and the CMSU.

We notice that Mr Jarratt was sacked. Of Mr Peter Ryan it is said:

- He did not comprehend that his Deputies were undermining the PLEB— that is, the principle led and evidence based model—

and the CMSU and he displayed a marked lack of insight and gross mismanagement.

The report also says:

- He directed Edd Chadbourne— from whom we have already heard—

Mick Tiltman—

who has been named—

and Christine Nixon to close down the BCU/CMSU.

- He gave evidence to the Parliamentary Budget Estimates Committee which was technically incorrect.

Mr Ryan has also resigned. The report also adversely named Mr Clive Small where it says:

- He worked surreptitiously to emasculate the cultural change program.
- His release of information about the internal investigation into the members of the CMSU was entirely inappropriate behaviour clearly meant to intimidate personnel under investigation as well as bystanders.

He currently is serving in the Premier's office. Of Mr Kenneth Edward Moroney, the current commissioner, it is said:

- He made veiled threats at the CMSU indicating it is destined for death.
- The investigation carried out by Brammer at Moroney's behest was a witch hunt which was designed and intended by Moroney to undermine the CMSU and its members.

I find it interesting that of all the people who were named, and there were another five—Mr Seddon was also mentioned and I think he has gone back to the UK—despite all the money, which was \$8 million, and all the investigations into Operation Malta, the Police Integrity Commission found that nobody was guilty of anything criminal and that no action really should be taken except some action in accordance with administrative discipline, which means that they can do anything except sack anybody. It is interesting to note that all those people have already gone, and we will certainly be asking people who have been adversely named in this inquiry who we indicated formerly to be invited to give evidence. That will of course include Mr Brammer, Mr Small and Mr Moroney. The committee will be keen to hear from those people.

Yesterday we heard further allegations from two witnesses, Mr Mark Fenlon and Mr Michael Kennedy, that there was little doubt there are some serious problems within the police promotion system. The committee will certainly follow up Mr Fenlon's claims. It was also interesting to hear Mr Kennedy's evidence, which appears to show that there might be what could be called a professional royal commission circuit, and we will certainly be following that up. We will hear further evidence today. We will begin with Mr Cook, as I was advised this morning that the witness scheduled to be heard first was taken ill last night. We are hopeful that he may come this afternoon. So there has been a slight change in our schedule, and we will begin with Mr Larry Cook.

Mr MELHAM—At the outset, Madam Chair, can I disassociate myself from the gratuitous comments you have just made in your opening remarks and your attempt to draw inferences and smear certain people without evidence. I think you are drawing a long bow in relation to some matters. The evidence speaks for itself.

CHAIR—We will note your disassociation.

Mr MELHAM—And I note that a lot of this stuff happened without the need for this particular inquiry to deal with it.

CHAIR—I now call Mr Larry Cook to give evidence.

Mr MURPHY—Madam Chair, I would like to disassociate myself from your comments—

CHAIR—I am sure you would—good.

Mr MURPHY—and in particular draw to your attention your failure to mention the very serious allegations that Mr Kennedy made here yesterday in relation to the Australian Federal Police and the fact that the Attorney-General has not responded to the Harrison inquiry report and other matters which are very serious and have been in the hands of the Howard government since August 1996.

CHAIR—Thanks for your comments, Mr Murphy. I said there seems to be a professional circuit of royal commission people, which covers a lot of the issues that were raised by Mr Kennedy—

Mr MELHAM—That is a smear, Madam Chair.

Mr MURPHY—You were selective in your comments, Madam Chair.

CHAIR—and I said we will be following them up.

Mr MURPHY—Yes, indeed we will.

Mr MELHAM—It seems you are engaging in a new McCarthyism, Madam Chair. That is exactly what you are doing—you are drawing inferences without evidence, and they are the wrong inferences.

[10.12 a.m.]

COOK, Mr Larry James (Private capacity)

CHAIR—Mr Cook, the committee accepted your submission originally on a confidential basis. Would you please advise the committee whether you wish your submission to remain confidential or whether you would agree to it being made public and published.

Mr Cook—I agree to it being made public.

CHAIR—Thank you. With regard to the—

Mr MELHAM—Is it a condition of your evidence that you give it in public, Mr Cook?

Mr Cook—No, it is not.

CHAIR—Just a moment—I am asking the questions here. You can ask questions when we come to you, Mr Melham.

Mr MELHAM—You are supposed to ask these questions before he gives evidence.

CHAIR—I will ask the questions, and you may ask when you get—

Mr MELHAM—You continue to breach standing orders, Madam Chair—

CHAIR—You will get the call when I give it to you.

Mr MELHAM—and deny members of this committee the opportunity to ask appropriate questions before the witness gives evidence in public. The fact that he has just answered my question—

CHAIR—You do not have the call.

Mr MELHAM—exposes your deceit yet again.

CHAIR—Mr Cook, you have provided us with additional material. Mr Melham, the only one involved in deceit is you. The additional material, as a supplementary submission, as a confidential—

Mr MELHAM—You keep telling this committee, Madam Chair, that these witnesses will not give evidence unless it is in public. Every witness I have asked has answered questions honestly and truthfully and each witness has indicated that it is not a condition of their evidence that they give it in public. That is not what you have told this committee. That is not what you have put on the record—

CHAIR—I think if you read the evidence you will find that is not true.

Mr MELHAM—in terms of the transcript.

Mr MURPHY—That is correct.

Mr MELHAM—I thank Mr Cook for his honest answer in that regard. You have deceived this committee. It is in the transcript, on the public record, from day one and day two. That is the point I make, Madam Chair.

CHAIR—Good for you.

Mr MELHAM—Standing orders require you to make certain inquiries of witnesses. You have misled this committee on a number of occasions.

Mr MURPHY—Correct.

CHAIR—I have not misled the committee, but you can always have your say.

Mr MELHAM—You have, Madam Chair. You indicated—and it is in the transcript—that these witnesses made it a condition of their evidence that they would only give it in public. That is not the case. This is the third witness who has answered honestly an honest question. I respect him for that, because he exposes your duplicity.

CHAIR—Excuse me. I am giving the call to Julie Bishop.

Ms JULIE BISHOP—Could I suggest that this be a matter for discussion in a private meeting and that we proceed with the public hearing today.

CHAIR—We are going to proceed with the public hearing.

Mr MELHAM—I have made my point, Madam Chair.

CHAIR—I have no problem with Mr Melham making his assertions. He has tried to close this committee hearing down continually, so it is nothing new. Mr Cook, you also supplied us with a supplementary submission and an attachment. We will receive the supplementary submission and the attachment as confidential at this stage and release it later, because we really have not seen what is in it.

Resolved (on motion by **Ms Julie Bishop**):

That this committee authorises publication of the submission received as evidence.

Resolved (on motion by **Ms Julie Bishop**):

That the supplementary submission and attachment be received as confidential evidence.

CHAIR—Mr Cook, would you like to make an opening statement?

Mr Cook—First of all, Madam Chair, thank you and the committee for allowing me to give evidence. This is the first time in five years that anyone has listened to the story of the demise of

my career at the hands of corrupt elements of the New South Wales Police. I joined the New South Wales Police in 1980. I came out of the Royal Australian Navy. I actually hold a commission as a reserve officer with the Royal Australian Navy. I have served in country and metropolitan New South Wales. I have been a general duty officer; I have been a highway patrol officer; I have been a special operations officer; I have been engaged in plain clothes duties. I had overseas duties with the Australian federal government as the operations and training adviser to the Highlands Command Royal Papua New Guinea Constabulary for two years, from 1993 to 1995.

I hold tertiary qualifications: I have a Bachelor of Education and an Associate Diploma in Marine Engineering. I hold the Star of Courage, the Royal Humane Society bronze medal and the surf lifesaving certificate of merit. I was awarded for bravery in Papua New Guinea on three occasions. I have commendations for my work in Papua New Guinea. I thought I had a fairly rosy future. The evidence I will give you today will show that if you speak out against the New South Wales Police and corruption your career will come to a sudden demise, as will your health. Basically, I have been forced into a position now where I really feel I have to leave New South Wales.

Between 1997 and 2002 I have been subject to almost continuous attack by corrupt elements of the New South Wales Police. The evidence I will give today relates to corruption within the Internal Affairs branch, the Police Integrity Commission and the New South Wales Ombudsman's office. I will also detail corruption within the New South Wales Police College and the protection corrupt officers receive from the highest officers of the New South Wales Police and the Police Integrity Commission.

The first issue I will bring to your attention is the matter of police versus Probationary Constable McCabe. I mention this matter for the sake of chronology and the reasons behind the actions that I took at the New South Wales Police Academy in 1999 and 2000. I will refer to the matter and the subsequent implications for me and my family after I explain the academy issues.

I will now refer to the New South Wales Police Academy corruption and the audit documents. I have the annexures, but I apologise to the committee because I have not marked the annexures. If you bear with me, I will go through a summary of what those annexures are. Following complaints made by staff members and adverse media reports, auditors—who included Inspector Mawdsley from Batemans Bay, Mr Arthur Abraham and Mr J. Petersen from SPIU, the Systems and Process Inspection Unit—were appointed to conduct an inquiry at the New South Wales Police Academy from 3 April 2000. Some of the results of their audits are summarised as follows:

Annexure A1—Audit of NSW Police Academy—Progress Report to 14.4.00

- Serious problems with the Principals Management Style including victimisation and ill treatment of staff, poor morale, lack of motivation and low self esteem of staff and, “there is a consensus of opinion that Headquarters is aware of the serious problems at the Academy particularly relating to the Principal's performance. However there has been little action to address the issues. The Principal's ‘high ranking’ connections are sighted (sic) as a reason for the inaction”.

Mr MURPHY—Who is the principal?

Mr Cook—Chief Superintendant Reg Mahoney.

Mr MELHAM—Is that a direct quote?

Mr Cook—That is a direct quote from the documents.

Mr MELHAM—Whereabouts is that in the annexure? Can you point that out to the committee, please? It has just been handed to me; I have not had a chance to look over it.

CHAIR—This is the attachment to your supplementary submission, Mr Cook?

Mr Cook—Yes.

CHAIR—What page are we on?

Mr Cook—I do not have the document in front of me.

CHAIR—Could somebody give Mr Cook a copy.

Ms PANOPOULOS—To assist Mr Melham, that quote is at the bottom of the first page of the document headed *Audit of NSW Police Academy—progress report to 14.4.00*.

Mr MELHAM—Thank you.

Mr Cook—Do you have that?

Mr MELHAM—Yes.

Mr Cook—I am sorry about the confusion. I was expecting another document that I did not get, so it made things a bit of a jumble.

Mr MELHAM—Is this an original document?

Mr Cook—No, it is not; it is a copy. The original is held at police headquarters.

Mr MELHAM—So the original is held at police headquarters and this is a reproduction of the original.

Mr Cook—It is a photocopy of that document.

Mr MELHAM—Is it a photocopy or a reproduction?

Mr Cook—It is a photocopy.

CHAIR—So you are reading from the document headed *Audit of NSW Police Academy—progress report to 14.4.00* and you are quoting from the last paragraph.

Mr Cook—Yes. Without going into great detail, because I have got so much to say about this matter, this is one of the most disturbing documents I have read. After what happened to me, as I will explain, when I got this document I nearly fell over.

CHAIR—Rather than have you read it into the transcript, having seen the document now, I propose that it be made public. Is it the wish of the committee that this document be made public? There being no objection, it is so ordered.

Mr MELHAM—How did you get this document, Mr Cook?

Mr Cook—We got it through freedom of information, through a colleague.

Mr MELHAM—So it was obtained through proper channels—through freedom of information?

Mr Cook—Yes, it was. My freedom of information requests have been refused without any reason being provided.

Mr MELHAM—But this was obtained through another colleague?

Mr Cook—This was obtained through another FOI request.

CHAIR—Please continue, Mr Cook.

Mr Cook—The summary of annexure A1 continues:

- Fraud and tax evasion issues relating to the Principal's motor vehicle
- Supply to the Principal and his family, friends and guests of free accommodation, food, alcohol, entertainment, the Principal's overseas visits and management retreats
- Anomalies with catering and accommodation service provision with little or no checks and balances and vital information withheld from the Tender Evaluation Committee
- The provision of free accommodation to the civilian catering manager
- Conflict of interest with CSU tender processes
- Conflict of interest in the provision of material produced by the NSW Police to CSU
- CSU profiting at NSW Government expense
- Loss of \$100K in the transfer of the Police shop to the PANSW
- Transfer of Police shop conducted without tender
- The Principal is the Director of a company called Protective Behaviours and has made that company's programs a mandatory part of police training, without tender, for financial gain
- The Principal's presenters were provided with free food and accommodation
- No trading report for Academy bar operations in over two years
- FBT avoidance issues with accommodation and meals to management, staff, Principal's friends and guests
- Free Academy accommodation (and refurbishment of same) at taxpayer expense for a guest of CSU

The next document is annexure A2—*Report by Inspector R.E. Mawdsley on review of NSW Police Academy operations*. I know Superintendent Mawdsley—who was then Chief Inspector Mawdsley—from Batemans Bay. He is a very honourable man. It was extremely refreshing for me to read these documents after the secrecy of the academy.

CHAIR—Where did this document come from?

Mr Cook—All of these documents came from an FOI request by a colleague. It is a photocopy of an original document.

CHAIR—In that case we might move that this document also be made public. We will go through them one by one. Is it the wish of the committee that this document be made public? There being no objection, it is so ordered.

Mr Cook—The summary of Annexure A2 states:

- Principal's Leadership Style—

Inspector Mawdsley says—

“... their (Academy Management Team) ability is stifled by the Principal's inability to consider alternative views to his own, undermining their position by acting without consultation and generally on his part, poor leadership. The impact of all this is manifested in cases of work related sickness (in terms of stress/depression) ... cynicism amongst many staff and a culture of fear of raising concerns or questioning decisions.

- Risks including embarrassment for the service through media attention if exposed by frustrated staff, waste of resources, increase in work related illness, particularly stress-related disorders and the opportunity for corrupt/unlawful practices to flourish due to poor management and accountability.
- Evidence of a potential to be victimised when speaking out—

and I certainly know about that one—

- Potential for corrupt, illegal and unethical practices to occur, particularly amongst those who have power through senior positions
- Conflicts of interest in the Police/CSU partnership

The next document is annexure A3—*Transfer of Police Academy shop to the PANSW*.

CHAIR—What was the source of this document?

Mr Cook—FOI.

CHAIR—Okay. Is it the wish of the committee that this document be made public? There being no objection, it is so ordered.

Mr Cook—The summary of annexure A3 continues:

- Breaches of Government Guidelines, Police and Code of Conduct warranting report to the ICAC
- The loss of considerable monies (\$50K annually)—

and that is in addition to the \$100,000 loss in the first place.

CHAIR—I think you had better explain a bit about this.

Mr Cook—The Police Academy had a shop selling items to students—there was clothing, souvenirs and curios. People who came to the police graduations would go down there. People would buy caps with ‘Academy’ written on them and jumpers with ‘Academy’ written on them. That shop was transferred to the Police Association.

CHAIR—Who was conducting it previously? Was it the university?

Mr Cook—No, it was run by the academy itself using public service staff.

CHAIR—Did it make a profit?

Mr Cook—Yes, it was making a profit.

CHAIR—I see.

Mr Cook—It appears that it was \$50,000 annually.

CHAIR—And it was transferred without having any tender process?

Mr Cook—That is exactly right.

Mr MELHAM—In relation to each of these documents you are tendering which are the result of an FOI request from a colleague—

Mr Cook—From the Police Service.

Mr MELHAM—did you put in FOI requests for each of these documents?

Mr Cook—Yes, I did. I have never received a response. At the moment, I am going to take the matter to the ADT to try to get the documents that I am entitled to.

Mr MELHAM—But your colleague put in the same request and received them?

Mr Cook—No, he put in a request eight months ago and has just received them.

Mr MELHAM—When did you put your request in?

Mr Cook—I put my request in, originally, in November last year and they said that they lost it. I submitted another one about six weeks ago.

CHAIR—They said that they lost the November one?

Mr Cook—Yes.

CHAIR—But they still dealt with the one that your colleague put in. So the source of these documents is still FOI?

Mr Cook—Yes. The summary of annexure A3 continues:

- Management of the transfer of this shop lacking accountability, probity and transparency
- Ms Friedrich (Independent Legal Officer) advised against the transfer in 1997. Mahoney advised that he had a meeting with the Service Solicitor and “reached agreement that the suggested transfer is in the best interest of the Police Service”. There was no such evidence on file and the Auditors quote, ... “in the absence of the minutes of the meeting the appropriateness, legality and integrity of the final agreement becomes questionable”.

The next document is annexure A4—*Audit of accommodation and commercial services*. The summary states:

- Mahoney receiving gifts from the contractor, including cash, tickets to events, meals and accommodation
- Mahoney not ensuring efficient and effective contract management

That goes hand in hand with the free accommodation for the contract manager and the free meals provided to family and friends. The next document is annexure A5—*Asset management*—

principal. It deals with a missing laptop computer. I am not too sure of where that stands at the moment. The next document is annexure A6—*Accommodation, meals, special functions and catering—additional information (evidence)*. The summary states:

- Mahoney's free use of accommodation for himself, family, friends and his employees in the Protective Behaviours Consultancy at taxpayer expense.

CHAIR—I am looking at the document about probity issues arising out of the transfer, which is consequential on the transfer document itself. On the last page under the heading, 'Risks to the Police Service', it says:

1. Potential embarrassment and criticism in not being able to answer questions on integrity, probity and double standards resulting from direct negotiations and favouritism.
2. Breaches of Government and Agency guidelines on competitive tendering, contract and market testing, procurement and disposal, etc.
3. Poor value for money and below Market return on investment and resources.
4. Loss of revenue and unnecessary costs incurred.
5. Improper disposal of Public Sector assets and resources.
6. Litigation by potential providers (Hopes, Student Union, Police Credit Union)—

who would presumably all have tendered—

7. Corrupt and improper conduct by certain personnel leading to potential culpability either criminal and/or managerial.

RECOMMENDATION:

Issues raised, concerns, breaches and complaints be investigated.

It is signed by A.S. Abraham, Audit Manager, System and Process Inspection Unit. At the bottom, it says, 'M. J. Brammer, Commander, Special Crime and Internal Affairs.' Has there been an investigation, subsequently?

Mr Cook—There has been an investigation, Madam Chair—there has been a real good investigation. I will get to that one.

CHAIR—You will come to that.

Mr Cook—The thing that concerns me most about this—and, as you can probably see, I am upset about it so long after the event—is that this is the place where we are forming new attitudes of police to hit the streets in New South Wales, and it is being run by crooks. It is being run by crooks, and they ran the honest police out of the academy and we have received no help. But I will get onto that.

CHAIR—Okay. What is your next exhibit entitled?

Mr Cook—The document is annexure A7—*Audit and related enquiries by the systems process and inspection unit of New South Wales Police Academy operations—A. S. Abraham*.

Mr MELHAM—Is that the one dated 3 August 2000?

Mr Cook—Yes, it is. It says:

“As the audit team leader I am most concerned in the manner the Commissioner has entertained these complainants (the persons subject to investigation in the audit)

They scream to headquarters. We have already heard in one of the first documents how Mahoney was protected by his high-ranking connections in police headquarters. So what did they do? The audit was finding the truth. They put another lot of auditors in who found exactly the same thing. But it shows the action taken by police headquarters to protect their mate Mahoney.

CHAIR—You said it was the document dated 3 August—

Mr Cook—Yes, it is. It is headed *Audit and related enquiries by the systems process and inspection unit*. I will quote from that document:

“As the audit team leader I am most concerned in the manner the Commissioner has entertained these complainants (the persons subject to investigation in the audit) * ahead of the internal complainants whose actions have brought about this audit and investigation. The internal complainants have and are still suffering at the hands of this group and are looking to the auditors and investigators for support, justice and appropriate action. Because of the unsatisfactory state of affairs and the persistent bullying tactics, a number of academy personnel have proceeded on long term sick (stress, anxiety, depression, etc) and if there is no improvement in the short term the number on sick leave will increase.an independent auditor be engaged... ..to audit and review the work of my audit team—

Mr MELHAM—Could you just read the little bit before that? Baldwin’s appeal to the commissioner was fruitful, resulting in the commissioner directing that ‘an independent auditor be engaged’ on a fee-for-service basis ‘to audit and review the work of my audit team while the honest complainants of the academy continue to suffer unnecessarily.’ So Mr Abraham says that the commissioner has acted appropriately.

CHAIR—We will let Mr Cook give his evidence at this stage.

Mr MELHAM—What I was concerned about, Madam Chair, is that that should have been read onto the record.

Ms JULIE BISHOP—It is an exhibit.

CHAIR—It is an exhibit. It has been made public—or it will be made public in just a moment.

Mr MELHAM—I accept that, but it seems to be a bit selective.

CHAIR—If you don’t mind, Mr Melham, you can ask a question when you get the call. Mr Cook, would you mind continuing.

Mr Cook—I would just like to address that. The evidence I will give here today will show that absolutely nothing was done. As far as anyone acting honourably in this matter, that never happened.

CHAIR—I see.

Mr Cook—That never happened.

CHAIR—Are you saying that the commissioner directing that an independent auditor be engaged did not occur?

Mr Cook—An independent auditor did, but he found the same things. But he answered the call of his mate who was screaming out. As I have given previously in evidence, he had high-ranking connections in headquarters, and they were protecting him. When he said, ‘Oh, the auditors! They are going through and finding all this stuff. We’ll get someone else in to try and find another view’, that was not what they wanted to hear.

Mr MELHAM—The commissioner engaged an independent auditor, didn’t he? Let us be clear.

Mr Cook—Yes, he did. But he found the same thing.

Mr MELHAM—That is the auditor. But the commissioner engaged an independent auditor. Let us be clear about that.

Mr Cook—I wish the commissioner had engaged someone independent for me after what they have done to me.

Mr MELHAM—I am not going down that path. I am saying that the evidence before the committee is that the commissioner engaged an independent auditor.

Mr Cook—I will show today that when a senior officer has some problems he gets immediate assistance, and they go all out. When someone like me needs assistance, I get thrown on the garbage heap with the rest of my colleagues.

Mr MELHAM—I accept that you might be unhappy with the auditor’s findings.

Mr Cook—I am unhappy with criminality within the New South Wales Police—a job I have given 23 years to and I still abide by my oath. I see criminals sitting over in College Street still running the place and that is what I get upset about.

Mr MELHAM—You concede, however, that the commissioner engaged an independent auditor.

CHAIR—He has already responded to that point, Mr Melham. Is it the wish of the committee that this document be made public? There being no objection, it is so ordered.

Mr Cook—Other documents include *Use of academy facilities—bar services*—I will not go into these documents—and *Use of academy facilities—accommodation, meals, special function catering and bar services*.

CHAIR—Is the *NSW audit of bar and police shop operations* also an FOI document?

Mr Cook—Yes, it is.

CHAIR—Is the *Use of academy facilities—accommodation, meals, special functions and catering* also FOI?

Mr Cook—Yes, it is.

CHAIR—Is the *Audit of accommodation and commercial services*, contract for catering and cleaning with Spotless Services, also FOI?

Mr Cook—Yes, it is.

CHAIR—Is the *Use of academy facilities—bar services (alcohol and staff costs)* also FOI?

Mr Cook—Yes, it is.

CHAIR—And another document entitled *Use of academy facilities—accommodation, meals, special functions catering and bar services* dated—

Mr MELHAM—I think the earlier document is 21 August 2001, based on what is at the bottom of the report.

CHAIR—This one does not seem to have a date on it.

Mr MELHAM—The other one does not have a date on it.

CHAIR—It is without a date. Is it the wish of the committee that all those documents sourced from FOI are authorised for publication? There being no objection, it is so ordered. Mr Cook, please continue with your statement.

Mr Cook—The next document I expected that I would have in my possession today. I have read this document, but I do not have it today. I would like to get your opinion on the possibility of my tendering this document at a later stage.

CHAIR—Yes, you can do that.

Mr Cook—It is entitled *Highly protected investigation ongoing*. It is a letter from Mr Brammer to Mr Jarratt regarding the audit of the academy. While I do not have this document here, these are some of the issues that came out—

Mr MELHAM—How did you get to sight that document? It was not addressed to you.

Mr Cook—No, it was not. It was provided to me by someone who knew of my predicament. They read it out to me. I saw parts of it and then they took it away.

CHAIR—Do you expect to get this document again?

Mr Cook—I expect to get the document. I hope I get the document for the sake of the truth coming out. It was prepared by Mr Brammer.

Mr MELHAM—When was it prepared?

Mr Cook—It was prepared in 2000. It indicated that the complaints concerning the academy had escalated dramatically during the past five years and that morale at the academy, as indicated in the audit documents, has suffered and continues to suffer as a result of poor

leadership which fosters cynicism and diminished free communication. If you spoke out, you were hammered—if you said one thing. Unfortunately for me, I was outspoken. There was significant stand-down time between courses and lectures and it was a waste of public money. It goes on to say that the academy management did not consult staff on decisions, as has been discussed, and that management was forever absent. Mr Mahoney was never at the academy. You could not get him Mondays, you could not get him Fridays and other times he was elsewhere. That is mentioned in that document.

Mr MELHAM—Where is he now?

Mr Cook—Can I leave that at the moment?

CHAIR—Yes. Continue with your evidence.

Mr Cook—The document goes on to say that management was forever absent, sporadic and only likes good news. Those who bring bad news are isolated. There is a report saying there is a genuine fear of victimisation prevailing in academy senior staff if you speak out honestly. The document does not stop at complaints about management. It suggests the deliberate misuse of office has occurred and may be occurring to procure an advantage or disadvantage in matters of promotion, discipline, transfer and the like through patronage, friendship, personal prejudice or threat. The report also documents apparent financial impropriety and substantial costs incurred by taxpayers due to the unauthorised and inappropriate use of motor vehicles, the misuse of academy accommodation, a conflict of interest in the relationship with academy contractors, missing equipment and funds, and nearly \$17,000 worth of glassware unaccounted for, presumed misappropriated. Regarding general expenditure at the academy, it was overspent by half a million dollars in the financial year 1999-2000 and by \$850,000 in 2000-01. The document says that there is cronyism and favouritism in hiring and promotions. That document went to Mr Jarratt. I have been told by a colleague from headquarters, whom I do not want to name, that Mr Jarratt was advised that there was sufficient evidence for the prosecution of Mr Mahoney. Mr Mahoney was taken out of the academy—

Mr MELHAM—That is a bit of hearsay. You were not told yourself.

Mr Cook—We are in a federal inquiry where the truth comes out.

Mr MELHAM—Not necessarily where the truth comes out but where hearsay is allowed. I am asking you: were you told directly by Mr Jarratt?

CHAIR—You were told by Mr Jarratt.

Mr Cook—They do not tell anybody anything, Mr Melham. They keep it all a secret. You talk about coward's castle. Coward's castle is one street over at 14-24 College Street.

Mr MELHAM—Can you tell me now where Mr Mahoney is?

CHAIR—Daryl, he is completing his evidence. Would you continue, please, Mr Cook.

Mr Cook—What happened was that he recommended that there was sufficient evidence for criminal charges. But Mr Jarratt and Mr Mahoney had worked together. They had been friends. So they left him in headquarters for a while, then they gave him another command. He lost his senior executive contract as chief superintendent. He was moved back to the rank of chief inspector, was automatically given a section 66 as superintendent and was given a command where he lives.

Mr MELHAM—Who was this?

Mr Cook—He was moved about a month ago to the radio section, VKG, in the Sydney Police Centre.

Mr MELHAM—Who was this?

Mr Cook—Mr Reg Mahoney.

Mr MELHAM—So he was removed a month ago?

Mr Cook—He was taken out of his command a month ago and put into the Sydney Police Centre, in charge of radio communications.

CHAIR—Get it in order. He was removed from the Goulburn academy.

Mr Cook—Yes, to headquarters.

CHAIR—When?

Mr Cook—That was in late 2000, possibly in August or September.

Mr MELHAM—That was when Mr Mahoney was removed from the academy in Goulburn.

Mr Cook—Yes, he was.

CHAIR—Was he removed or was he just transferred?

Mr MELHAM—That coincided with these reports?

Mr Cook—Yes.

CHAIR—Daryl, if you do not mind.

Mr MELHAM—It is a bit of a hotchpotch. We are at cross purposes.

CHAIR—I happen to be chairing this meeting.

Mr Cook—I have not got to that point yet, Mr Melham.

CHAIR—Mr Cook, I just want to get that order clear. In late 2000, was Mahoney removed or merely transferred?

Mr Cook—He sent an email out to all academy staff which said that because he had been travelling for such a long time he had decided to move back to Sydney to be closer to his wife.

Mr MELHAM—He was transferred out at the same time as these reports.

Mr Cook—We do not know whether he was. He says he was transferred.

Mr MELHAM—Yes, and you have no evidence to the contrary, have you?

CHAIR—Would you mind continuing your evidence, please? I just wanted to get those three things in order. As chief inspector his rank dropped.

Mr Cook—Yes, back to what it was before he took up the contract at the academy.

CHAIR—So he lost his senior executive service contract?

Mr Cook—Yes. Then he went to headquarters.

CHAIR—Why would you lose your SES contract?

Mr Cook—I cannot speculate on that, but some of the reasons are that you do not do the job anymore or for nonperformance.

CHAIR—Okay. He became a chief inspector.

Mr Cook—Yes.

CHAIR—How long was it before he was given a section 66 promotion?

Mr Cook—It was not long after that. I do not know the exact date. The next thing I knew, I received a phone call saying, 'They've put Mahoney back as a commander at Miranda.' He was made local area commander on a section 66.

CHAIR—He was at Miranda, then he was moved from Miranda to the radio section.

Mr Cook—Yes, about a month ago.

CHAIR—With what rank?

Mr Cook—Superintendent. It appears now that he is not a section 66 superintendent, he is a confirmed superintendent.

CHAIR—How long did he hold the section 66 superintendent position?

Mr Cook—For at least two years.

CHAIR—Would it have been three?

Mr Cook—It could have been close. He might have been made up on the 66 time frame.

CHAIR—Do you get an automatic confirmation of a section 66 appointment with the elapsing of time?

Mr Cook—It is two or three years.

CHAIR—We do not know whether it is two or three years?

Mr Cook—I am not too sure.

CHAIR—I see. Would you mind going on?

Mr Cook—I will now detail what happened to me at the New South Wales Police Academy. To start this I have to make you understand what a professional standards manager is. As a result of the Wood royal commission, each command was given an internal affairs consultant known as a professional standards manager. These people are known in some circles within the New South Wales Police as Mr Fixit. On the back of the submission I have put a flow chart to help you understand what happened at the academy and how this all came about. They have a direct line role from their area commander and as a result these officers rely on the goodwill of their commanders for advancement. You have to have the support of your commander to get advancement in this system. If you do not perform, you cannot get the backing to go forward. They have put these people under the commanders, which makes a complaint against the commander a near impossibility because he has a Praetorian Guard set up around him. The professional standards manager has been, and is currently being, used by corrupt and inept management in the New South Wales Police. In 2000 I met a former colleague who had been appointed inspector, professional standards manager, in one of the largest commands in this state. I asked him what he did in his position. He said, in all seriousness, 'I blow out complaints.' We have Mr Fixit and, 'I blow out complaints.' These people, who were put in post royal commission so that there would be an internal affairs presence in commands, now protect these bosses.

All the malice and ill will against me over my stand against corruption in the New South Wales Police Academy has been engineered by the professional standards manager in the academy in 1999, 2000 and 2001, Senior Sergeant Bradley Howell. Howell has been the enforcement arm of a corrupt principal, Superintendent Reg Mahoney, and other officers who have protected and been protected by Reg Mahoney. My submission will detail events and links to prove this fact.

From the outset of my time at the academy in 1995, when I returned from Papua New Guinea, I had been critical of aspects of management and systems at the academy. In particular, I was concerned at the abusive manner of some staff towards other staff and students, the poor treatment of students and the extremes of sanctions against students who were perceived to be troublesome or different. This put me at odds with management, as indicated in the previous audit documents, in that if you spoke out you got hit. I backed up my criticisms with facts and took my concerns to Superintendent Ian Tomkins, who was my head of school, and Principal Chief Superintendent Mahoney. I was popular with students and Chief Superintendent Mahoney

tried to capitalise on my popularity by asking me to accompany him when he addressed students. He began to ask me to play golf with him after work. He approached me at a graduation dinner in 1997 and tried to recruit me to the network.

What happened is that I gave a speech to the students—this was post royal commission—and I said that the police in New South Wales had a fine tradition of making the state the way it is, and that their perception of the New South Wales Police should not be coloured by the crooks that were exposed during the royal commission. What they should do is stick to their oath. I said, ‘When you go to your stations’—this was just before they went out to their stations—‘you are going to find people at work and you will wonder why they are even there. They are obtaining benefit by deception by turning up at work because they do not do anything.’ I told them to find role models and to stick to those models. Something I said in that speech put Mahoney offside and he called me over after I gave the speech. He said, ‘Larry, you are popular with the students. You are going to go a long way, if only we can lose your politics.’

I said, ‘You say to me: if only I could lose my politics. Politics to me is something that has a bad connotation: politics isn’t telling the truth. If you expect me to tell you everything is rosy here at the academy, you’ve got the wrong bloke. If something’s wrong, I’ll tell you what’s wrong and I will tell you how to make it better. If something’s right, I’ll also tell you what’s right about it and how we can make it even better.’ He sat back in his chair, put his hands behind his head, laughed at me and said, ‘You’ll learn,’ and that is when my career started to seriously decay. I would not join the network.

Between 1996 and 1998 I had been conducting voluntary after-hours study classes for students without being paid. These study classes would go from about 4.30 in the afternoon, after the students had been in class for about eight hours, until about six or seven o’clock at night, and then I would ride my pushbike home. In April 1998, at the behest of management, I was defamed to the students. They told the students that I was unethical and dishonest, educationally unethical, second-guessing examination questions and unethically topping up students before exams.

CHAIR—Where did they make that statement?

Mr Cook—Another instructor made that statement on the direction of management of the academy.

CHAIR—How do you know he made it on the direction of management?

Mr Cook—There was a conciliated complaint made about it, and I took off on six months long service leave. I never taught students again after that time. It caused me to lose my job.

CHAIR—Hang on—another instructor at the academy made this as an open statement to his students?

Mr Cook—To my students—200 of them.

CHAIR—And they reported it back to you?

Mr Cook—They came straight back to me and said, ‘This is what he said’. I was stopped from doing these classes. These classes were part of a performance—

CHAIR—Hang on—he made that statement and they came back and told you. What did you do about that?

Mr Cook—I made a complaint.

CHAIR—We will come back to that later.

Mr Cook—These comments were made at the direction of Superintendent Ian Tomkins. When I complained, Tomkins told me that I did not have permission to use the academy after hours, that I was upsetting single-mother instructors who could not devote the time that I could to the students, that if I was injured riding my bicycle home from the academy I would not be covered and that I could not work without being paid.

CHAIR—Single-mother instructors?

Mr Cook—Yes, single mothers. I upset the single mothers because I was becoming popular at their expense because they had to go home to their kids and I could stay back at the academy because I was single. This is how they operate; this is how they do a job on you.

CHAIR—It is the union principle that we all work at the slowest pace—yes, go on.

Mr Cook—I have documents from the principal and the acting principal congratulating me on those sessions. I got letters from parents for helping their students through the exams by running study classes and by making them available to everybody. In a competitive environment of 200 students, do you think I would be giving them the answers to the exams? Surely some of the people who were putting their heads down in study would have gone up and said, ‘I’m studying and this fellow’s given all the answers to the exam.’ This is what sort of a furphy it was, and I could not work out what was behind it.

Ian Tomkins was the acting principal at the time. Mahoney came back and I went and saw him. I told him that corruption was rife at the academy, as evidenced by the following facts, and this is what I reported to him: the course material I had written was stolen and ideas I put forward were appearing with someone else’s name on them; my defamation, with no action taken against the offenders; no action taken against instructors for the sexual harassment of students; management dismissing, trivialising and conspiring to destroy legitimate complaints while threatening staff with immediate transfer for doing cartoons about academy management; corruption matters in the university partnership; the poor quality of students produced; the intention of Charles Sturt University to sell material fully produced by Police Service personnel to other universities; and corruption in academy promotions. Without going into those matters, because it is going to take all day if I do, the place was rotten and here I was fronting the principal and saying, ‘This is what is wrong with your place.’ Read the audit documents—what was the reaction against me? I was put in a box: ‘This bloke’s a renegade. This bloke’s trouble. This bloke we’re going to do a job on’—and they did it.

In early May 1999 a promotion interviewee for sergeant rank within the academy stated that he knew nothing of the job he applied for, that he was a friend of one of the selection panel

members and that he had a 'magic' application. This was reported to the staff officer. I went to the staff officer and complained. The complaint was ignored and was not even assigned an EMS number. The resulting action of that was that Angela Myers, whom you heard about yesterday, came down to the academy and told us everything was all right. This was a serious complaint, this was the promotions system being corrupted—and Angela Myers came down.

Ms JULIE BISHOP—Is that the promotions system that we heard about yesterday?

Mr Cook—Yes.

Ms JULIE BISHOP—This was an instance that you were complaining about within the framework of that new promotion system?

Mr Cook—Yes.

Ms JULIE BISHOP—Thank you.

Mr Cook—My last day that I ever spent as a police officer was 26 May 1999, shortly after all this came to a head. I never returned to work. I thought the separation from the workplace would solve my problems. This turned out to be the beginning of a campaign of victimisation and harassment by academy management that continued over the next three years. On 31 October 1999 I received two reports from staff members at the academy that Senior Sergeant Bill White was telling staff that I was mentally ill. I complained to management. The complaint was assigned to Inspector Garry O'Dell, the sergeant's workmate and fellow member of the school of operational policing management team. If you look at the flow chart, you will see where they sit in the plan of things. On 18 November 1999 O'Dell wrote that he had completed his inquiry. No witnesses were spoken to. He admitted that derogatory comments were made against me and he did not request further information about my complaint. On the same day I wrote to O'Dell questioning why defamatory comments regarding me were being tolerated by management. On the scene came Senior Sergeant Bradley Howell. On 30 March 2000 Bradley Howell, the college professional standards manager, replied to me stating that my complaint had been dealt with, and he refused to answer any other questions.

Ms JULIE BISHOP—Was that in writing or did he say that?

Mr Cook—In writing.

Ms JULIE BISHOP—You got a letter from him saying that you had in fact been dealt with?

Mr Cook—I got a letter from him saying nothing more and saying, 'If you have anything to say, you ring me.' I had already seen the complaint.

CHAIR—And this was your complaint relating to the statement to students?

Mr Cook—No. This was the further complaint about people saying that I was mentally ill.

CHAIR—I see.

Mr Cook—This was from Senior Sergeant White.

CHAIR—Who made the mentally ill statement—you mentioned the man's name?

Mr Cook—Senior Sergeant Bill White. We will get on to him in just a moment.

Mr MELHAM—When you went on sick leave, was that as a result of a medical examination?

Mr Cook—Yes. In October 1999 a staff member contacted me and told me that the same Senior Sergeant Bill White who had been defaming me was nominated for the Australian Police Medal. This sergeant had—and this is factual and backed up—failed assessments for inspector, had fewer teaching hours than most other instructors and consistently required to be told what to teach at very short notice. He would come into your room five minutes before a class and say, 'I've got a class; what will I teach?' I would give him my notes and he would run through that. That is the sort of preparation he did. He just did not know what to teach. He had been counselled by academy management for inappropriate comments to students, after complaints were made about him at Charles Sturt University. He had been complained of for sexist comments by female instructors when he stopped them from attending a drill session course because, as he said—and excuse me for this—'I don't want fucking sheilas on the parade ground.' He—along with Superintendent Tomkins—blamed an Aboriginal police instructor for stealing cake and biscuits from Tomkins's storeroom, causing the locks to be changed, only to find out that mice had eaten the cake and biscuits. He blamed the same Aboriginal instructor for wiping faeces on toilet walls at the academy because he was Aboriginal and, as he said, 'they do that type of thing.'

CHAIR—This is White?

Mr Cook—This is White—the Australian Police Medal winner.

Ms JULIE BISHOP—He did win the medal after all?

Mr Cook—Yes, he got the medal. We get into a more convoluted story now. He consistently made derogatory comments about staff members with regard to race and personality—

CHAIR—Just going back to those comments about the Aboriginal policeman—

Mr Cook—Senior Constable Leo Martin.

CHAIR—Where were those comments made?

Mr Cook—In Tomkins's office, outside Tomkins's office and in the meal room.

Mr MELHAM—Were you present when those comments were made?

Mr Cook—Yes, I was.

CHAIR—And you heard them yourself?

Mr Cook—I heard them myself.

Ms PANOPOULOS—Did anyone register complaints at the time?

Mr Cook—There was no point in complaining about management at the academy. They ran it in circles. They had their mates investigate their mates, contrary to Project Dresden that said that that will not happen. This was totally ignored.

Mr MELHAM—So you did not lodge a complaint?

Mr Cook—I did not lodge a complaint. I knew what the bloke was like.

Mr MELHAM—Did you take a note of it at the time?

Mr Cook—No, I did not. I did not need to take a note. It is burned into my memory.

Mr MELHAM—Thank you.

Mr Cook—He consistently made derogatory comments about staff members in regard to race and personality and relayed information on staff members to the meal room, to management, and had supplied several tonnes of bush rock and manure to Superintendent Tomkins, the officer who nominated him for the Australian Police Medal.

I am at home on sick leave. I have this fellow absolutely burning me saying I am mentally ill. I get this phone call and he is nominated for the Australian Police Medal. I have been an operational policeman for most of my service—the APM for excellence in policing—and we have this fellow, who has been at the academy for 17 years sheltering from the storm, and they are giving him the Australian Police Medal. I made up an A4 page which said: ‘Attention staff: are you an underachiever or a sneak but still want to be considered for the APM? There is hope. For a few tonnes of bush rocks and a little informing on your colleagues, you too can be considered. Phone 82646.’ I gave it to the fellow who supplied me with the information and another colleague and they laughed. One of my colleagues put it in Tomkins’s letterbox and the other fellow, who gave me the information, put it up on a noticeboard at the academy.

What happened? We get a real investigation into a serious police matter. The Goulburn local area commander, Superintendent Worboys, gets dragged into the action. ‘Larry, I need to come and talk to you.’ ‘Yes, okay.’ I went down and told him what I did. I told him all about it and asked, ‘Why?’ I made an official complaint. I was interviewed by Worboys. I gave him a full statement and a complaint and he said, ‘Mate, this is a storm in a teacup.’

Mr MELHAM—What was the complaint about?

Mr Cook—The complaint was the harassment of Superintendent Tomkins.

CHAIR—Because you put that in his letterbox.

Mr Cook—Because a colleague’s daughter put it in Tomkins’s letterbox because her friend lived next door to Tomkins. Tomkins then claimed harassment because someone came in the

middle of the night and put something in his letterbox. That is a fact. 'Someone came in the middle of the night and put it in my letterbox and my wife and I are now terrified.' I am sure they have an AVO against their postman, if a new one comes on the scene.

I made a formal complaint to Worboys about the corrupt APM nomination. The complaint was then sent back to the academy, to the people I had complained about. Tomkins nominated White and Mahoney then backs up the nominations and forwards it up the line, because we have the academy network. At the top of the network, we have the head of education and training command, which is Ken Moroney. We have Reg Mahoney and Ian Tomkins. We have a network going on here. The police is rife with networks. I can tell you who is in these networks in a lot of cases. The complaint goes back and they would have scrummed down. The complaint I made about the serious matter of the corrupt nomination went back to the people I had complained about. That is in contravention of the Police Service Act.

On 15 January 2000, I contacted Principal Reg Mahoney and complained about the growing attacks by academy management upon me. It started. There were people saying I had done this and I had done that; it was coming straight back to me so I was complaining. Shortly after, Bradley Howell, the professional standards manager, interviewed me at my home and told me that he intended to do something about the defamatory comments. I was made aware of serious sexual misconduct by Senior Constable Craig Bishop. He is the fellow that told me about the APM after he got—

Mr MELHAM—Again, you have named another person. You do not have any direct evidence.

Mr Cook—I have direct evidence. He was on the phone to me.

Mr MELHAM—In what way?

CHAIR—He picked up the telephone and dialled.

Mr MELHAM—We are talking about the sexual matter that you just mentioned. There wasn't a sexual advance made to you, was there?

Mr Cook—No.

Mr MELHAM—You were not present when sexual advances were made to others.

Mr Cook—No. What is your point?

Mr MELHAM—You just made a complaint about a particular officer and you are talking about sexual—

Mr Cook—I laid a complaint as I was required to do by law.

Mr MELHAM—You do not have any direct evidence.

Mr Cook—I am required by law under the Police Service Act to make a complaint when I become aware of it.

CHAIR—That is right.

Mr Cook—I am required by law. If I do not, I can have action taken against me.

Mr MELHAM—When you hear a bit of hearsay and scuttlebutt, you are required by law to make a complaint?

Mr Cook—When I heard the story from the senior constable who told me about it, I reported the matter, as required by the Police Service Act, to comply with the law so these blokes from the solicitors office do not come up and try and get a brief on me.

Mr MELHAM—Maybe we are at cross-purposes.

Mr Cook—Possibly, we are.

CHAIR—I think you are, Daryl. Mr Cook will complete his evidence, please.

Mr MELHAM—This is the person who is complaining.

CHAIR—We will just complete the evidence.

Mr MELHAM—I do not want us to be at cross-purposes.

Mr Cook—I was made aware of serious sexual misconduct by the senior constable. This was the same fellow who notified me about the APM and put the notices up in the academy—the same fellow. I reported the matter to Howell. I said, ‘Look, this is what I have been told. Here it is.’ I had been communicating with the academy by email. In February 2000 that email access was blocked. They just blocked me. I was sending stuff to the rehabilitation manager at the academy and, all of a sudden, he said, ‘We have not got anything.’ They blocked it. On 20 February, Worboys wrote and stated that he recommended managerial action against me for the A4 page. My complaint had not been investigated.

CHAIR—Hang on. Who recommended that action be taken against you.

Mr Cook—Superintendent Worboys, the Goulburn local area commander.

CHAIR—So, for a piece of paper that is a joke, they called in the local area commander.

Mr Cook—It gets better.

CHAIR—But for a serious complaint they did not bother to investigate.

Mr Cook—For a serious complaint they did not bother. But I was now a target. I had now gone against the academy. I had stood up and said, ‘No, this is not on.’ On 14 March, I contacted the commissioner’s office and asked for an interview with Ryan to report corruption

and non-investigation of serious complaints. The request was refused. I was told that I would be advised of the status of my complaints, and I heard nothing more from the commissioner's office.

On 26 March 2000, while I was in Hobart, my home was broken into. I returned home and searched the house. I found nothing was missing but felt someone could have planted something in my home. On 27 July, I found that a file marked 'Complaints' had been stolen. I had computers out on a table, there was a laptop computer, everything was there. Whoever broke into the house left the screen off the front window and the window wide open to let us know they were there. The complaints file was stolen. I have a superintendent that lives up the road from my place, I have other staff members around, and I live on a rural property. If my car is not there, I am not there. Here I was in Hobart and my house was broken into.

On 12 April, I received a call from an academy colleague who told me that Senior Sergeant Bradley Howell, the professional standards manager, was going to try out some new legislation against me for the A4 page. On 14 April, a friend from Channel 7 called and asked me if I had any videotape of the pistol range. I contacted an instructor there who told me—

CHAIR—Videotape of what?

Mr Cook—The pistol range.

CHAIR—Okay.

Mr Cook—I contacted an instructor there. I had been filmed with class 265 and I was actually handing a pistol over to a student. They were doing a documentary. I could not remember what station it was, so I rang them and asked, 'What station was it or do you have a copy of the video?' That instructor told me that a student had threatened an instructor with a pistol. I asked the name of the TV station that made the tape, which included scenes of me, and whether he had a copy. He refused my request. He said, 'I can't give that to you.' I said, 'Okay.'

CHAIR—A television station said they would not give you the videotape?

Mr Cook—No, I rang the academy's pistol range and asked, 'Do you know the name of the station that was there or do you have a copy of the tape?' because a friend of mine had asked. I was going to tell him that Channel 9 has it so give Channel 9 a call. That was the intention. I was not supplying information. I had not been in the workplace.

CHAIR—Okay.

Mr Cook—On the same day, I saw Senior Constable Wayne Friend, another instructor at the academy, who told me that he and other staff were warned not to speak to me and, if approached by me, to write a report back to the college about what I had said. They were told that I had attempted to gain information regarding an official complaint and that I was mad. Just last week on 20 February 2003, I found that an internal complaint of supplying information to the media was sustained against me for this incident.

Ms JULIE BISHOP—Let me get this right. A friend from Channel 7 wanted some footage of the pistol range.

Mr Cook—He asked me whether I had any footage of the pistol range.

Ms JULIE BISHOP—So it was any sort of footage just for background because they were going to do a story, presumably, on an incident where a student had threatened an instructor with a pistol?

Mr Cook—I did not know that at that stage. I was told that by the instructor.

Ms JULIE BISHOP—You did not know that at the time, but the friend just wanted some footage of the pistol range which, presumably, would have had you in it?

Mr Cook—Yes.

Ms JULIE BISHOP—And that was to support a program? Is that what you understood?

Mr Cook—Yes.

Ms JULIE BISHOP—The instructor that you contacted said, ‘No, I can’t give it to you.’ Then that request formed the basis of an investigation into you?

Mr Cook—Against me, yes. As I said, just last week I found, through FOI, that I was found guilty in a complaint of supplying information to the media. I supplied nothing to the media, but I have a sustained complaint against me. That is the start of the complaints.

Ms JULIE BISHOP—What did the FOI request reveal to you?

Mr Cook—Peter Hatte got the FOI request and it revealed that I had been found guilty of a sustained complaint of supplying information to the media.

Ms JULIE BISHOP—And that arose from your—

Mr Cook—Phone calls asking whether they had a videotape.

Ms JULIE BISHOP—request about some video footage of the pistol range?

Mr Cook—Yes.

CHAIR—Did you know you had been found guilty of this offence?

Mr Cook—No. I am reading through documents and here I am found guilty of a complaint. They did not ring me. They did not tell me. They told me nothing.

Ms JULIE BISHOP—It is just on your file.

Mr Cook—It is on my record. On 21 April and 3 May 2000, I contacted the Ombudsman's office regarding non-investigations of my complaints. I was told they were unable to find the complaints, and they did not ring me back. I did not hear anything from them. 'Oh, we can't find your complaints.' This is where it starts getting interesting. On 31 May 2000, Goulburn Commander Worboys said he wanted to discuss matters relating to the complaint. So I went in—and I went with my wife—and he served me a section 173 warning notice for the A4 page. This sanction by the principal, Reg Mahoney, effectively destroyed my career.

Ms JULIE BISHOP—Could you explain to me what a section 173 warning notice is.

Mr Cook—A section 173 warning notice was a result of the Wood royal commission. It is a final warning before dismissal for criminal conduct or serious ineptitude. Commissioner Moroney, in an article in the *Sun-Herald* of 18 August 2002 entitled 'Chief warns rotten officers: you have no place in my force', described the section 173 warning notice as being issued to corrupt officers as 'a warning that your next slip will be your last'. The effect of the issue of this notice to me was a bar to promotion for at least five years, a lasting blot on my service record that would preclude me from advancement.

Ms JULIE BISHOP—Could I just clarify something there. Did this section 173 warning notice that you received outline the nature of the complaint that gave rise to the issue of it?

Mr Cook—No. They would not supply me any information. I am getting to that. They told me nothing. This was Howell's new legislation he was going to try out on me.

Ms JULIE BISHOP—What does the notice say? Do you have a copy of it?

Mr Cook—I do not have a copy of it.

CHAIR—It is quite important. Did they say you were guilty of criminal conduct or serious ineptitude?

Mr Cook—No. Production of an A4 page—that is what it says.

CHAIR—It did not say whether you were getting this notice because you were guilty of criminal conduct or serious ineptitude?

Mr Cook—No. It said that, for my part in the production of the A4 page, I was being served with a section 173 warning notice. Now here I am—Wood royal commission material. I am the target. I am the one they are after.

CHAIR—You are kidding!

Mr Cook—I am a crook! I am a deadset crook! And I am mad!

Ms JULIE BISHOP—Did the notice make reference to the A4 page?

Mr Cook—Yes. That is what I got it for—for production of the A4 page.

Ms JULIE BISHOP—I just wanted to understand that.

Mr Cook—This is how these blokes operate: ‘What can we do?’ ‘Here is Larry Cook.’ ‘Yeah. Renegade, that bloke. What can we cook up?’ ‘We’ve got some new legislation—section 173 warning notice. That’ll stuff him forever.’ And that is what they wanted. I had gone against the academy and, as it detailed in the audit documents, I was gone.

CHAIR—So there was absolutely no possibility that the 173 could have been for any other purpose than—

Mr Cook—No. It was written on there.

CHAIR—Do you still have it?

Mr Cook—Yes, I do.

CHAIR—I think we might like to see it.

Mr Cook—I have not got it here, but I can get it to you. It gets better. It is a non-reviewable 173 warning notice, which means—

CHAIR—There is no appeal.

Mr Cook—there is no appeal. That is what they told me, but I had never heard of 173 so I got straight on the Internet and I brought up the Police Service Act, section 173. And I found something in the *Police Complaints and Management Resource Guide* on 27 June. It gets a little bit better. Worboys hands me the 173 warning notice and he says to me, in front of my wife, ‘I am afraid of what they will do to you next.’ This is the superintendent of Goulburn police. They have destroyed my career at this stage and here he is handing this over and saying, ‘Look, I’m sorry. I’m afraid of what they will do to you next.’

Mr MELHAM—Could I just interpose here.

CHAIR—Are you asking for the call?

Mr MELHAM—Yes, I am, Madam Chair.

CHAIR—Good. Very quickly, then.

Mr MELHAM—You said on 27 June you obtained a copy of the *Police Complaints and Management Resource Guide*.

Mr Cook—Yes.

Mr MELHAM—So you discovered from that that you had a right of appeal?

Mr Cook—I had a right of appeal to Deputy Commissioner Jarratt.

Mr MELHAM—Did you lodge that appeal?

Mr Cook—No. Every communication I have had with them has told me, ‘You can’t do anything more.’ I have got the documentation at home. ‘There is nothing more you can do.’ I complained to the PIC, I complained to the office. I was told, ‘There is nothing more you can do.’

Mr MELHAM—In terms of the 173—

Mr Cook—In terms of the 173.

Mr MELHAM—you did not lodge an appeal against that?

Mr Cook—I am going to deal with that in just a minute, because I go on.

CHAIR—All right. You get to it in your time. Go on.

Mr Cook—The section 173 notice did not come into effect until 21 days after it was served, but they put it into effect immediately. I had a right to all pertinent information that was relied on for the issue of the notice, but I was refused that information. I will get to that in just a minute. I wrote to Mahoney, but he wrote me a letter back saying, ‘I’m telling you nothing.’

CHAIR—So what did you ask for?

Mr Cook—I said, ‘Give me all the details of what you based this 173 notice on. You are destroying my career.’ I had the right to confidentiality, but that matter was openly discussed with the academy. I was told—

CHAIR—Just stop right there. On whose initiative is it, who has the authority, to issue a 173 warning notice?

Mr Cook—I do not know. I think Mahoney, as commander, can do it. I think he can; I do not know. Nobody will tell me.

CHAIR—Who signed the notice—anybody?

Mr Cook—Mahoney, the person I had complained about.

CHAIR—So the person about whom you had complained issued you with the notice?

Mr Cook—Yes. They were fixing me up properly. I had the right to confidentiality, but I knew at least a month before that they were going to try some new legislation on me, and I thought, ‘What can they do? I’ve written a cryptic joke about a corrupt nomination. What could they do?’ I did not worry about it. But this was the start of my problems.

CHAIR—Ms Panopoulos.

Ms PANOPOULOS—I have a couple of quick questions. Is the committee able to have copies of the letter you wrote to Mahoney requesting details and his response?

Mr Cook—Yes. I did not know what you would need, and I did not know what time—

CHAIR—That is all right. I think that is a very good request. If we could have that, that would be good.

Mr Cook—I can give you everything. I will just skip forward a bit. I wrote to Reg Mahoney and asked for details of what he alleged against me and why no action was taken on my legitimate complaint. He replied to me on 5 June and accused me of spreading—

Mr MELHAM—Mr Cook, I have looked at some of these dates. Sorry, Madam Chair—

CHAIR—Are you asking for the call?

Mr MELHAM—I am asking for the call.

CHAIR—Thank you. Very quickly, then, the same as I give to others.

Mr MELHAM—You talked about 27 June earlier. I just think some of these—

Mr Cook—No, 27 June 2001, a year later.

Mr MELHAM—This says 27 June 2000 in my document. I am just trying to get the dates—

Mr Cook—I do not think it does.

Mr MELHAM—On what I have got in front of me—

CHAIR—It says 2001 on page—

Mr MELHAM—Madam Chair, we then have different documents. The document I have got has—

Mr Cook—You have—

Mr MELHAM—Just hear me out, Mr Cook. I can give it to you if you want.

Mr Cook—I would like to see it.

Mr MELHAM—The dates I have got say 5 June 2000; further down, 27 June 2000; further down, between 4 and 10 July 2000. I do not know what copies my colleagues have, but I might show the chair.

CHAIR—You are reading from a different document. This is it. This is where he is talking from.

Mr MELHAM—I have got a different document from yours.

CHAIR—No, we all have the same document. Here it is—‘On 27 June I complained’.

Mr MELHAM—It cannot be 27 June if it is 2001.

CHAIR—‘I am afraid of what they are going to do to you’—2001.

Mr MELHAM—There is a typo. Would you just have a look at your document and check whether there is a typo?

Mr MURPHY—Put the glasses on and have a look at it. It is 2000, not 2001: ‘On 27 June 2001 I obtained a copy’—a year later.

Mr MELHAM—In your document there seems—

CHAIR—In the document it is at the top of the page, line 2.

Mr MELHAM—Look at paragraph 2, Madam Chair, and look at paragraph 3.

Mr MURPHY—And the following paragraph, and the following paragraph, and the following paragraphs.

Mr Cook—I can’t see a problem with this.

Ms JULIE BISHOP—Mr Cook, if I could just ask a question: at the top of page 7 of your statement—have you got it there?

Mr Cook—No. I have made a bigger copy, so my page 7 does not—

Ms JULIE BISHOP—Could I approach him with this.

CHAIR—No, I will get the secretariat to do it. Daryl, excuse me, the secretariat will do it, thank you.

Mr MELHAM—I will not bite him, Madam Chair.

CHAIR—He might get hydrophobia if you did.

Ms JULIE BISHOP—Mr Cook, at the top of the page, second line: ‘On 27 June—

CHAIR—No, down further you have got 2000.

Ms JULIE BISHOP—Hang on, I am talking about at the top.

Mr Cook—Mr Melham, the only one I am referring to on 27 June 2001 is when I got the copy.

Mr MELHAM—I accept that, Mr Cook, but if you go to the statement down the bottom there is an obvious typo and I am trying to get the dates correct. Your hostility is—

Mr Cook—I am not being hostile.

Mr MELHAM—Let me just say to you: read the second paragraph. The dates are obviously wrong; I am trying to correct the record for you.

Mr Cook—On 27 June 2000 I complained to my local MP in Goulburn regarding—

Mr MELHAM—It was not 2000, was it, because that is the year—

Mr Cook—It was 2000.

Mr MELHAM—How can it be 2000 if the earlier one was 2001?

Mr Cook—Because that is when I obtained the bloody copy!

Mr MELHAM—So you obtained a copy a year before it was given to you.

Mr Cook—I obtained a copy a year later, and I did not know anything about it. I have just put in there because I have just found the copy.

Mr MELHAM—I think we are at cross-purposes here.

Ms JULIE BISHOP—I do not think we are.

Mr MELHAM—I might leave you to the government members of the committee. Maybe they can extract the evidence; it is pretty self-evident.

Ms JULIE BISHOP—Mr Cook, in the body of page 7, when you are talking about what happened in June 2000—on 27 June 2000, on 4 July 2000—at this time you did not have a copy of the complaints management resource guide.

Mr Cook—No. I got it a year later, and I have put that in there.

Ms JULIE BISHOP—Hang on! In other words, all the complaints you were making in 2000 were based on the fact that you received a 173 notice, but it was not until 12 months later that you found you had a right of appeal—

Mr Cook—Exactly.

Ms JULIE BISHOP—when you read, in June 2001, a copy of the complaints management reform resource guide.

Mr Cook—Exactly.

Ms JULIE BISHOP—Is that clear?

CHAIR—Is that clear for you now, Daryl?

Mr MELHAM—It is clear, Madam Chair.

CHAIR—And for you, too, Mr Murphy?

Mr MURPHY—Yes.

CHAIR—Good; thank you.

Mr Cook—I have to apologise to the committee for being upset about this, but this has been an absolute trial for five years where my life has been absolutely pulled apart. If I get testy, I apologise.

CHAIR—Thank you, Mr Cook. There was just some misunderstanding on the part of Mr Melham and that has been clarified now.

Mr Cook—He accused me of spreading rumour and innuendo in the academy—and I had not been in the academy for 13 months—and added a prohibition against me ever supervising or teaching again. I have a degree in education, and at this stage I was basically a career educator.

CHAIR—By the way, are all instructors at the Goulburn academy required to have a degree?

Mr Cook—No, they are not.

CHAIR—How many of the staff would have a degree?

Mr Cook—I do not know.

CHAIR—Did Mr Mahoney have a degree?

Mr Cook—In something! I do not know what qualifications he had. I know that he was a visiting fellow at the Institute of Police Management, which is interesting when you have a look at what the audit document revealed about his management of the academy.

CHAIR—But you do not know whether he had a tertiary qualification or a degree?

Mr Cook—No. He has prohibited me from teaching or supervising again. I put it to you that a sergeant in the police who cannot supervise has got a fairly difficult task. A career educator who cannot teach has some real problems.

CHAIR—Did he tell you you could not teach as a result—

Mr Cook—He wrote it in the letter. He said, ‘I have given you the 173 notice. In addition to the 173, I am also prohibiting you from teaching or supervising again.’

CHAIR—So that accompanied it?

Mr Cook—That accompanied it, which made it a reviewable action, because—

CHAIR—But he told you it was not reviewable?

Mr Cook—Yes, ‘not reviewable’. Their professional standards manager was working this thing against me on his behalf. I had only met Brad Howell once; I did not know him. I had met him once at my home, but all of a sudden all guns are brought to bear upon Larry Cook, because Larry Cook is mad.

CHAIR—Let us just keep it straightforward so that we are not confusing the information and people can all follow it. You received the notice, and with the notice came a letter telling you that you may not teach again?

Mr Cook—No, what happened is that I received a notice and I wrote to him and said, ‘Please give me details.’ He wrote a letter back and said, ‘I am not giving you any details. You have spread rumour and innuendo around the academy, and as a result I am prohibiting you from teaching or supervising again.’

Ms PANOPOULOS—As well as explicitly stating that he would not give you any information?

Mr Cook—Yes.

Ms PANOPOULOS—And they are the letters that you have agreed to provide to this committee?

Mr Cook—Yes. On 27 June 2000, I complained to my local MP in Goulburn regarding the section 173 notice and subsequent punishment. Between 4 and 10 July 2000, a series of articles appeared in the *Daily Telegraph* outlining corruption within the academy. Keep in mind that when this stuff came out about corruption at the academy in the *Daily Telegraph*, I had not been in the workplace for some 14 or 15 months. We have all these people, as indicated in the audit documents, suffering under the oppressive regime of Reg Mahoney because they spoke out. They were going off sick with stress. It is important that we remember this, at this moment, because this comes up later.

About this time, Commissioner Ryan flew to the academy ostensibly to sack Reg Mahoney. I have been informed that Mahoney—

CHAIR—Why do you think he went ostensibly to sack Reg Mahoney?

Mr Cook—Because I was told that by a senior officer at headquarters. I have been informed that Mahoney, Staff Officer Inspector Peter Connor and Senior Sergeant Bradley Howell then got together to formulate a strategy to avoid Mahoney’s removal. That was told to me by a senior officer within the academy. They must have been successful because he was not removed from the academy until a few months later. Staff were gathered in the lecture theatre and management team members urged staff to get behind Mahoney and support him. All the staff were brought together. The academy was under siege. They were given a message: ‘All get behind Reg; no-one abandon this ship.’

CHAIR—So, Ryan came and nothing happened.

Mr Cook—That is right.

CHAIR—What went on?

Mr MURPHY—Could I ask, please. Mr Cook, when you complained to your local MP on 27 June 2000—

Mr Cook—It was Katrina Hodgkinson.

Mr MURPHY—She is the member for?

Mr Cook—Burrinjuk.

Mr MURPHY—What did she do?

Mr Cook—Very little.

Mr MURPHY—Did she write a letter?

Mr Cook—She went with me to this building here, but I will get to that. On 7 July 2000, Senior Constable McMahon of the academy told friends of mine that I was behind the adverse media reports of the academy. I hardly know this person, but he worked with Superintendent Ian Tomkins, the officer to whom I had made complaints for improper nomination. On 21 July, I went to state Parliament House to see Andrew Tink. A complaint was made to PIC through him about the section 173 notice and the non-investigation of my complaints and harassment.

CHAIR—You went to see Mr Tink and he helped you prepare—

Mr Cook—I wrote it; he forwarded it to PIC.

CHAIR—And that was a complaint?

Mr Cook—Yes. On 23 July 2000, Senior Constable Watson of the academy, who works with Superintendent Ian Tomkins, told friends that I was facing departmental and criminal charges, and was avoiding charges by making complaints.

CHAIR—Who said that?

Mr Cook—That was Senior Constable Mark Watson. This person said that I was responsible for—

CHAIR—What is his first name?

Mr Cook—Senior Constable Mark Watson.

CHAIR—He said that you were facing criminal charges—

Mr Cook—Departmental and criminal charges, and was avoiding charges by making complaints.

CHAIR—So, he could have taken that from the effect that a section 173 notice is for criminal charges or whatever.

Mr Cook—I do not know where they got it from but it just started to explode from that stage. The story behind all this is that they got bad publicity at the academy and someone said, 'It is Larry Cook. He is the one doing this.' There is some interesting stuff that I got in the FOI. That is exactly what they did. They named me in the FOI as being the person who leaked. I can read out this last page on Operation Ribat. It says:

It is known that Sergeant Cook is a very disgruntled employee and there are strong suspicions that he is the officer responsible for the subject media leaks.

I will get on to that. They blame me, and all of a sudden I have the whole academy staff saying, 'It's him, it's him.' I had contacted no-one.

I went to Parliament House. Watson of the academy told friends that I was facing departmental and criminal charges, and avoiding charges by making complaints. This person said that I was responsible for the adverse press on the academy and that I was a criminal. I hardly know this person.

Mr MELHAM—I think you missed a part: didn't you see Mr Tink?

CHAIR—He said that.

Mr Cook—I have already been through that.

Mr MURPHY—How did you get on with him?

CHAIR—Just get on with your evidence.

Mr MURPHY—No, I would like to ask a question.

CHAIR—Just get on with it.

Mr Cook—The last thing I want to do is politicise this thing—

Mr MURPHY—So do we.

Mr Cook—but Mr Tink was a total waste of space.

Mr MURPHY—Okay. I will get back to that later.

Mr Cook—I have no politics; I am not a Marxist.

Mr MURPHY—Unfortunately our chairman does. We want to look to the future in this inquiry.

CHAIR—And these two people over here are just as white as the driven snow!

Mr Cook—My only motivation in this is to get to the truth. I still believe in my oath.

CHAIR—Did you at any time try to approach the minister?

Mr Cook—I will get to the minister, Ma'am.

CHAIR—What you are telling me is that you approached an opposition person who was unable to bring about any result for you.

Mr Cook—Yes.

Mr MURPHY—Who was a total waste of time.

Mr Cook—Nobody has helped me, Ma'am. There is no-one in this who is blameless. Mr Costa has been as bad, if not worse.

CHAIR—So what is Mr Costa to you?

Mr Cook—I have written to Mr Costa. In terms of the last letter I wrote to Mr Costa about this matter, he said that he had made representations to Special Crime and Internal Affairs, who referred my matter to the academy commander, and they gave it to a sergeant instructor at the academy to come and interview me.

Mr MELHAM—Were you interviewed?

Mr Cook—I refused to be interviewed.

Mr MELHAM—You refused to be interviewed?

Mr Cook—Most certainly. At this stage—

CHAIR—We will come back to that in a moment. I just wanted to ask who else you had sought help from. So you approached the minister—

Mr MELHAM—Mr Costa sent someone to interview him and he refused to be interviewed.

Mr Cook—No, that is not true. Let me get to that, Mr Melham.

CHAIR—That is a good verbal, Daryl.

Mr MELHAM—That is what he just said, I thought.

CHAIR—He said it was referred back to the very person about whom he was complaining.

Mr Cook—That is exactly right.

CHAIR—And he regarded that as a waste of space. Continue.

Mr Cook—On 24 July, the next day, more than three months after the incident, Sergeant John Gross, the assistant professional standards manager at the academy, called me at my home and asked to interview me regarding the video I had asked for on 14 April.

Ms JULIE BISHOP—Is this the video about the pistol range?

Mr Cook—Yes. So this is now 24 July, and this incident had happened on 14 April. What they did is they blamed me for the media reports and then said, ‘Well, look, we can get another investigation going here.’ I declined to be interviewed as I had made a complaint to PIC. The investigation stemmed from the witch-hunt that was beginning over the adverse media reports on the academy between 4 and 10 July.

On 24 July 2002, Richard McBride, a former police officer and private inquiry agent, questioned an academy staff member for two days over my complaints on behalf of New South Wales Police Health Services. McBride had a copy of my HOD report, which was in itself a complaint about the academy. The content of my unresolved complaint was divulged to persons that I had complained of.

Mr MELHAM—HOD is hurt on duty, isn’t it?

Mr Cook—That is right.

Mr MELHAM—It is a medical terminology.

Mr Cook—I had had all the complaints in there forwarded to Health Services. They gave it to a private investigator and he goes down to the people I have complained about and sits there questioning them about the complaint.

CHAIR—They gave it to a private investigator?

Mr Cook—A private investigator.

CHAIR—This is the Police Academy?

Mr Cook—The Police Service.

CHAIR—With policemen who investigate things—and they hired a private investigator?

Mr MELHAM—They do outsourcing, Madam Chair. I thought that was Liberal Party policy.

CHAIR—Not the police, thank you very much.

Mr Cook—They hired a private investigator.

Ms PANOPOULOS—Just like privatising the Commonwealth Bank, Daryl.

CHAIR—The Labor Party happens to be in government here.

Mr Cook—On 2 August, Sergeant Robert Grimes from the academy was interviewed by McBride. Where was he interviewed? In the principal's office. So McBride, the private investigator—

CHAIR—I want to stop right there. Is it current practice for police to hire former police officers who are now private inquiry agents?

Mr Cook—Apparently so. They are doing it.

Ms JULIE BISHOP—This is to look into—

CHAIR—To look into complaints against other—

Ms JULIE BISHOP—It is about the video footage?

Mr Cook—No, he was investigating my hurt on duty claim. But he is talking to people I have complained about and asking them questions about the complaint.

CHAIR—Is a hurt on duty claim the equivalent of a workers compensation claim?

Mr Cook—Yes.

CHAIR—So they employ a private inquiry agent to investigate the claim?

Mr Cook—Yes.

CHAIR—And the hurt that you claim you received was in fact the defamatory action taken against you as distinct from a physical injury?

Mr Cook—Yes, that is right.

Mr MELHAM—It is more than that—isn't it stress, amongst other things?

Mr Cook—Yes.

Mr MELHAM—That is the basis upon which you get your sick leave and, ultimately, your pension. If you are hurt on duty, and that is what is on your file, you get pensioned out.

Mr Cook—Yes.

Mr MELHAM—Thank you.

Mr Cook—So Sergeant Grimes formally complained about being verbally by this private investigator to Senior Sergeant Bradley Howell. Howell has since denied knowledge of this complaint and stated that McBride had other complaints against him, but he could do nothing

because he is not a police officer. No action has ever been taken for that—for a police officer being verbally by a private investigator.

CHAIR—How was he verbally? Was it in the report that he gave back to the people who hired him?

Mr Cook—Sergeant Grimes was sitting there while the private investigator was asking questions and typing a statement out. Sergeant Grimes said, ‘What are you doing?’ He said, ‘I am typing your statement.’ Sergeant Grimes said, ‘That is not my statement and that is not what I said.’ This fellow basically started to try and intimidate him. So he said, ‘I am a sergeant of police and you are a nobody—I am out of here.’ He left and then went and made an immediate complaint about being verbally. Nothing ever happened about that.

On 3 August 2000 I wrote again to the Ombudsman about non-action on my complaints. I received no reply. On 30 July I walked to a friend’s home in Goulburn on a route that I had been taking for over 12 months. I walked past the home of Senior Constable Bishop, against whom I had laid a complaint for the sexual harassment of students. As I passed his house, he came out of his yard and onto the footpath behind me. He was standing on the footpath smiling at me. I turned to him and said, ‘It is not over yet’—meaning the non-investigation of my complaints—and continued walking. On 30 July I spoke to police officers at Goulburn police station who stated to me that they had heard that I was behind the adverse media reports on the academy. This is Goulburn police station, not the academy.

On 7 August I was served a complaint and summons for an apprehended violence order by Goulburn police for threatening Bishop by saying, ‘It is not over yet.’ No contact with me or attempt to contact me was made by police. I had seen the informant in the police station the day after he interviewed these people and he said, ‘G’day Larry.’ No-one is compellable in this matter. I have no domestic relationship with the Bishops. I had not seen them for 15 months at this stage. Yet Senior Sergeant Medway at Goulburn police took one of their statements, Howell took the other, they went up to the Goulburn local court and swore out an apprehended violence order against me.

CHAIR—Why are witnesses not compellable?

Mr Cook—Where there has been a domestic relationship—and I have been teaching this for a lot of years—in apprehended violence orders the witnesses are compellable witnesses. If you are in a domestic situation, your spouse assaults you and you call me and you say, ‘He hit me’, I do not even have to talk to him. I can make an arrest and go to court and you are compellable. You have to give evidence unless you can show that the evidence you will give will lead to the irretrievable breakdown in the relationship and you are excused from compellability. But in this one there was no domestic relationship.

Mr MELHAM—There does not need to be a domestic relationship for AVOs, does there? In terms of AVOs—

CHAIR—He is talking about the domestic one—that he says that—

Mr Cook—There are two AVOs.

Mr MELHAM—Exactly.

Mr Cook—There is an AVO domestic and an apprehended personal violence order. The apprehended personal violence order requires an investigation. If I walked up to you and punched you in the face and you went down to Central police station and said, ‘Mr Cook has assaulted me’, the first thing I would do is go and interview Mr Cook. That is not good enough for Goulburn police—they said, ‘He is a renegade. Let’s just go up to the court and take the order out against him.’

CHAIR—Without interviewing you?

Mr Cook—Without an interview.

Mr MELHAM—But that happens on a regular basis.

Mr Cook—But it is illegal.

Mr MELHAM—Hang on—

Mr Cook—Here it is, here—it is illegal.

CHAIR—He is the one who lectures in it, Daryl.

Mr MELHAM—He might lecture in it, but let us get it right so we are not at cross-purposes.

CHAIR—What are you going to get wrong this time?

Mr MELHAM—The position, is it not, is that AVO orders are taken out on a regular basis in neighbourhood disputes, not necessarily in matters where people are related to one other?

Mr Cook—An investigation is mandatory.

Mr MELHAM—What about in relation to interim orders?

Mr Cook—No. Before the information is laid there must be an investigation. No-one is compellable in this matter. What if I had not even been there? What if I was not in the street and they were loading me up because they thought, ‘What we’ll do is take an AVO out against him’? What if I was not even in the street?

Mr MELHAM—So you are saying that no investigation at all was made?

Mr Cook—No investigation took place.

Mr MELHAM—And the AVO was lodged?

Mr Cook—The AVO was lodged, an interim order issued against me.

Mr MELHAM—What date was it returnable to?

Mr Cook—It was ultimately heard on 24 November.

CHAIR—It is not relevant to the fact that there was no investigation before the AVO was sought. You are saying that is illegal?

Mr Cook—It is illegal.

Mr MELHAM—Did you make a complaint?

Mr Cook—Most certainly I made a complaint.

Mr MELHAM—Did you say something to the magistrate when you went to court?

Mr Cook—You betcha.

Mr MELHAM—And what happened?

Mr Cook—The matter was— Look, will you let me get to it?

CHAIR—Let him go on with his statement.

Mr Cook—No contact or attempt to contact me was made by police, and no interview took place whatsoever, although I had seen the informant officer in a police station after the alleged incident. I was in my home all week prior to the service of the summons. All the information contained in the summons was untrue and could have been proved so. One of the most startling facts in the investigation, as presented to the magistrate at Goulburn local court, was that my car leaks oil and they had seen drops of oil on their driveway.

Mr MELHAM—That is what I am interested in. What happened when you made the court appearance? Are you going to tell us about that?

CHAIR—He is getting to it, if he can just get through it.

Mr Cook—I am getting to that.

Mr MELHAM—Is it in your statement? No, it is not in your statement.

Mr Cook—I will get to that.

Mr MELHAM—I am not a mind-reader. It is not in your statement, Mr Cook which is what—

CHAIR—It is his statement which he is giving. He is—

Mr MELHAM—Madam Chair, with the greatest of respect, it is not in his statement. I thought it was an appropriate point of time in relation to that, so that it is not lost.

CHAIR—There are two points to make to Mr Melham: this is a supplementary submission to which he is speaking—

Mr MELHAM—That is right, a disjointed supplementary submission.

CHAIR—Well, I am sorry that you do not approve of the way the witness gives evidence to your requirements.

Mr MELHAM—It is not a question of that, Madam Chair. You have allowed your colleagues to ask questions uninterrupted.

CHAIR—Yes, because they ask permission of the chair. You don't.

Mr MELHAM—I am trying to elicit relevant information. He talks about an AVO. He has made a number of suggestions. I am interested—

CHAIR—You are trying to muddy the waters.

Mr MELHAM—in what happened when it went to court—whether he made the complaint and what the magistrate said. It is actually relevant to do it now.

CHAIR—Daryl, you are trying to cover up that you do not know that there needed to be an investigation before it happened. Let's get on with it.

Mr MELHAM—That is not the only point, Madam Chair. I am interested in whether he complained, what the magistrate did—

CHAIR—Get on with it.

Mr MELHAM—whether there was an interim order, whether it was maintained—

CHAIR—He has told you there was an interim order. Get on with it.

Mr Cook—All the information contained in the summons was untrue and could have been disproved by interview—all of it.

Mr MELHAM—But an interim order was maintained by the magistrate?

Mr Cook—Every one of them. No witness in this matter was compellable, unlike domestic AVOs—

Mr MELHAM—An interim order was maintained by the magistrate?

Mr Cook—I find it interesting that you are complaining about improper police practice and you are a public defender. I am sure that you have got plenty of experience in seeing how police corrupt the system.

Mr MELHAM—I am not arguing that. You went to court and an interim order was maintained. Is that the case?

CHAIR—We will just hear what the witness says.

Mr MELHAM—It is a pretty simple question, Mr Cook.

CHAIR—He has already said it, Mr Melham, if you would listen!

Mr Cook—No witness in this matter was compellable, unlike domestic AVOs, and considering that I had not seen this police officer or his wife since May 1999—for 15 months I had not seen them, I had not had any contact with any member of this family since November 1999, and that was a phone call to his wife asking whether he was home—there has never been any evidence of violence or offer or threat of violence to this family from me, and the summons stated that I was aware that the police officer was under the internal witness protection program. There was no reason for him to be under the internal witness protection program. What for? He was the one who gave me the information and put the things up in the academy. I had made complaints against him. I was supposed to be under the internal witness protection program. It was me who was supposed to be under that. But I never heard from them. On 9 August—

CHAIR—Were you under the witness protection program?

Mr Cook—No. I will get to that. I was refused. On 9 August 2000 the informant gave me the statements of Bishop and his wife, and the informant. The statements were conflicting, and Bishop's statement was taken and witnessed by the academy professional standards manager, Bradley Howell.

CHAIR—So why was Bishop under the internal witness protection?

Mr Cook—I only found out last week. I found out through the FOI.

CHAIR—What is the answer.

Mr Cook—He gave me the information about the APM and he put the posters up in the academy. He denied that, and informed on us. He denied he did it, and then informed on us and said that we did it.

Ms JULIE BISHOP—So why does he have to go into an internal witness protection program under that?

Mr Cook—Exactly right. But it gets better. There is more.

CHAIR—What we are really looking at here is that all of this flows because of this notice. I would like a copy of the notice, actually.

Ms JULIE BISHOP—The A4?

CHAIR—The A4. Have you got one?

Mr Cook—I do not have it here, Ma'am. It is actually contained in Operation Ribat, and there is a copy of exactly what I wrote, in Operation Ribat, on page 15 in paragraph 3.

CHAIR—Is Operation Ribat all about this poster?

Mr Cook—No. Operation Ribat is a complaint into the academy by nine complainants with I do not know how many issues.

Ms JULIE BISHOP—So these are the words? This is what the A4 page said: 'Attention staff. Are you an underachiever or a sneak but still want to be considered for the APM? There is hope. For a few tonnes of bush rock and a little informing on your colleagues you too can be considered. Phone 82646.' That's it?

Mr Cook—That's it.

CHAIR—And from that we have got someone on a witness protection program—

Mr Cook—Upgraded security of their homes.

CHAIR—Upgraded security at whatever cost, we have had the area commissioner from Goulburn—

Mr Cook—Local area command superintendent.

CHAIR—in charge of the investigation and we have had an AVO issued because you said, 'It is not over yet.' I do not believe this.

Mr Cook—Public enemy No. 1.

Mr MELHAM—Maintained by the magistrate when it went to court, as I understand it. There are no allegations that the magistrate is corrupt are there?

Mr Cook—The Goulburn court issued it without any investigation.

CHAIR—Mr Cook, you do not have to respond to Mr Melham's prodding.

Mr MELHAM—You went to court and were legally represented, weren't you?

Mr Cook—Yes I was. We will get to that.

CHAIR—Can we go on?

Mr MELHAM—Yes.

Mr Cook—I called Deputy Commissioner Moroney and arranged a meeting with him for 21 August with my wife. Brammer was to have been present but had been called away to Wagga Wagga. I explained my situation to Moroney. He said he would refer the complaints to IA and that an inquiry was under way at the academy with the team of 16 detectives.

CHAIR—That inquiry is?

Mr Cook—Ribat.

CHAIR—And that is because of the complaints of nine other people?

Mr Cook—Yes.

CHAIR—Were you one of the nine?

Mr Cook—Yes.

CHAIR—So nine people complained about things that were happening at the academy which had nothing to do with the poster you put up that said—

Mr Cook—That is right. Mine was one of the issues. Mr Moroney said other things. He said, ‘Larry I want you back at work, we cannot afford to lose police like you.’ That was one of the things he said.

Mr MURPHY—Who said that?

Mr Cook—Mr Moroney. I was personal friends with Mr Moroney and his wife, Bev, and I taught his two boys. I went to him because I felt that he would look after me. I was wrong. On 28 August 2000 I was told that Superintendent Ian Tomkins had authorised a risk assessment security upgrade on his and Bishop’s home at taxpayer expense.

CHAIR—What for?

Ms JULIE BISHOP—What was the risk?

Mr Cook—That was because of the thing put in his letterbox: that I was a very dangerous person, obviously, because I had an AVO out against me now—I had an interim AVO.

CHAIR—You are kidding?

Mr Cook—I am not kidding; I wish I was because then I would not be here.

CHAIR—So we have gone from having a poster put in somebody’s letterbox and two other copies being published to where you have got an AVO against you without any investigation, which was illegal.

Mr Cook—Yes.

Ms JULIE BISHOP—You get the AVO so then you have a risk assessment.

CHAIR—So then you have a risk assessment because they got it and we have an upgrade because you put a poster in somebody’s letterbox?

Mr Cook—I was making serious complaints. They wanted an AVO. As soon as I got the AVO my credibility was out the window. They were not successful, but we will get to that. I made an additional complaint to PIC regarding the risk assessment on Bishop's home and the absence of threat or any evidence of threat of violence. I received no reply. On 4 September 2000 an article appeared in the *Sun Herald Sunday Life* magazine entitled 'Is there a problem officer?' In this article Mahoney denied the allegations of sexual misconduct and harassment and stated:

When you get a lot of rumours and innuendo and not a lot of fact, you need to question what their agenda is.

This was while the alleged investigation was under way. I called Jeff Jarratt's office complaining about the article and was told that they would call me back. I received no return call. That night I wrote to Deputy Commissioner Moroney and Jarratt and complained of Mahoney's comments to the media. They did not respond.

On 15 September an article appeared in the *Goulburn Post* about the transfer of Mahoney from the academy in which Mahoney stated there was no case against him. I called Moroney's office and complained about the media comments made by Mahoney regarding an inquiry that had not been concluded and for which I had still not been interviewed. I then called Mr Gary Richmond, who you heard about yesterday, the IA's chief of operations, complaining about the non-investigation of complaints and Mahoney's media comments. He said that IA would investigate my complaints soon. I asked him why Mahoney was being protected by police management and why was he making comments clearing himself of any wrongdoing before the investigation was concluded. He said—and this is in relations to a highly protected ongoing investigation:

I have read that report, and if I had comments made about me as comments in that report are made about him, I would be considering whether I had any future left in the police service.

He then asked me to send him a copy of the *Goulburn Post* article.

On 24 September 2000, Goulburn police rang my home to investigate the break-in at my home six months earlier. This was an in-depth investigation, and they said: 'G'day, Larry, who broke into your house?' I said, 'Someone from the academy.' They asked, 'What did they take?' I said, 'The complaints file.' Then they said, 'Thanks, mate, bye.' That was it. That was the investigation into my break-in. It is a pity that they did not put Superintendent Worboys on there to do a proper investigation.

On 7 October, a sergeant whom I nominated as a witness in my complaints told me that he had been sent an email by the academy professional standards manager, Brad Howell, with questions to him relating to sexual misconduct against Bishop. Now they are conducting records of interview by email. He was never interviewed. On 9 October, I made a complaint to the New South Wales Ombudsman about investigation improprieties in the Bishop complaint. I did not receive a reply. On 12 October 2000, I was called into the Goulburn district office to see the police medical officer. I told him what had happened to me. He said: 'Look, you won't have anything done about your complaints. It's your word against them. It's only the academy that is the problem. Mahoney is gone now; he has been transferred.' He said that I should move and start somewhere else and that my matter was simply a managerial problem. I decided to submit my medical discharge. That was it for me; I was going to leave the Police Force.

On 23 October 2000, I rang the Ombudsman's office to find out the status of my complaints. I was told that someone would call me on 24 October. On the 24th, no-one called, so I rang them back. They said they would call me back; no-one has ever called. This is where it gets very vindictive. On 12 November, Senior Constable Wayne Friend was served a section 173 warning notice—engineered by Bradley Howell and served by acting principal Greg Moore—for releasing confidential information to a police officer under investigation.

CHAIR—What was that?

Mr Cook—He told me he was not allowed to speak to me. He told me, 'Larry, I'm not allowed to speak to you and I've got to write down what you say.'

Ms JULIE BISHOP—That is the confidential information?

Mr Cook—That is the confidential information. Because I rang up and complained, they took a 173 out on him.

Ms JULIE BISHOP—And you are the police officer under investigation?

Mr Cook—That's me.

Ms JULIE BISHOP—So the confidential information that Wayne Friend gave you was, 'Sorry, Larry, I can't talk to you.'

Mr Cook—He said, 'I'm not allowed to talk to you and I've got to write down anything that is said, so I don't want to say anything.' I said, 'I don't want to embarrass you, mate; I'm on my way,' and I left. What they are doing now is they are trying to break down who they thought was in contact with me for my alleged leak to the media. This is all detailed in the auditor's reports about what they do when someone is a problem.

CHAIR—In the meantime, what is happening to the crooks?

Mr Cook—They are enjoying life to the maximum, I am sure. They might be worried about my evidence today, I do not think so, though.

CHAIR—I wonder how many police hours have been taken up by this? Go on with your evidence.

Mr Cook—Friend was directed by Moore not to speak to me. When he served him notice, Greg Moore said, 'You're not to speak to him or see him as he is a police officer under investigation.' He received this notice telling him that he was not to speak to me and to write down what I said on 14 April, some seven months earlier. I was told by another police officer that Superintendent Greg Moore had made threats against Friend when he told other officers on that day, 'Friend will never be considered for any position while he remains here.'

On 24 November 2000, the personal violence order against me was dismissed at the Goulburn local court. I was contacted six times—

CHAIR—The matter on 24 November, was that AVO a provisional AVO?

Mr Cook—It was an interim AVO.

CHAIR—I want to get this straight. In certain parts of the law, there is still a process where the onus of proof is reversed and where an information is laid by a particular authorised person, it is taken as fact and then you have to dispute it.

Mr Cook—That is not the case in this matter.

CHAIR—So that is not the way it operates in this.

Mr Cook—They only have to prove it on the balance of probabilities for a personal or domestic apprehended violence order.

CHAIR—What happened on the 24th? What did they say?

Mr Cook—In the meantime—and I have not put this in my submission—I was contacted six times by the DPP asking me to make an undertaking. I said no.

CHAIR—The DPP contacted you six times.

Mr Cook—I had no case. I had not threatened anybody.

Ms JULIE BISHOP—They asked you to give an undertaking that you would stay away from Bishop and stop saying things like, ‘It’s not over yet.’

Mr Cook—Yes.

Ms JULIE BISHOP—You did not give that undertaking?

Mr Cook—No. On this day—the DPP were coming in—my solicitor said, ‘Look, they only have to prove it on the balance of probabilities.’ I said, ‘I cannot afford to have an AVO against me, because my credibility will be shot. I’m making serious complaints against these people, and they want a scalp.’ The DPP came in, and I said, ‘You’ve got no case. I’ve done nothing.’ They said, ‘Look, all you have to do is make an undertaking.’ I said, ‘I’ll make an undertaking to continue doing what I have been doing ever since—I have not been near those people, I have not seen them, I have not spoken to them.’

Ms JULIE BISHOP—So what happened?

Mr Cook—I made an undertaking not to go near them, and the matter was dismissed.

Ms JULIE BISHOP—Did they lead any evidence?

Mr Cook—No. They did not have any evidence. I had not done anything. The allegation was ‘It’s not over yet’.

Ms JULIE BISHOP—So you undertook not to say ‘It’s not over yet’ again?

Mr Cook—The magistrate started getting into me. My solicitor said, ‘The magistrate’s got the shits that it’s two police officers.’ I said, ‘I didn’t bring this action.’ He said, ‘They only have to prove it on the balance of probabilities.’ I said, ‘I don’t want to go near them, and I haven’t been near them. I’ll make an undertaking that I haven’t.’ When the matter was dismissed, the magistrate said, ‘Mr Cook, this behaviour,’ and I said, ‘There has been no behaviour; I haven’t been near these people. This is a fit-up from the academy. There’s been no investigation into this matter whatsoever.’ And it was noted on the record—there was no investigation.

Ms JULIE BISHOP—But it was dismissed?

Mr Cook—It was dismissed.

Ms PANOPOULOS—Mr Cook, you said that the DPP had approached you half a dozen times—

Mr Cook—Six times. They rang me at home, asking me to enter into an undertaking.

Ms PANOPOULOS—Who from the DPP would have called you?

Mr Cook—I have the names at home.

Ms PANOPOULOS—Could you provide the committee with those names?

Mr Cook—Yes, I can. I have a file this thick; I just did not want to complicate issues here today. I am telling the story of what happened to me. Where it goes from here, I do not know, but this is my last throw of the dice. I have nowhere else to go.

CHAIR—Please continue.

Mr Cook—On 15 December 2000 I called Superintendent Greg Moore, the acting principal of the academy, and stated my concern about Friend and the destruction of his career through the unlawful section 173 warning notice. Moore said, ‘The section 173 came out of an internal inquiry about you, which is now complete. I read it and it seemed fair to me.’ When I explained to Moore that Friend had done nothing wrong, he said, ‘That inquiry came out of the old regime here. I had nothing to do with it.’ So he was wiping his hands of it—but he still signed it. I told him that if he signed the section 173 it was his responsibility. I asked about the character attacks being made upon me and said that the end responsibility for taking action lay with him as the principal. He said, ‘I’ll only be Principal for another five days.’ That was his response. On 15 December I saw an academy—

CHAIR—Has anything been done about the break and enter to your house?

Mr Cook—The first one or the second one, Ma’am? Because we are coming up to another one. Nothing has been done. Nothing has been done at all. On 15 December 2000 I saw an inspector from the academy in Goulburn. He said he was sorry for not coming to see me, but staff had been threatened by Mahoney not to see me or go near me. He told me that Dave

Madden, who was coming in as the new principal, said the previous academy management and its methods were a disgrace. He said that, as he had just run into me in the street, they would not be able to get him for talking to me—this is an inspector of police. That is how far the fear went up the ladder.

On 15 November 2000 I contacted Rae Doak at Police Rehabilitation and told her what the inspector had said. Doak said, ‘Yes, there seems to be a pattern of behaviour in place here with the people off sick from the academy. This new principal, Dave Madden, might change things for the better.’ I spoke about the actions of the professional standards manager, Bradley Howell, and the section 173 notice against Friend. Doak asked, ‘Have you been suspended?’ I said no, and she replied, ‘How can they do this to you?’

On 3 January 2001 I received a letter from Senior Sergeant Peter Southam of IA regarding the academy inquiry. He stated that my complaints were under review to determine the best way of proceeding. On 25 January, Sergeant Kim Bates, a friend of mine from the academy, saw Ian Ball, President of the New South Wales Police Association, in Sydney. They discussed the college, and Ball told Bates that two members of the association had made a report about poor management practices about four years ago. They were labelled as troublemakers when they reported that things were crook. Bates referred to me, and Ball said, ‘He’s got a lot of problems, that fellow.’ Bates took this to mean that I was the problem. I have never met Ian Ball; I do not know him. But he has decided that I am the problem.

On 6 February 2000 I received a phone call from Senior Sergeant Peter Southam of IA. He asked to interview me the following week. I wrote a reply to Southam stating that my career was ruined and that I believed that, due to what had happened in the last eight months, his investigation had already concluded. I declined to be interviewed and requested that he investigate the information and witnesses provided in my complaints.

On 14 February I spoke to Sergeant Matlok. He told me that he had met with Peter Southam and that he believed the investigation into the college was sincere and going to find the truth. I asked him to tell Peter Southam that I wanted to be interviewed. He told Southam about this on 15 February and Southam told him, ‘We don’t need to speak to him now. We’ve found proof of the issues alleged and we are dealing with them.’ I ask you to remember that because in Operation Ribat, in three sections, it had been said that I refused to be interviewed. The reason he was happy about that was because he was going to make things nice and easy. ‘Cook refused to be interviewed. This is what sort of bloke he is. He refused to be interviewed.’

On 8 March 2001, Senior Constable Friend—this is how Friend received the section 173 warning notice for talking to me—came to my home. He had been rejected for service in East Timor due to the section 173 notice for talking to me. During the week commencing 26 February 2001, Friend spoke to the college professional standards manager, Senior Sergeant Bradley Howell, about the section 173 notice. Howell said, ‘Have you been talking to Larry Cook?’ Friend said, ‘No.’ Howell said, ‘You’re not to talk to Larry Cook. Don’t go down the same road as your brother.’ His twin brother had been off sick from the academy and had not been anywhere near the place. He went off just after I did. Howell knew about that, and there he was threatening this fellow not to go down the same road as his brother. I am friendly with Friend’s twin brother, who has not been at the academy for 18 months, and Howell knew of our association. They were keeping tabs on me, for sure.

On 10 April 2001 Sergeant Ron Davis came to my home. I asked him if he had been interviewed by IA regarding sexual harassment of students. He had not been interviewed, but had sent an email to Griffith and supplied IA with detailed information on the sexual misconduct allegations regarding Senior Constable Bishop. I then called Sergeant Webster and Sergeant Kim Bates and found they had not been interviewed. I had been told that the IA investigation into the academy was complete.

On 11 April I contacted the Ombudsman's office and IA, asking what was the status of my complaints and why not I nor any witnesses had been interviewed. On 22 May I received an email from Senior Sergeant Peter Southam of IA, stating that the inquiry into the academy was finalised and he could contact me soon to discuss the investigation of my complaints. On 23 May, IA met with Matlok and that meeting was videotaped. In that interview Peter Southam said that Reg Mahoney had an adverse finding against him regarding his management of the academy and that the recommendations included that he undergo ethics training, management training at an approved tertiary institution, and public sector ethics training. Peter Southam also stated that Reg Mahoney would find it difficult to win a local area commander's position in the future. We know how much of a lie that is.

On 28 May, Commander Dave Madden, the new principal, responded to a call I made to him. I spoke to him about the academy corruption and suggested that he hear the stories of the people who had been forced on to long-term sick report by the corrupt activities in the academy. He replied that he was not interested, he was working 20 hours a day and he felt that he should move on to the future and not dwell on the past.

On 29 May I wrote Madden a letter expressing my disappointment at his stance, the fact that nothing changed at the academy and that none of my witnesses had been spoken to. I asked him whether he thought that Mahoney could have continued with his corruption without a willing network to support him. All the network is still in place. They have cut off the head and it is like a hydra—another one appears. I told him of the management measures used to isolate me and threaten staff who were friends of mine, and that I had proof of the allegations. I then contacted Madden by email with a letter attachment, outlining what we had talked about.

On 21 June 2000 I contacted the police media unit and said that, unless something was done within 48 hours about the corrupt section 173 notice, I would give my story to the media. On 22 June, Madden called and said he had received an email message from the commissioner to contact me and that he did not know why. I told him that I intended to go to the media about the academy and unresolved issues, including my section 173 notice. I said that section 173 was designed to get rid of crooks and inept police and that I was neither inept or corrupt. I told him I had proof of corrupt conduct.

On 27 June, Madden called my home. He said he was looking into the section 173 notice, would be making inquiries and that he would call me on 28 June. I then wrote Madden a reply email stating that he was totally ignoring the people who had tried to make a stand against corruption at the academy and that now they were being ignored by the Police Service and had no support whatsoever. I did not hear from Madden again. On 24 July 2000, Ryan stated on Sydney radio, 'My door is open to police wanting to report corruption,' so I took that opportunity. I got straight on the phone to Bernie Aust at the commissioner's office and said, 'Make me an appointment.' My request was refused. On 26 July—

Ms PANOPOULOS—Mr Cook, who did you speak to?

Mr Cook—Superintendent Bernard Aust, another one of the guard. On 26 July, after more comments by Ryan in the media, I rang Superintendent Aust to ask for a meeting with the commissioner. Bernard Aust, his chief of staff, refused and said, ‘Larry, Bernie Aust here. When you are speaking to me, you are speaking to the commissioner.’ That made me feel really good. They talk to you like you are stupid. He asked if I would allow Sergeant Lee from IA to speak to me. I agreed. On 20 August I spoke to Lee about the interview and asked that Gary Matlok be present, that I be interviewed at my home and that the interview be videotaped. That is all fairly reasonable for someone wanting to report corruption, isn’t it?

CHAIR—I thought so.

Mr Cook—On 21 August, Lee replied, proposing a date for the interview. He called me back on the 24th and said he would not accept any of my terms for the interview. On the 27th I contacted Lee, outlining my distrust of the Police Service, how the academy investigation was corrupt and how no witnesses I had nominated had been interviewed. On 31 August, IA contacted me, stating that the interview could not be videotaped and that, in lieu of Matlok, they proposed someone from the Police Service team. That would make me feel good. IA said that the interview should take place on neutral ground. I said, ‘Enemies meet on neutral ground. I am just reporting corruption; do you see me as the enemy?’ Obviously they did.

On 1 September I received a virus-infected email. The email, headed ‘Harassment-free workplace’, related to returning to work in three areas of the Police Service. It had an application form. When you hit the application form, your computer got destroyed. The worm virus in the email was named Win32.Magistr.24876. I have it on disk at home; I have kept it. The email is clearly aimed at my situation: ‘Go back to work and be protected.’

CHAIR—Are you saying somebody deliberately sent you a virus?

Mr Cook—They were trying to destroy my hard drive, which was another way of having a crack at me. They do not like people who stand and fight. On 3 September 2000 I contacted IA, the police commissioner, the minister—through an email address—and Andrew Scipione, complaining about the attempt to destroy my computer’s memory. No investigation has ever taken place. On 5 September I became aware of the document entitled *Highly protected investigation ongoing*. I will skip over that because I have already dealt with it. On 7 September I contacted the commissioner’s chief of staff, the Minister for Police and Superintendent Scipione. I reported my knowledge of the *Highly protected investigation ongoing* report and my intention to circulate the document, which I did not have and had not seen. I was trying to get some action on it. In early December 2001, Senior Constable Friend had his section 173 warning notice—issued to him to tell him he could not talk to me—lifted after it was assessed by an independent commander as being invalid. He went to the Police Association, which jacked up and went to an independent command. They assessed it and said, ‘No,’ and took it off him.

On 8 January 2002, the Parliamentary Secretary to the Minister for Police wrote in response to my letter of 7 September and acknowledged the problems at the Police Academy, but stated that management changes and training had solved the problems. He did not address the unethical investigations or the behaviour of investigators and personnel from the academy. The

letter stated that my complaints were received by the Special Crime Unit and Internal Affairs on 6 December and were under consideration.

CHAIR—Who was the parliamentary secretary who wrote on 8 January?

Mr Cook—Bryce Gaudry. On 23 July 2002 my home was again broken into. Nothing seemed to be missing. I arrived home on 26 July and found that my computer had been accessed. This matter was reported to the police. In the week prior to that break-in I had been at court in Sydney with another former academy officer, Peter Hatte. We had made it known to academy management that we had documentation which was damaging in relation to the academy—and the house got broken into again.

Ms JULIE BISHOP—Did you mean you had documentation on computer?

Mr Cook—We just let them know that we had documentation on what went on down there, and the house got broken into again.

CHAIR—And your computer is assessed to see if they can find the documentation.

Mr Cook—I am sure that is what they did.

Ms JULIE BISHOP—Nothing else was taken.

Mr Cook—No. Operation Ribat would be one of the greatest whitewashes I have ever seen. Ed Chadbourne said there was a whitewash brush 12 inches wide. They put it on temporary loan down at the academy and they have used it on this document here. I have just received Operation Ribat through the FOI request of a colleague, Peter Hatte. Operation Ribat was the investigation into the academy allegations. It is only half the investigation, not the investigation into Mahoney. It is the other issues at the academy, although there is one Mahoney issue in there. Out of the nine complainants interviewed with all their issues, they found one sustained, and that was Mr Tomkins's interpersonal style. I maintain that they only found that sustained because Dave Madden gave him three pages of the biggest lambasting you have ever seen about being—I am not going to go into character assassination. All I am saying is that, if you read the documents in relation to what Dave Madden says about Ian Tomkins, you would wonder why this fellow was ever granted a job as a superintendent in the New South Wales Police. In this document, it talks about Tomkins's—

CHAIR—What page is it?

Mr Cook—interpersonal style, other matters re assessment of Tomkins's issues. It is on pages 26 and 27. It is very interesting reading about this fellow, who started my problems at the academy.

CHAIR—This is Madden's assessment. He was the commander.

Mr Cook—He had knowledge of him from working with him and he was acting principal at the time.

CHAIR—He replaced Mahoney.

Mr Cook—Yes, he did.

CHAIR—This is the official report.

Mr Cook—Yes.

CHAIR—The report states:

Mr Madden describes what Mr Tomkins did as disengaging from the process of reform. This was not just by walking out of that meeting. It was also by saying that the reform had all been done before and no change had taken place and that as a 'tainted' officer he could not be trusted to work on the reform project. His comments at meetings were not helpful, basically criticism of the past and people and passing notes to Superintendent Moore or laughing at inappropriate times.

... ..

Mr Madden believes that Mr Tomkins does not work as part of a team. He is a loner who will argue how much he has achieved when others have failed, but he does not function appropriately as part of a group setting. His contributions at all meetings that Mr Madden has attended where a number of people are present (ie not a meeting of two or three people), have been unhelpful and detracted from the directions taken.

Mr Madden states that Mr Tomkins finds it difficult not to criticise people when he talks or deals with them. For instance, Mr Madden requested that he provide a report on the status of technology with education as some funding had become available. Mr Tomkins first report back to him simply indicated that he had prepared a paper before but it had been knocked back. He indicated a lack of foresight on the part of the Executive. Mr Madden asked him to reconsider his report and instead couch his comments in the form of a mention of the previous report, but a new sense of hope with the latest opportunity. Mr Tomkins could not understand this reticence to 'attack' and said he would change it if he was directing him to do so.

He says that Mr Tomkins also suffers very much from a myopic unchanging view on many issues. He recently became concerned about his contract with the Service and felt his would not be renewed and that he was "taking legal advice" on the matter. Mr Madden indicated that his contract would be renewed and that he knew of no one who had been dismissed from the Service in that manner. Mr Tomkins could not accept this and kept reiterating his view. Similarly, he was in this circular argument mood when discussing his future. It was a case of desiring operational opportunities, when granted these, they were no longer suitable and he desired non-operational. When Mr Madden indicated he would pursue these, they were no longer suitable and he wanted to remain at the academy.

This Mr Tomkins was the one who started the defamation. He went to another class and told 200 of your students—

Mr Cook—He directed another instructor to tell them.

CHAIR—How do you know that the instructor was instructed by Tomkins?

Mr Cook—There was a conciliation done. I was sitting at conciliation and I had the fellow who had organised the defamation there telling this bloke to apologise to me and I said, 'Give me the paper. I'll sign it. I'm going on six months long service leave. I'll see you later.' I went and lived in the back of my car in North Queensland for six months. I could not stay there anymore; it destroyed me. When you are a police officer and a whole class gets told you are a crook, it certainly has an effect on you that hits you like a tonne of bricks. I have only ever had that feeling once after that and that was when I was standing up—after 23 years in the New South Wales Police with the commendations and awards I have got—as a defendant in a court case that I was loaded up in. It is a feeling that you can never explain; it has destroyed me. I do not sleep: I have not slept a sound night since all of this has been going on. My health has just

gone. This is what they do. Mr Tomkins has had three complaints in four years of victimisation and bullying, and yet Operation Ribat describes him as an asset to the service. Let me go into this now.

CHAIR—Hang on—what do you want to do now?

Mr Cook—Tomkins has had three complaints of victimisation and bullying in about four years, and he actually said to me that he was going to get even with people. I worked with Ian Tomkins in the early 1980s, I worked with him again in 1988-89, and he turned up back at the academy—I knew this bloke backwards. So he is confiding in me, telling me he was going to get this bloke—and I did not know about the complaints. The complaints he has had are in that file. They declined one, they have conciliated another and there was no adverse finding in another. His track record is bullying. This report says that he got his job done at the school: he got his job done at the school but—

CHAIR—All right. Let us go back to this report. Julie Bishop has indicated she wants to ask a question.

Ms JULIE BISHOP—As we are dealing with the document that you have produced, on Operation Ribat, could you confirm something for me. You said in your supplementary statement that it was on 31 May 2000 that you were served with the section 173 warning notice—

Mr Cook—by Superintendent Worboys—

Ms JULIE BISHOP—and that that had effectively destroyed your career. Subsequently you learned that there was an investigation of you in relation to media leaks. What happened to you as a result of the media leaks investigation?

Mr Cook—I only found out about it last week.

Ms JULIE BISHOP—And, through FOI, it was found that the investigation deemed you guilty of the media leaks?

Mr Cook—Yes.

Ms JULIE BISHOP—Would you turn to page 35 of the document headed ‘Operation Ribat’. It says here under the heading ‘Media leaks’ at the second paragraph—

Mr Cook—I am actually going to deal with media leaks.

Ms JULIE BISHOP—You don’t want to deal with them now?

Mr Cook—I can.

Ms JULIE BISHOP—Okay. I just wanted to note this:

Whilst it would be desirable to identify employees who leak information to the media—

Mr MELHAM—I am sure you got permission from the chair to do all this, Julie.

Ms JULIE BISHOP—I just asked.

CHAIR—Mr Melham, she asked the chair for permission to have the call, unlike you. If you played to the chair instead of the audience, you might do a bit better.

Mr MELHAM—I am looking forward to your running for the Liberal Party in New South Wales. We will have the heading ‘Bronny for leader’ and then ‘Bronwyn gets smashed’—

Ms JULIE BISHOP—Mr Cook, I assumed that the submission was going on to something different. On page 36, the document says:

It is known that Sergeant Cook is a very disgruntled employee and there are strong suspicions he is the officer responsible for the subject media leaks. He refuses to be interviewed and is seeking a medical discharge, HOD, from the service.

Mr Cook—I did not refuse to be interviewed.

Ms JULIE BISHOP—That is okay. I am just getting an understanding of this. It goes on:

Consequently there is insufficient evidence to prove his involvement in the Daily Telegraph article. There are no other avenues of investigation to be pursued in relation to this matter.

Yet you are now telling me that, as a result of an FOI, you have ascertained that you were deemed—

Mr Cook—No, there are two separate matters. The film footage is what I am found guilty of. But I am surprised they have not found me guilty of that one.

Ms JULIE BISHOP—That is what I am trying to clarify. The investigation into you for asking somebody for film footage for Channel 7: that one you have been found guilty of?

Mr Cook—Guilty.

Ms JULIE BISHOP—Right. And the suspicion that you were responsible for some leak in the *Daily Telegraph* article they are not investigating?

Mr Cook—No.

Ms JULIE BISHOP—And you found that through this?

Mr Cook—It is in Ribat. What does it say? It says I leaked. But they cannot prove it.

Ms JULIE BISHOP—I just wanted to understand that because you had been talking about investigations into you leaking things to the media.

CHAIR—Where in Ribat is the finding with regard to Channel 7?

Mr Cook—It is not in Ribat. If you go to page 36, up the top it says:

A related matter that was investigated was an occasion on the 14.4.00, when Sergeant Larry Cook, former teacher at the academy on long term sick leave, rang an IPC and requested footage of the academy pistol range on behalf of Channel 7 reporter Morgan Ogg. Mr Ogg was conducting inquiries in relation to an incident on the range involving a student police officer who had threatened instructional staff during a live shoot. That investigation ... was conducted by Detective Sergeant John Gross of Education Services and an adverse finding made against Sergeant Cook ...

An adverse finding is guilty.

CHAIR—So attachment 49—

Mr MELHAM—We do not have.

Mr Cook—They do not have the attachments. They would not give them to us.

Ms JULIE BISHOP—When you rang this IPC and requested footage of the academy you said it was for Channel 7?

Mr Cook—Yes.

Ms JULIE BISHOP—You said Channel 7 had requested it?

Mr Cook—I said to him, ‘Look, I got videotaped in the range in about 1996 or 1997 and I want to get a copy of the videotape. Have you got a copy there or can you remember which television station took it?’ And he said, ‘Mate, we have had an incident here with a shooting. I cannot give you that.’ I said, ‘I am only asking for the videotape or who took it.’ He said: ‘No, you’ll put me in a bad position. I can’t give you that.’ And he hung up the phone.

Ms JULIE BISHOP—That was the end of the incident, but there was an adverse finding made against you for making the request?

Mr Cook—Yes. I released something—I do not know what it was.

Ms JULIE BISHOP—You made a request.

Mr Cook—I made a request but—

Ms JULIE BISHOP—And that was refused?

Mr Cook—It says there an adverse finding was made against me. That is for releasing the information to the media. I did not release anything.

CHAIR—The mere fact that you asked for it was deemed—

Mr Cook—Yes. I was a target.

CHAIR—And the 173 notice flowed from that.

Mr Cook—Yes.

CHAIR—No, the 173, I think you said, came from—

Mr Cook—No, the 173 was given to me for that poster—the A4 page.

CHAIR—What resulted from that adverse finding?

Mr MURPHY—I would like the call, thanks, Madam Chair.

CHAIR—When I have finished, you may have it. What flowed from the adverse finding against you with regard to Detective Sergeant John Gross's investigation?

Mr Cook—I did not find out about it until last week. I do not know what flowed from it. They do not tell me anything.

CHAIR—You did not know that he conducted an investigation?

Mr Cook—I knew there was an investigation going because when I saw a friend he got told that he was not allowed to talk to me. That was over that. So I knew there was an investigation. It is just that they found me guilty.

CHAIR—So they never talked to you?

Mr Cook—They rang me up and said, 'We would like to talk to you.' I said: 'Look, I have made a complaint to the Police Integrity Commission. It is really inappropriate that you talk to me.' They found me guilty; I did not release anything, but it was a sustained complaint. What they do at the academy is they get all their mates to investigate. It is all crooked.

CHAIR—Okay. You wanted to ask something, Mr Murphy.

Mr MURPHY—Yes, I do, Mrs Bishop. You also raised this issue with Mr Andrew Tink, and I said I wanted to come back to that because you had said it was a waste of time. Now would be an opportune moment for you to tell me why it was a waste of time.

Mr Cook—It went to PIC, and PIC do not investigate anything. What they do is refer it back to the New South Wales Police, and the New South Wales Police hide it.

Mr MURPHY—Bearing in mind—

CHAIR—Why did you go to—

Mr MURPHY—I am asking questions now. Bearing in mind that Mr Tink is the alternative police minister—

CHAIR—He is the shadow spokesman.

Mr MURPHY—what did you do with regard to him following it through?

Mr Cook—I went to Mr Tink because Katrina Hodgkinson is my local member and she is a National.

Mr MURPHY—I am sorry?

Mr Cook—I hate politics. I went to Katrina Hodgkinson, my local member, and said, ‘I need help.’ She then—

Mr MURPHY—Did very little, according to what you said.

Mr Cook—She took me up to Sydney and she handed me over to Andrew Tink. When I say she does very little I mean there was not a lot for her to do. I typed up the thing here and Andrew Tink forwarded it, but we have received nothing.

CHAIR—What else could he have done?

Mr Cook—It is PIC—PIC do nothing. I am going to get into some issues here with PIC in the McCabe matter that—

Mr MURPHY—But, in all honesty, you are not happy with the present police minister and Mr Tink is the alternative police minister.

Mr Cook—I did not say that. Mr Costa—

Mr MURPHY—Obviously you are not happy with Mr Costa.

CHAIR—Let him give his own answer.

Mr Cook—Mr Costa has been put into a job that he cannot possibly do. No-one can do it; the Police Service is too rotten—it is rotten to the core. You have heard evidence from all of these people here who have been affected. The same names keep coming up. What can the government do? If we wanted to sack all the crooks and people who are tainted, you would have to have the guard sitting at the front door—and, even then, you would have to look at them twice.

Mr MURPHY—If there were a change of government on 22 March, do you think anything would change?

CHAIR—We are not going down that track.

Mr MURPHY—No, I am asking the question, Madam Chair.

CHAIR—You do not have to answer political questions, Mr Cook.

Mr MURPHY—Mr Cook, do you think anything would change if there were a change of government?

Mr Cook—It has been let go too far. Let me go back—

Mr MURPHY—Would you answer my question?

Mr Cook—I will. George Paciullo, Mr Whelan, Mr Costa—

Mr MURPHY—Terry Griffiths?

Mr Cook—Terry Griffiths—

Mr MURPHY—Mr Pickering?

Mr Cook—And Pickering. We have had royal commissions and we are still as rotten as a chop. The royal commission pulled up just when it was getting to the interesting part: why good cops go bad. What about the management? Jeff Jarratt was in charge of Gosford when I was up there, when the drug unit was running amok. I knew they were running amok because I was at The Entrance police station chasing a heroin dealer and I had two members of the Gosford drug unit come to me and say: ‘No, Larry, don’t go off by yourself, mate. Let us know what is going on.’ As soon as I let them know what was going on, I could not get the drug dealer anymore. So I gave them false information and I started locking the bloke up again. Jeff Jarratt then goes out to Parramatta and he says, ‘My hand was shaking when I signed promotion papers.’ Where does the buck stop in New South Wales?

Mr MURPHY—Are you saying that, irrespective of who is in government, you do not think anything is going to change in the Police Service?

Mr Cook—I don’t want to turn this into a political argument—

Mr MURPHY—But I am asking you a question.

Mr Cook—but nobody can solve this problem.

Mr MURPHY—So nothing will happen even if there is a change of government?

Mr Cook—No.

CHAIR—We have heard evidence before that the Fitzgerald inquiry was successful and that the Wood inquiry was not. What was the difference?

Mr Cook—I was sitting back there during the Wood inquiry and I knew most of the names. I used to work with Graeme Fowler at Gosford; I used to work in the same detectives office in the old police station. I knew all these blokes, but I knew that there were problems. Why didn’t the supervisors know? Why is it that everyone who was in charge of the Police Service during the royal commission is still sitting there or out at the commands? Where does the buck stop in New South Wales?

CHAIR—What you are saying is that the lesser minions got attacked but the people who are higher up are still all in place.

Mr Cook—Let us say that you were an underling and made a videotape. In terms of PIC it would be: ‘In what way can we justify our spending for this week? Let’s get a videotape and show Wayne Eade having sex with a prostitute. That’s great. Let’s put it up there. Oh, isn’t that dreadful.’ How many times have you seen Chook Fowler copping the quids? How much of management was interviewed? How much did they look into why good cops go bad? At The Entrance police station I was a shift supervisor and I knew what all my blokes were doing. I made it my business to find out what they were doing. If they were doing anything wrong, I would pull them in.

Mr MURPHY—Can you say anything good about the Police Service?

Mr Cook—Yes, from sergeant level down it is squeaky clean. You have got good people out there trying to do their job under very adverse circumstances, because, as you have had it described to you, the experience has walked out the door. I am in contact with a lot of police who are marching out the door. Every time I pick up the *Police News* and see how many go out each month, I look at the experience and the dedication going out the door because people are getting steamrolled by a corrupt promotion system and inept and incompetent bosses. At the academy the students were produced in record numbers not because of Superintendent Tomkins but despite him. He drove nearly a whole school out of the school of operational policing. Nobody has interviewed any of those people.

CHAIR—Does the *Police News* record how many people have left?

Mr Cook—Yes.

CHAIR—So how many people have left?

Mr Cook—It only gives you figures month by month. I just keep reading through it and I see that all the blokes I worked with and that I respected going—every month they are gone. Peter Hatte has gone, a good operator from the academy. There are Peter Martin and Richard McDonald. Let me tell you a story about Richard McDonald. You are going to hear from him this afternoon. He rang me at the academy in 1996 or 1997 and said: ‘They are forcing me to sit in the interview room and watch videos all day. What can you do?’ Ken Moroney just took over City East, so I rang him up and said, ‘Look at what’s going on.’ What was the result of that? He did nothing. They don’t care. There is no supervision.

Mr MELHAM—When you say ‘watching videos’ what sort of videos were they?

Mr Cook—They were getting civilian videos and putting them into the electronic record of interview machine instead of walking the streets—for 10 hours.

CHAIR—We will hear from Mr McDonald himself. But let me ask you this question—

Mr MELHAM—So you have got nothing good to say about anyone from sergeant upwards in the New South Wales Police Force?

Mr Cook—That is sweeping, as well.

Mr MELHAM—You just made that sweeping comment.

CHAIR—No, he said everyone from sergeant down was squeaky clean. You did not ask him about people above.

Mr Cook—That does not exclude people above that. I know good officers but most of the good officers are about to bail, if they haven't already, and it looks like we are losing about 150 experienced police a month. What they are doing is blaming injuries. I was on a police motorcycle and I hit a car at 110 kilometres an hour and got catapulted down the road. It was only that I was rowing surf boats and was fit that I am still able to operate. A lot of times my back is so bad that I can hardly get out of bed. But I could still go to work, and I would go to work with a bad back.

CHAIR—We will not go into that. We will finish going through this evidence. But at the same time that we are talking about—

Mr MELHAM—So are we going to get to ask questions at some stage, Madam Chair?

CHAIR—Of course we are going to ask questions in addition to the ones we have already asked.

Mr Cook—This report, Operation Ribat, confirmed the depth of animosity directed against me by the academy management and IA, who were working in concert at the time. Academy management—the professional standards manager—was working alongside the Internal Affairs consultant Southam. The report is one of the most biased documents that I have ever seen produced by any area of the New South Wales police. It has been accepted by the Police Integrity Commission as a fair investigation. There are nine complaints with multiple issues regarding the academy. At the end of the investigation, only one part of one complaint was sustained, and that was against Superintendent Ian Tomkins.

Southam states on page 22, paragraph 4, and on page 24, paragraph 1, that I refused to be interviewed. That is a lie. I made arrangements to be interviewed on 15 February and Southam stated, 'We don't need to speak to him now. We have found proof of the issues and we are dealing with them.' But in the report he says that I refused to be interviewed. But they did not think I was going to get the report. He also states that I told Deputy Commissioner Moroney that I would not be interviewed. There is my wife there; she was sitting with me the whole time. That is a lie. I waited for six months—

CHAIR—Are you saying you had the interview?

Mr Cook—Yes. I waited for six months to be interviewed by IA. The reason I was not interviewed was that it made it easier to cover up the issues at the academy and it made the investigation easy. I have not met the author, Senior Sergeant Southam. Throughout the report I have been described by Senior Sergeant Southam as having a vendetta against management, paranoid, disgruntled, a fool, disruptive, vindictive and possessing a lack of balance. He also stated to Sergeant Matlok that I was a 'mind poisoner'. It is interesting to note that on page 23 it states:

Having been in contact with Acting Inspector Howell throughout the course of the investigation—

I have never met Southam but the academy professional standards manager had been running the campaign on me and he is with him throughout the entire investigation. It would appear that Howell obviously had some sway with Southam—they were previously work mates at IA—and coloured his perception towards me. In this report I was the complainant, not the alleged offender.

The investigation into this matter was conducted in a manner that would ensure the results required by the New South Wales Police. Firstly, IA assigned a senior sergeant to investigate a superintendent, which is contrary to the Project Dresden recommendations. Secondly, when investigating alleged offenders, Southam only spoke to close associates of the alleged offender or with people who owed the alleged offender something, whether that something was promised support for promotion, promotion itself or the possibility that a witness would be disadvantaged if he gave evidence against the alleged offender and the complaint not sustained.

Interview someone under him in the chain of command—and, if it is not sustained and they know they gave evidence, they are over. They are finished. The witness will be left to explain why they gave evidence against the alleged offender. An example of this is found on page 29, paragraph 4. Sergeant Mears was supported for promotion by Tomkins and was successful. Inspector O'Dell was Tomkins's deputy, supported by Tomkins for the position. Superintendent Mahoney, a person I had made serious complaints about, defended Tomkins and made derogatory comments about me on page 27, paragraph 3. All of these witnesses had agendas. No other member of the school was interviewed—not one.

Another evident result of this inquiry is found at page 4, paragraph 3, where Southam states—and this is an absolute gem:

Generally, in his interview, Tomkins tends to say he cannot recall a particular incident occurring rather than outright denying it, even though it is clear that is what he's meaning. An insight into his reasons may be found in his answer to question 293 on page 70 of his interview where he again declines to deny something and says that he knows one of the IPCs, the internal police complainants, carries a tape recorder. It would accord with other comments he makes that he's trying to use abundant caution to not say something which is contradicted by a document or a tape recorder.

He is lying; he is not telling the truth as required by the Police Service Act. They explain it away by saying that he is using abundant caution. Here is a bloke who thinks he was taped and says, 'I'm not going to deny that; I cannot recall,' all the way through the interview. And they don't make an adverse comment on it; they say that it is a reason why he does not give the right answer. For God's sake, dishonesty is punishable by section 181D. This is a joke.

CHAIR—We are now getting near the end of this additional evidence, aren't we?

Mr Cook—Yes, we are getting close. There is one other concurrent issue that deals with Probationary Constable McCabe, which is extremely important. It is also pertinent to mention the complaint of media leaks within Operation Ribat and the statement on page 35, paragraph 8, 'While it would be desirable to identify employers who leak information to media and take suitable action.' I would have thought that in any fair examination of the academy that the New South Wales Police would have been more concerned at excising corrupt officers from the academy in the Police Force itself rather than concerning itself with trying to find a scapegoat to blame for exposing corrupt practices. Without any evidence, I have been accused of being the offender in this matter.

One of the most unpleasant tasks I have ever been assigned was to escort the widow of former Sergeant Phil Arantz to be presented with a posthumous award for his courage in exposing corruption within the New South Wales Police to the media, which subsequently caused his removal from the New South Wales Police. To walk with Mrs Arantz to the Commissioner to receive this award caused me great consternation as I knew that, if Arantz were alive when Ryan was at the helm and repeated his courageous actions, Ryan would have tacked him to a tree in Hyde Park. What happened to Reg Mahoney? We know what has happened to Reg Mahoney. Why have these police officers been protected?

Senior officers, including up to the Commissioner, were benefiting from the rorts uncovered at the academy in the way of free alcohol, dinners, tours, balls, other events and accommodation. Former Deputy Commissioner Jarrett and Reg Mahoney have been associated for many years and have worked together. I have been told that Jarrett was the officer responsible for making the decision not to proceed against Mahoney. Reg Mahoney and Ken Moroney have been longstanding friends. Mahoney and his wife, Jan, and Moroney and his wife, Bev, and the police chaplain, Father Barry Dwyer, have been on overseas holidays together. Ken Moroney and Father Barry Dwyer—

Mr MELHAM—That is not a crime, is it?

Mr Cook—It is not, but how do we get balance when we have people holidaying together overseas and are friends?

Mr MELHAM—You have friends in the force that you holiday with.

Mr Cook—Yes.

Mr MELHAM—You have mates here giving you support from the gallery.

Mr Cook—Yes, but I would certainly disassociate myself if I had to make decisions based on what I have seen in those audit documents. The decisions were made at headquarters at Mr Moroney's level. He was in charge of SCIA. What happened to Mr Mahoney? Nothing. He is still sitting out there being paid by the public purse and, shortly, he will be receiving a pension and earning a lot of money out of New South Wales. No action has been taken against him. My point is not personal. My point is: why didn't they do something?

Mr MELHAM—There were independent audits. You have tabled those reports.

Mr Cook—Yes, which uncovered corruption. Ken Moroney and Father Barry Dwyer are close friends and Father Dwyer is implicated in the audit documents for being in receipt of free accommodation and food. Should Moroney have moved against Reg Mahoney, Father Barry Dwyer would also have had to be dealt with. I doubt that would have happened. Can I quickly mention what happened with Probationary Constable McCabe, which basically started my problems—apart from the academy issues?

CHAIR—Yes.

Mr Cook—In 1997, I was served with a subpoena to give evidence on behalf of the defence in the matter of McCabe, John Stewart v. NSW Police Service. On 27 May 1998—the same time all these things were happening to me at the academy—I was at North Sydney Local Court with two other sergeant witnesses. We were subject to intimidation by an Internal Affairs officer at the court prior to giving evidence.

The main offender in this intimidation was Senior Constable Phillip Brooks, who you will hear about in Richard McDonald's submission—I was to be on after Richard McDonald today. The intimidation was such that we called the defence barrister out of court to express our concerns. The magistrate commented in his summation about this intimidation. The matter against McCabe was dismissed and he was awarded \$25,000 costs. I went on six months long-service leave after the defamation case in 1998 and when I returned in December 1999 I was told by my commander that IA, under the direction of Detective Inspector Phillip Douglass, had investigated my records relating to the McCabe case. So they lost the matter and started an investigation on the witnesses.

I called Douglass and was told that no such inspection had taken place. My commander confirmed that my documents had been sent to IA. Later that day, he called me into his office. He said that he had been called by Douglass and tried to dissuade me from complaining. I then found all three police defence witnesses had been subject to investigation following the IA loss of the case. I complained to PIC on 11 December 1998. Four months later, PIC wrote to me asking me to investigate aspects of my complaint. Five months later, I wrote to PIC asking why no investigation was taking place. Three months later, PIC informed me that they were awaiting documents from the Police Service. Thirteen months later on 6 January 2000, PIC handed the investigation to IA—so that IA would be investigating themselves. I then complained to the inspector of PIC.

On 14 April 2000, I was informed by PIC that the Ombudsman's office would be dealing with my complaints. A month later, the Ombudsman's office told me that they were unable to find my complaint. On 26 June 2000, the inspector of PIC recommended that PIC oversee the investigation and expressed his concerns over the matter. Two months later on 15 August 2000, I still had not heard anything about the complaint and I contacted Wendy Gray at PIC on that day. I asked her if she had received my complaints, which were submitted through Mr Tink MP. She stated that she had received those documents. I asked her when I could expect an investigation to take place and said that I did not want IA to investigate matters as prescribed by the inspector of the Police Integrity Commission. She said, 'The inspector can only make recommendations. We don't have to accept or act on those recommendations.'

So we can save the New South Wales taxpayer a couple of hundred thousand dollars by removing the inspector of PIC, because he cannot do anything. He is a judge. He is sitting there and there is nothing he can do. 'We don't have to do what he says.' That is what they said to me. I could not believe it. On 21 September 2000, PIC wrote to me to state that they would investigate my complaint. So it has gone from PIC to IA to the Ombudsman and then back to PIC. Two months later, I received PIC's report on the investigation done in consultation with IA. Not one witness to this matter has ever been interviewed.

I then wrote to the inspector of PIC about the non-investigation of the complaint. PIC went to IA and spoke to an Inspector Martin, who was not even at the court. He said, 'Alex Ramsay is a footballer and he wouldn't have been intimidated by what they did at court.' They said okay.

They went to Brooks and asked if he had intimidated Ramsay. Brooks said no. The witnesses are three sergeants with nearly 70 years experience, a clinical psychologist and a barrister. No-one has ever been spoken to—and this is a criminal offence: subornation of witnesses.

He was standing outside the court smiling at us and holding up a circular about not giving character references about police—because remember after the royal commission that that fellow was sacked and someone wrote him a character reference. They tried to say that we could not give evidence on behalf of McCabe. My evidence of McCabe was part critical, because he had a personality issue not an integrity issue. They didn't speak to any of us and cleared them.

CHAIR—You are saying that you were intimidated because you gave evidence in support of a junior policeman.

Mr Cook—A bloke they targeted.

Mr MELHAM—It was not intimidation; they attempted to intimidate them.

Mr Cook—No, they intimidated us. We actually called the barrister out of court. We sat outside—

Mr MELHAM—They attempted to intimidate you.

Mr Cook—No, they did not. They intimidated us. I said, 'We're going to get done for giving this evidence. They're going to try and charge us.' Alex Ramsay, who had nearly 30 years experience, said, 'Let's get the barrister out here. I'm not losing my job over this. I'm telling the truth.' We were intimidated. It was not an attempt; we were actually intimidated. Nobody was ever spoken to, because they knew they had to act against IA. They are saying that there is no improper association between PIC and IA. That is garbage. PIC protect IA, and I can prove it. The documents here prove it. My responses to them prove it.

On 21 September PIC wrote to me and said that they would investigate my complaints. Two months later I received PIC's report and they said, 'We didn't conduct an investigation. It's more that we spoke to people and we've decided that there's no adverse finding against this fellow.' I then wrote to the inspector of PIC about non-investigation of my complaints. On 6 November I rang PIC and was told there was nothing else I could do about complaining. Actually, they were offensive to me. I asked for a name and they would not give me a name. They said, 'There's nothing more you can do.' The following day, the inspector of PIC wrote to me and attached a response from Judge Urquhart. He admitted that they did not conduct an investigation but spoke to IA without speaking to witnesses. On 12 November 2000 I contacted the inspector of PIC and spoke about my concerns about PIC's attitude to my complaints and the inappropriate relationship between IA and PIC. On 19 December 2000 the inspector of PIC wrote that he had completed his inquiry into my complaints and he sent me this decision not to continue any further investigation. He made no mention of any of my concerns about PIC impropriety.

On 18 August 2001 I contacted the inspector of PIC regarding the absence of investigation into my complaints over three years. I received a reply stating that the inspector of PIC was concerned at the lack of assistance that I had received and that he would contact PIC. I have

heard nothing more to this day. The offender in this matter, who was a Senior Constable Phillip Brooks from the city east region, is now Inspector Phillip Brooks at Dubbo—a professional standards manager. You are going to hear more about Phillip Brooks this afternoon.

That concludes my evidence at this stage. I thank you for allowing me to give this evidence. As I have said before, this is the first time anyone has ever listened to me. The last thing I want to do is make this matter political. This strikes to the heart of protection of people in New South Wales. Here we have got an academy run by crooks. We have got people who lied in investigations because they feared what action was going to be taken against them at the academy. We have got the boss of the academy, who has been found to be a crook, being given another command and still in the service just up the road. Who accepts responsibility for this? You wonder why people leave. The academy lost heaps of people. There are at least 10 people whose careers ended over all this, including me. You heard of my qualifications and what sort of bloke I was. I can show you a list of documents here about what sort of operator I am. In Ribat, I am described as a fool—

CHAIR—What are those documents, Mr Cook?

Mr Cook—I have got a whole lot of other stuff that I will send up to the committee; that is class assessments.

CHAIR—I see.

Mr Cook—The same people that called me a fool and dismissed me are the ones who wrote, after I had been off sick, of what a wonderful operator I was and about my dedication to teaching. I have got the documents. It is disgusting and it is a mess. I cannot see a solution to it. Nobody in New South Wales has the will, the fortitude or the lack of ties to be able to investigate any of these matters properly. We talked about victims of crime and you spoke about it, Mr Murphy. I am a victim of crime. I have had crimes perpetrated against me for the past three years and I am an honest policeman.

CHAIR—I think we might thank you for your evidence at this point. We are going to have questions, obviously, and we have had a lot already. But I am going to ask the committee whether, because of the length of time we have gone on, we could ask Mr McDonald to give his opening statement and then we could have you both there and ask questions of both witnesses. I have noticed that committee members tend to leave not too long after three o'clock and I think witnesses find that a bit difficult. I ask the members of the committee if they would be agreeable to that occurring.

Mr MELHAM—I do not have a problem with that, Madam Chair, except for one aspect. I am interested in whether we could get an indication from Mr McDonald as to how long his opening statement might be. That is all I ask.

CHAIR—That is a fair question.

Mr McDonald—About half an hour.

Mr Cook—Could I make just one more comment?

CHAIR—One quick one.

Mr Cook—The *Sydney Morning Herald* from 12 September 2002 has a comment attributed to Assistant Commissioner Garry Dobson, the principal of the academy. It quotes him as saying that there are positives and negatives and that:

Things like the royal commission give people confidence that the police service is a clean, strong, robust organisation that's got strong principles and good-quality people within it, because it encouraged those of lesser quality to leave.

That is probably the most insulting thing I have ever read in my life, especially with what you have heard today.

CHAIR—Okay. We will call Mr McDonald.

Mr MELHAM—Can we interpose Mr McDonald. Then when he finishes we will bring them both back for questions.

CHAIR—Yes, that is fine.

[12.50 p.m.]

McDONALD, Mr Richard (Private capacity)

CHAIR—Welcome, Mr McDonald. The committee has accepted your submission on a confidential basis. Would you please advise the committee whether you wish your submission to remain confidential or whether you agree to your submission being made public.

Mr McDonald—I agree to it being made public.

Resolved (on motion by **Ms Julie Bishop**):

That this committee authorises publication of the submission received as evidence.

Proceedings suspended from 12.51 p.m. to 1.08 p.m.

CHAIR—I will reiterate that we have affirmed the witness, we have published his original submission as evidence and we are now going to hear Mr McDonald's statement. Thank you, Mr McDonald.

Mr McDonald—Thank you, Madam Chair and members of the committee. Despite the voluminous amount of material I have in front of me, I am actually not going to read from a written statement; instead I would like the emotion to speak for itself. I am plainly just going to shoot from the hip. My submission relates to the treatment of police whistleblowers.

I joined the New South Wales Police Service in 1995. Since 30 July 2000, a few months shy of three years, I have been suspended on full pay and I have not worked a day since then. Ostensibly I was suspended because of my extensive complaints history, not complaints made by other police but by members of the public—people I had cause to arrest and charge with criminal offences. A large volume of those complaints came from one family whom I would describe as a vicious criminal family involved in the large supply of heroin within the Redfern local area command.

Mr MELHAM—So it is within Redfern?

Mr McDonald—Yes, the Redfern local area command. The family are known as the Saad family—a family that have caused problems for police in the Redfern local area command for close to 10 years now and continue to do so. They sell their drugs from the rear of their premises in Castlereagh Lane in much the same fashion as people go through a supermarket checkout—in one end, out the other 24 hours a day. These people, for a long time now, have been untouchable, because they know how to manipulate the police, they know how to manipulate the inadequate police complaints system. Every arrest of an individual from this family almost always results in a vexatious complaint—a vexatious complaint which is taken seriously, because that is how the culture in the New South Wales Police Service operates.

CHAIR—Mr McDonald, I wonder if you could establish something at this stage. You said that this family are a criminal family. Can you sustain that statement?

Mr McDonald—Conservatively, the family—and I am talking about the immediate family, not the associates—would have in excess of 150 criminal charges. They would have in excess of 2,000 police intelligence reports, and we are talking about one family.

CHAIR—What about convictions?

Mr McDonald—Convictions would be in excess of 100.

Ms JULIE BISHOP—For what sorts of offences?

Mr McDonald—Starting from traffic offences to common assault, assault occasioning, intimidating police, three strikes and you're out, supply of drugs.

Mr MELHAM—Is it low-level supply of drugs?

Mr McDonald—No, it is not low-level supply at all; it is high-level supply of heroin and cocaine.

Mr MELHAM—And have there been convictions recorded in superior courts?

Mr McDonald—Yes.

Mr MELHAM—And jail sentences flow?

Mr McDonald—I will come to that.

CHAIR—We are going to come to that.

Mr McDonald—I joined the New South Wales Police Service I guess, as corny as it sounds, because I wanted to make a difference. I know that might sound a bit old-fashioned, but I joined the New South Wales Police Service because I wanted to get out there and make a difference. I wanted to be an advocate for people who were victims of crime. I was quite happy to be a career constable. I did not join the Police Service because I wanted to fast-track and jump up the ladder and become a sergeant in two or three years, as a lot of police do these days. They have absolutely no front-line police experience and yet two or three years later they are sitting behind a desk giving orders to police who have only been in the service for the same amount of time. I did not care. The sole reason I joined the Police Force was that I wanted to make a difference and I wanted to help victims of crime.

I found from a very early stage in my police employment that police who want to get out there and do their job are in a different category. There are two categories: there are the police who want to come to work and put a video on. They say, 'Let's watch a video for the shift.' It happens all the time. It is sickening. We have senior constables who have been in the job for 15 years. You do not judge a police officer by their arrest rate, but you can surely judge a police officer by their lack of arrests. They are not prepared to get out there and do the job, and this is happening in every command.

When you have an area like Redfern, where you have crime which is absolutely out of control and you have junior police that want to get out there and do their job—they do not want to sit in the station and watch videos; I can watch videos at home; I do not want to come to work and watch a video—and when you have senior police that just want to sit around and do nothing, it really—I do not know a word strong enough to describe it. You speak out and you are branded all kinds of things. ‘You’ve only been in the job five minutes, okay. You do what you are told.’ That goes on. I do not know how many times I used to step over a pissed senior constable from the night before that went out and got drunk. When I arrived at work at six o’clock, I would walk into the change room. This is the guy I had to work with in the next five minutes—Senior Constable Greg Wright. He is still in the job. Apparently he is jumping up and down because they knocked back his sergeant’s promotion.

Mr MURPHY—Does he do this regularly?

Mr McDonald—I would not say regularly, but I could probably recall a dozen times that happened.

Mr MURPHY—That is regularly.

Mr McDonald—Supervisors would have seen that too. Supervisors use the same change room. At times he was a supervisor. I remember a time in 1998 when the incidence of assault and rob down at Redfern railway was so epidemic that we put a bus there. Perhaps Peter Martin might remember. ‘Redfern 80’ was its call sign. We had an operation called Operation Granados, which was right on the corner of Little Eveleigh Street and Redfern Street. We had to have a bus there because the incidence of bag snatches was so frequent that, as soon as police left the area, there would be another bag snatch. This was going off during the summer months, around Christmas time, so we had a mobile police bus there. I remember working with another constable, Senior Constable Chris Peterson, who was and still is a fine police officer. We would do our jobs; we would get out there and lock them up, but the locals—and I do not mean that as a derogatory term—would make complaints.

Ms JULIE BISHOP—Who would make complaints?

Mr McDonald—The locals, the Aboriginal community, which encompasses the ‘Block’ area.

Ms JULIE BISHOP—What sort of complaints—police harassment?

Mr McDonald—Police harassment.

CHAIR—This is the Eveleigh Street block?

Mr McDonald—Yes. Harassing their drug dealing.

Mr MELHAM—I do not seek to stop you, Mr McDonald, but can I make a point at this stage about the name you mentioned and some aspects of your opening statement. Can you confirm that none of what you have basically said in your opening statement on that aspect is actually in the written submissions to the committee? I did not want it to be thought that the opening statement that you made was something that was in the submissions to date.

Mr McDonald—No. That is correct. But I believe that the allegations I make in my opening submission are to that effect.

Mr MELHAM—Thank you. I just wanted to clarify that. I did not want it thought that that was in your submission. That was something that some of us sought to stop. That is all.

Mr McDonald—At the corner of Redfern and Little Eveleigh Street we had a bus which could look right down Eveleigh Street. We would have an incidence of a bag snatch and we would take the victim back to Redfern police station and take a statement off them. Then you would wait for it: ‘Beep! Beep! Any car in the vicinity of Redfern railway station. Bag snatch. Aboriginal offender. Last seen decamping’—a famous police word which just means running away—‘in a northerly direction along Eveleigh Street.’ We would be straight back down there and we would do the same thing. About this time I was approached by a Redfern supervisor, Senior Constable Barry Wright, who said: ‘Look, Richard, Chris, we have had a few complaints from the locals that you are down in Eveleigh Street. They are liable to make some complaints. Why don’t you just have a sleep in the bus?’ So we did. We sat back and put our feet up on the bus and we watched a video. Keep in mind that this is a high crime area. This is an area that Geoff Schuberg identified back in 1998 as a problem, but nothing was done about it. And still nothing has been done about it.

I challenge anyone on this committee to take a walk along Eveleigh Street any time of the day—perhaps lunchtime tomorrow—and see if you get to the other end without being assaulted and robbed. You might be lucky. It is out of control. I was not going to put up with that, because I did not join the Police Service to do that. I joined the Police Service to patrol vicinities like that—like where the Saads were, on the other side of Redfern. We have three major problems in Redfern. We have the Saads dealing drugs. We have Waterloo, which is out of control. And what is really sad is that we have kids as young as 10 that are controlling the situation because police will not go in there for fear of getting complaints—because it is too political.

Superintendent Alan Baines was the local area commander until recently but was transferred to Rose Bay. There was about to be a vote of no-confidence in him because he had directed police to pull out of the area, whereas they should have been in there identifying offenders, locking them up and putting them in the dock; but no-one was arrested. Alan Baines is now the local area commander at Rose Bay. That was his punishment for not doing his job properly.

We have the Saads, who are dealing their drugs across the road from the headquarters of the elite detectives.

Mr MURPHY—Strawberry Hills?

Mr McDonald—Strawberry Hills—the State Crime Command. Across the road! I could be on the top floor with some binoculars and look down and see what they are doing. So if they can continue to do this under the nose of the state’s elite detectives what hope have we got? None, I would say. But this continued, and I continued to target this fact.

CHAIR—What you are saying is that from the headquarters of state crime control—

Mr McDonald—The State Crime Command—the former crime agency—at Strawberry Hills. They are located in Chalmers Street. Across the road is 262 Chalmers Street which is the

home, the drug-dealing fortress, of the Saads. They deal out of the rear of those premises, which is Castlereagh Lane. It is across the road. You could throw a stone and hit it.

CHAIR—Can you see out the window the trading going on?

Mr McDonald—You could from the roof, I would say. You could see them entering from one end and coming out the other. It really is like a supermarket checkout: you go in one end and out the other.

CHAIR—Into the lane?

Mr McDonald—Into the lane. There is only one entrance, which is—

Mr MURPHY—Which is probably full of drugs.

Mr McDonald—You go in, you go out. This is happening 24-hours a day.

Mr MELHAM—None of this is in your written submission, Mr McDonald, is it?

Mr McDonald—No, that is correct.

Mr MELHAM—Again, I do not want to cut you short, but have you made complaints about this within the Police Service?

CHAIR—Let him give his evidence.

Mr MELHAM—I am not trying to cut him off.

Ms JULIE BISHOP—Witness shows large pile of documents.

Mr McDonald—It is that heavy, I cannot even pick it up.

CHAIR—Are they the complaints.

Mr MELHAM—That is all right.

Mr McDonald—Three years of complaints. Three years of complaints! Prior to being suspended I made complaints. I was a cowboy because I wanted to get out there and lock them up. I was directed not to patrol that area, for fear of getting complaints.

Mr MELHAM—I reiterate, Mr McDonald—I do not know how many times—that that is why I have asked the question, because none of this has been placed before us in a written submission until you have given this submission. I am not trying to ambush you or whatever. That is why I am trying to establish—

Mr McDonald—I know you are not. I can see that.

CHAIR—If you read through the submission you will see what is covered, Daryl.

CHAIR—Madam Chair, with the greatest of respect, we had a three-page submission which is now public. None of this has been put in. I am not disputing the accuracy of what Mr McDonald says. That is not what I am saying.

CHAIR—Okay.

Mr McDonald—Mr Melham, most of what I am saying in my opening submission, I agree, is not in my submission. My submission, which I made late last year, as you said was very brief. I am just elaborating on that now so that we are not at cross-purposes.

Mr MELHAM—Yes, I think that is right.

Mr McDonald—I have made complaints. I cannot recall the number of complaints I have made to every internal or external agency, including Internal Affairs, which is a complete waste of time—you may as well just complain to the person that you are complaining against; the Police Integrity Commission; the Ombudsman's office; the shadow minister for police; and the police minister. It has been paper warfare. I get the same reply: 'Your matter will be dealt with. You will be notified.' I have not been notified about any of my complaints. Complaints made more than three years ago are still being investigated. Surprisingly enough, I got contacted this week from Internal Affairs, which wanted to interview me in relation to an old complaint. Their timing was impeccable.

Ms JULIE BISHOP—Are you saying that you were contacted this week—

Mr McDonald—By Internal Affairs.

Ms JULIE BISHOP—about a complaint lodged when?

Mr McDonald—Over a year ago.

CHAIR—Your complaint that you made?

Mr McDonald—My complaint.

CHAIR—So they have done nothing about it for a year, and then they contacted you yesterday?

Mr McDonald—No, this week. I had an email sent to me on a Sunday afternoon at 6 p.m. from Internal Affairs asking to meet with me in relation to a complaint.

CHAIR—Sunday, 6 p.m.

Mr McDonald—Sunday, 6 p.m.

CHAIR—What was the nature of that complaint?

Mr McDonald—I will get to that.

CHAIR—Okay.

Mr McDonald—No, I will mention that now—it is very important. Approximately 18 months ago, after writing to the Police Integrity Commission, the shadow minister for police, Internal Affairs and Michael Costa, I got contacted by a representative named Sheryl Malouf from the association. Can I just point out, as a matter of record, that I find it amazing that there is no representative from the association here.

CHAIR—For your information, there is a barrister here with a watching brief for the Police Association.

Mr McDonald—Okay. I will take that on board then.

Mr MELHAM—I do not know if that is right, Madam Chair.

CHAIR—Yes, it is. I introduced myself to him and he introduced himself to me.

Mr McDonald—Is that the barrister who has been having coffee with the Police Service?

CHAIR—I do not whether he has been having coffee. I just know that I introduced myself to him and he introduced himself to me. There is nothing wrong with that; he is entitled to be here.

Mr McDonald—Sure. The fact that he is from the association and yet he is with the coffee fund with the Police Service is what I find a bit—

Mr MELHAM—I do not think he is with the association.

CHAIR—I do not know about coffee, but it is perfectly proper for him to be here. Go ahead.

Mr McDonald—Thank you.

Mr MELHAM—What I am trying to say to you, Madam Chair, is that I do not think he is representing the Police Association.

CHAIR—I will go and check with him.

Mr MELHAM—That is right.

CHAIR—If I got it wrong, I would like the record corrected. I stand corrected: it is the Police Service. I presume that means Mr Holmes's lot.

Mr MELHAM—There is a difference, Madam Chair.

CHAIR—A big difference. We know about Mr Holmes.

Mr McDonald—I hate to go off on a tangent but Mr Holmes—

CHAIR—No, leave Mr Holmes alone. Get on with your evidence.

Mr MELHAM—There has been enough character assassination already.

Mr McDonald—Mr Holmes has assassinated my character by trying to ruin my further employment outside the Police Service.

CHAIR—We will come to that then, but proceed on this issue here.

Mr McDonald—I was contacted approximately 18 months ago by my representative from the Police Association, Ms Sheryl Malouf, who said: ‘I’ve just been contacted by a senior constable from City East Region, Senior Constable Phil Brooks, who would like to do an independent analysis of all your complaints. He’s assured me in his correspondence that he has never had any involvement with you in the past and would like to conduct a full review, an open transparent review, of all your matters.’ I initially welcomed this—I thought this was great. Complaints that I had made previously were finally going to get looked at. He sent a file to Sheryl Malouf which had all my complaints, including the ones to the Police Integrity Commission—it had the Police Integrity Commission barcode on the top right-hand corner. So complaints about City East Region had ended up back at City East Region. Complaints to the Police Integrity Commission had ended up there, with a barcode in the top right-hand corner. I thought: ‘I’ve no other choice. I’ve exhausted every avenue at this stage. I’ll go along with it.’ Phil Brooks suggested: ‘Why don’t we have a meeting? I will get a hotel room.’ We ended up in room 1017 at the Intercontinental Hotel.

CHAIR—Why did he suggest a hotel room?

Mr McDonald—I do not have an answer for that, unfortunately. We ended up in the hotel room. He attended with a gentleman by the name of John Baulman, who is the City East Region executive officer. He had a list, an analysis, of all the outstanding complaints to date.

CHAIR—Where you accompanied by anyone?

Mr McDonald—No.

CHAIR—Did you think about taking someone along?

Mr McDonald—With hindsight, I wish I had.

CHAIR—I think I would have.

Mr McDonald—We all have 20/20 vision and hindsight—and, knowing what I know today compared to what I knew three years ago, there are a lot of things I would do differently.

CHAIR—You were contacted on what date to have this?

Mr McDonald—Approximately 20 July 2001. At this stage none of my complaints had been referred to the Internal Witness Support Unit. This is a body set up by the Police Service to protect internal police complainants—an organisation that on numerous occasions had said, ‘Look, you are not in the workplace, there is nothing we can do for you.’ They offer duty of care only to people in the workplace. Once you are out of the workplace, be damned with you.

I attended this meeting with Phil Brooks, who informed me, 'I have got this room; they owed us a few favours from the Olympics. We can use this room.' Phil Brooks was my best friend. Phil Brooks offered me a job to get out of the Police Service. He said, 'Why don't I take you out to Holsworthy and introduce you to some of my friends in the Army Reserve?' or, 'I know a barrister up in the Connaught Building; why don't I take you up there and introduce you to him?' He said, 'When you next go to see the psychiatrist'—because I was pursuing medical discharge—'can I suggest to you that you don't take this report? Don't tell him you have got a report from a previous psychiatrist because that might expedite your medical discharge.' A few weeks later Phil Brooks was appointed as my mentor. I finally got support through the Internal Witness Support Unit. Phil Brooks was appointed my mentor. A mentor under the Internal Witness Support Unit policy guidelines is a person who is your representative and can act as your confidant and can express your views—basically someone you can rely on.

Unfortunately, I found out that Phil Brooks appointed himself as my mentor. He wrote to Chief Inspector Glynnis Lapham at the Internal Witness Support Unit and said, 'Glynnis, as already discussed, just tell McDonald that you have appointed me as his mentor. I know his acceptance is an issue.' Here we have a police officer, ostensibly investigating my complaints, which had not been investigated previously, from the same region, the same office, under the regional commander, Dick Adams. I have had the benefit of obtaining these documents—this is what kind of open, transparent organisation we deal with. All these documents I have obtained through FOI—at great expense to myself—are the documents the New South Wales Police Service have on me. These are the ones I have been able to get released, let alone the ones they are trying to claim legal professional privilege on.

CHAIR—These are documents they have created about you?

Mr McDonald—Yes.

CHAIR—Pertaining to what?

Mr McDonald—Risk assessments, 'How are we going to deal with McDonald?' My mentor, Phil Brooks—my mentor as per the Internal Witness Support Unit—did a risk assessment on me. I told Phil Brooks certain information that I would not tell any other police officer. I told him because he was my mentor—someone I could rely on.

Ms PANOPOULOS—Mr McDonald, could you just briefly explain what a risk assessment is?

Mr McDonald—It is not titled a 'risk assessment'; it is 'How is this officer going to affect the service as a whole.'

Mr MELHAM—Does that mean it is a risk assessment in relation to the service?

Mr McDonald—In relation to me, an employee of the service.

CHAIR—Whether you might do something that would cause them to have a bad reputation?

Mr McDonald—Exactly; that is right. What I am getting at is that Phil Brooks was appointed as my mentor and I have a document to that effect from the Internal Witness Support Unit: it states that Phil Brooks has been appointed as my mentor. Anyway, I put in an FOI application to obtain any documentation created by Phil Brooks. They tried to claim an exception under the FOI Act in that the document was an internal working document. On the day of the hearing, they decided to release the document to me. My mentor, the person out there to protect whistleblowers, advised that the Police Service should get legal advice considering the strong possibility of litigation by Constable McDonald—my mentor, the person there to protect the whistleblower.

CHAIR—Can I get this right: there is an internal support program designed to give—

Mr McDonald—The Internal Witness Support Unit.

CHAIR—backup and support to someone who is trying to identify that something is wrong, under the whistleblower provisions?

Mr McDonald—Correct.

CHAIR—This person appointed himself, but he was effectively a double agent?

Mr McDonald—No, he was not a double agent because he was not working for me. He was a single agent. He was working for the Police Service, but he held himself out—offered me jobs, bought me coffee and said: ‘G’day mate, how’re you going? The Police Service is rotten; it’s rotten to the core.’

Mr MELHAM—He had no conflict of interest. His interest, you are saying, was the Police Service, not your interests?

Mr McDonald—Sure.

CHAIR—But he purported to have your interest.

Mr McDonald—Absolutely.

CHAIR—And under the system set up he would have been in breach of his duty to act as a mentor to you. If he were appointed as your mentor, he would have had an obligation, presumably under policy, legislation or whatever sets it up, to act as a mentor to you, and he did not do that. In fact, he betrayed you.

Mr McDonald—Yes. I would go further to say that, in furnishing the report of the risk assessment, he breached the Protected Disclosures Act and has taken detrimental action towards me.

Mr MELHAM—Did you make complaints about him?

Mr McDonald—Yes, I did. It has still not been investigated. That is what I am driving at. The names are the same. It is the same pattern of behaviour. When you make complaints against

senior officers—I cannot stress this more—they just do not get investigated. You can have all the documentary support, but I will get to that in a minute. I will finish with Phil Brooks. Phil Brooks’s risk assessment advised that the Police Service should get legal advice because I had indicated to Phil Brooks that I was going to commence litigation. He also advised that I had obtained a detailed dossier of reports, memorandums, notes et cetera on senior police officers.

Ms PANOPOULOS—You informed him that you were going to start some sort of litigation?

Mr McDonald—He was my mentor.

Ms PANOPOULOS—Did you detail what legal proceedings you intended?

Mr McDonald—Harm that I had suffered from the breach of duty of care. That was given to him in confidence. He also advised: ‘Constable McDonald has obtained a detailed dossier of reports, memorandums, notes et cetera on senior police officers and will use them. He will continue to be a liability for the Police Service.’ I also told Phil Brooks something that I had not told anyone else—that while in the Police Service I studied law part time, the admission board course, and that I was recently to complete my professional legal training at the College of Law at St Leonards. No-one else in the Police Service knew that, because I was not in the workplace.

CHAIR—Except your mentor?

Mr McDonald—Except my mentor. I became aware recently, through another FOI application—and I encourage any police officer to lodge an FOI application because you would be surprised at the amount of documentation the Police Service keep on you—that the Police Service, given that I had not even applied for admission through the Legal Practitioners Admission Board, took it upon themselves to write to the Legal Practitioners Admission Board, breaching my privacy, and say: ‘It has come to our attention that Constable McDonald, a suspended police officer, is currently studying at the College of Law. We believe that there may be certain matters which might impact on his good fame and character. We would like to bring this to your attention.’ That came from Michael Holmes.

CHAIR—The same Michael Holmes who wrote to me to try to intimidate me?

Mr McDonald—The same Michael Holmes who is nothing more than a thug and a bully.

CHAIR—I am beginning to come to that conclusion. And so he breached your privacy and wrote to the—

Mr McDonald—Legal Practitioners Admission Board.

CHAIR—Did you have a response from them? That is outrageous.

Mr McDonald—No, they did not respond to that.

Mr MELHAM—When they did not respond to that, how was it brought to your attention?

Mr McDonald—It was brought to my attention just through an FOI application.

Mr MELHAM—Within the Police Service?

Mr McDonald—Within the police. The document was described as ‘letter from Michael Holmes to the Legal Practitioners Admission Board’. They tried to claim legal professional privilege on it.

Mr MELHAM—What was the date of the letter? I am interested. So there was no communication from the legal practitioners board to you?

Mr McDonald—No. The letter was dated 18 October 2001. It reads as follows:

Application by Richard McDonald for admission to the Legal Profession.

I am aware that Mr McDonald is in the process of completing his final pre-admission studies at the College of Law—

Phil Brooks knew that; my mentor knew that—

and he intends seeking admission as a solicitor sometime later this year.

Mr McDonald is a police officer currently under suspension.

There are several issues which I believe would impact on the assessment of whether he is a person of good fame and character.

Mr MELHAM—Have you had any communication with the legal practitioners board?

Mr McDonald—Yes. The Police Service claimed legal professional privilege and refused to release the document to me. I put in an FOI application with the Legal Practitioners Admission Board and got the document released through them. Subsequent to that, the Police Service folded and released the document. For the life of me, I do not know how you can claim legal professional privilege on a document of that nature. It was obviously not created for the purpose of legal advice.

CHAIR—I think it shows an absolute absence of legal and professional behaviour.

Ms PANOPOULOS—Mr McDonald, have you as yet applied for admission?

Mr McDonald—No, I have no intention of applying anymore.

Ms PANOPOULOS—Why is that?

Mr McDonald—I believe my reputation has been tarnished beyond repair. I do not want any part of the legal profession, if I am going to be up against people like Michael Holmes. I have to give it some serious thought. I have been under a lot of pressure over the last three years.

Ms PANOPOULOS—Just to clarify that, at the time that this letter was sent, you had not made any application to be admitted as a solicitor and nobody knew whether or not you wanted to make an application to be admitted as a solicitor.

Mr McDonald—That is right.

Ms PANOPOULOS—It is still a matter for you to determine.

Mr McDonald—I may never apply. If I apply for admission as a solicitor, I have a duty to disclose whether I am a person of good fame or not. They do not have that duty. The correspondence which led to Michael Holmes writing a letter came from a person named Michael Day, who was from Internal Affairs. I am going to jump ahead and come back. Having all this information—not the information in relation to Michael Holmes, because that had come later—I called Internal Affairs. I said: ‘Look, I have made complaints against officers from City East Region and the regional commander Dick Adams and they just keep getting swept under the carpet. What do I need to do?’ I spoke to a person by the name of Gary Richmond. I think fundamentally he is a decent person, which is probably why he is not in Internal Affairs anymore. He has been transferred to the firearms registry where he checks serial numbers on guns. I said, ‘Mr Richmond, this is just out of control.’ He said: ‘I am going to direct that all your matters immediately be taken away from City East Region and we have a solicitor on secondment from the DPP. I am going to get him, Michael Day, to do a full review of all your matters. I can guarantee you that, Richard. It is going to happen.’ Then we spoke about AFL for a little while.

I welcomed that and I wrote to Commander Scipione, who was then the head of Internal Affairs, as follows:

Dear Commander Scipione

Mr Richmond has advised me today that the investigation of all my allegations have been removed from City East Region, and all allegations have now been handed to Special Crime and Internal Affairs. Mr Richmond has also advised me that a legal officer, Mr Day, on secondment to Special Crime and Internal Affairs, will be conducting a full review of my allegations. Unfortunately this course of action, albeit welcomed by myself, has come far too late.

Any opportunity for an honest, transparent and objective investigation has been tainted by the corrupt behaviour of certain Police. These Police form part of the corrupt networks that still exist within the New South Wales Police Service. Their corrupt behaviour is clearly evidenced by their willingness and propensity to protect fellow Police within their network at the expense of seeking the truth. I cannot rest until these Police are held accountable for their corrupt acts and admissions.

I wish to draw your attention to the fact that I have attempted on at least five occasions to bring my serious concerns to Commissioner Ryan. On each occasion my concerns made their way to City East Region office.

Please advise Mr Day that I am prepared to fully co-operate in relation to the review process of my allegations. I can be contacted on—

and I provided a contact number. welcomed that. I thought: ‘This is fantastic; finally, all my complaints have been taken away from City East Region. We have a solicitor from the DPP. I have been promised he’s going to do a full review of my complaints.’ I tried to get that under FOI as well, but they are claiming legal professional privilege on that too.

Ms JULIE BISHOP—On what?

Mr McDonald—Michael Day’s review of my complaints.

CHAIR—You have never seen it?

Mr McDonald—No. But, interestingly, the letter that I wrote to Commander Scipione dated 12 September 2001, which I obtained through FOI—I had the document but I obtained it back through them—is with Michael Day. He makes his comments on the bottom of the letter. Michael Day, doing a full review of my complaints, which have been covered over by City East Region, has written:

Noted. I am here to provide legal assistance to SCIA Command. I have not the slightest intention of engaging in discourse with Mr McDonald.

Michael Day was there for the sole purpose of protecting their hides. His internal advice to the FOI unit—which I do not have in front of me but I remember what it said—was: ‘My strongest advice to you is that Constable McDonald should not be allowed anywhere near the thing.’ Do we have an open, honest, transparent organisation? I do not think so.

CHAIR—In other words, we seem to have a perpetuation of a system where people say they will be there to assist you but in fact their loyalty and their obligation are to the Police Service first and last.

Mr McDonald—Absolutely. These networks are in existence solely to protect people within the networks. I draw on something Peter Martin said when he gave his evidence last week. He said that what starts out very small—and this is the theme with all people that made complaints—steamrolls, and they just dig themselves deeper.

CHAIR—I think I drew the analogy yesterday with Watergate. Something starts off, and then it is layer upon layer. So we have Policegate, if you like.

Mr McDonald—Policegate. Absolutely.

CHAIR—We might try to get hold of that report by Mr Michael Day.

Mr McDonald—I had a hearing with the Administrative Decisions Tribunal late last year.

CHAIR—Pardon me?

Mr McDonald—The judgment is still reserved. I went to the Administrative Decisions Tribunal to try to get access to that document.

CHAIR—That is the ADT?

Mr McDonald—The Administrative Decisions Tribunal.

Mr MELHAM—The New South Wales body.

Mr McDonald—The New South Wales body.

Mr MELHAM—The decision is reserved?

Mr McDonald—The decision is reserved.

Mr MELHAM—When did they reserve it—how long ago?

Mr McDonald—In mid-November last year.

Mr MELHAM—Thank you.

CHAIR—We still might write and ask for it.

Mr McDonald—I would appreciate that. I decided to write to Mr Costa last year, on 20 December. I wrote a very lengthy letter, a 20-page letter, to Michael Costa in which I explained everything that had occurred to date. I attached a list of annexures—43 supporting documents—which was the correspondence back and forward et cetera. I am not going to attribute any blame to Mr Costa; I think Mr Costa is doing a fine job under the circumstances. I think it is too big a job for the current police minister but I think he is doing an outstanding job.

The very next day after hand-delivering this letter, I spoke to Mark Greenhill, who is Mr Costa's policy adviser. He said: 'Richard, I've had a chance to read your letter. I haven't read the supporting annexures, but we're taking these matters extremely seriously.' I said, 'Mark, I appreciate that, but my biggest concern is that this document is going to end up back in City East Region.' He said, 'I can give you a 100 per cent guarantee, Richard, that will not happen.' I said: 'I've had guarantees like that before. I have given you correspondence that I have sent—complaints.' He said, 'It won't end up back in City East Region.'

About three weeks later, I spoke to the City East Region executive officer, John Baulman, who had been in the meeting with me and Phil Brooks. He said, 'Richard, I was just thinking about you today.' I said, 'Why?' He said, 'I received some correspondence with your name on it.' I said, 'Oh yeah; what correspondence is that?' He replied, 'A letter you wrote to Michael Costa on 20 December; it has been sent to us for comment.' Now, the blame was not in Mr Costa's office. Mr Costa did the right thing and he forwarded it to Internal Affairs. Senior Sergeant Gary Beattie forwarded it to City East Region.

Ms PANOPOULOS—In the letter to Mr Costa and the annexures to that letter, did you in any detail, or even briefly, describe your lack of confidence in Internal Affairs?

Mr McDonald—All throughout it.

CHAIR—Could we have that letter to Mr Costa?

Mr McDonald—I can give you a copy.

CHAIR—I think we would like a copy.

Ms PANOPOULOS—So, Mr McDonald, you are saying that you gave this letter, with the attached documents—

Mr McDonald—It was a 20-page letter, dated 20 December 2001.

Ms PANOPOULOS—You were given a 100 per cent guarantee—

Mr McDonald—By Mark Greenhill.

Ms PANOPOULOS—that the documents would not land with City East Region. You say that you believe Mr Costa's office did the right thing and gave it to Internal Affairs, and yet throughout that letter and the annexures that you gave to Mr Costa you are very critical—

Mr McDonald—Absolutely.

Ms PANOPOULOS—of that organisation. So, in effect, his office gave the letter to one of the bodies of which you were extremely critical.

Mr McDonald—He did, but I think that is the mechanism in place. Then it is up to Internal Affairs to pass it on to the Police Integrity Commission.

CHAIR—Do you think it would come under the act for the minister to refer things directly to the PIC?

Mr McDonald—I do not know whether the minister can determine whether it is a category 1 or a category 2 complaint.

CHAIR—We have yet to figure out who decides whether things are category 1, category 2 or category 3.

Mr McDonald—I think you determine whether it is category 1 or category 2 depending on whom you are complaining about.

CHAIR—But we cannot get to the bottom of who actually makes the decision.

Mr McDonald—Yes.

CHAIR—We do not know that.

Mr MELHAM—To your knowledge, it is not the minister who makes that decision, is it, Mr McDonald?

Mr McDonald—I do not think so.

Mr MELHAM—He would take advice on it.

Mr McDonald—Yes. I do not think it is the minister.

Mr MELHAM—Not having seen the letter to Mr Costa's office, was there any caveat in it about the circulation of the letter and annexures?

Mr McDonald—No.

Mr MELHAM—Did you say anywhere in it that it should not be forwarded?

Mr McDonald—No, I did not, but—

Mr MELHAM—I know that you got the undertaking from Mr Greenhill.

Mr McDonald—No, I did not. But the letter should speak for itself when it mentions that the previous allegations have all been fed back to City East Region.

Mr MELHAM—I accept that. I know you got the undertaking from Mr Greenhill. I was just wondering if there was anything on the face of your correspondence that said that it should not be forwarded.

Mr McDonald—As I said before, with 20/20 vision hindsight there is a lot of things I would do differently these days.

Mr MELHAM—In terms of Internal Affairs, there would have been nothing on the face of the document that would have alerted them not to forward it.

Mr McDonald—That is correct.

Mr MELHAM—I am just trying to ascertain the facts.

CHAIR—To clarify, it was Mr Costa's chief of staff who gave you the undertaking?

Mr McDonald—It was his senior policy adviser, Mark Greenhill.

CHAIR—I have to say that, having been a minister, if a staff member of mine had given an undertaking, that undertaking would have been written on the letter and the letter would have been sent out with an instruction from my office that under no circumstances was it to be sent to that eastern command. That is proper administration of a ministerial office.

Mr MELHAM—Your office was legendary, Madam Chair. I know that the Prime Minister took action after the last election.

Mr MURPHY—You are not a minister now, Madam Chair.

Ms JULIE BISHOP—Surely, Mr McDonald, if Mr Greenhill gave you a guarantee that your letter would not go to central command—

Mr McDonald—City East.

Ms JULIE BISHOP—to City East command—by sending it to Internal Affairs with no covering caveat or letter or direction, that is where it was going to end up: at City East command.

Mr McDonald—I disagree with that. We are supposed to have experienced investigators at Internal Affairs. What they are doing is sending out an allegation—

Ms JULIE BISHOP—I understand exactly what they are doing, and I am trying to understand the worth of Mr Greenhill's guarantee if he says it is not going to end up at City East command and that is precisely where it ends up. What is the value of the guarantee?

CHAIR—What did he do to enforce the guarantee?

Mr McDonald—That is the subject of a complaint as well: how did my correspondence end up there?

CHAIR—But that is the point: what should have happened in the office is that it should have been marked and there should have been documentation of the conversation he had with you. That is the way it should have been dealt with.

Mr McDonald—Absolutely.

CHAIR—As a matter of fact, with something that serious I think it should have gone to the commissioner.

Ms PANOPOULOS—Mr McDonald, going back to the question I asked previously, your correspondence to Mr Costa included serious allegations about corruption in Internal Affairs?

Mr McDonald—No, within the City East region.

Ms PANOPOULOS—Did it contain specific allegations about the competency or otherwise of Internal Affairs?

Mr McDonald—I would have to say it did. It made allegations against Senior Sergeant Garry Beattie, who forwarded it on for comment. So it ended up in Garry Beattie's hands.

Ms PANOPOULOS—Although in your covering letter you did not specifically give guidance to Mr Costa's office that Internal Affairs was specifically mentioned and that you were critical of them and their operations, you did not specifically state that the letter should not go to Internal Affairs?

Mr McDonald—No, but it was made perfectly clear.

Ms PANOPOULOS—So it was made perfectly clear and you would have expected Mr Costa's office to have read your very serious letter with the attachments.

Mr McDonald—I was informed by Mr Greenhill he had read the letter.

CHAIR—I think I have found the answer to what is a category 1 complaint. I have a copy of the Police Integrity Commission Act 1996, which says:

In this Act:

Category 1 complaint means a police complaint:

(a) that is of a class or kind that the PIC Commissioner—

that is, Mr Sage—

and the Ombudsman have agreed should be referred to the Commission—

that is, the two of them have agreed—

or

(b) that the PIC Commissioner has requested should be referred to the Commission, or

(c) that is of a class or kind prescribed by the regulations.

I do not have the regulations. It later says:

(1) This Part applies only to police complaints made after the commencement of Part 6A of the Royal Commission (Police Service) Act 1994.

(2) This Part has effect despite Part 8A, or any other provision, of the Police Act 1990.

(3) Nothing in this Part prevents the Commission from investigating the whole, or any aspects of, the subject-matter of a police complaint that is not a Category 1 complaint.

So if the commission decides—and it does not matter whether it is to do with category 1, 2 or 3—it is a serious matter, it has its own power to investigate all or any of that complaint, but the pattern seems to be that it chooses not to.

Mr McDonald—When it is a senior police officer involved, it goes to management practices.

Mr MELHAM—It is a matter for the commission, of its own motion or otherwise; it is not a matter for the minister, for instance, in view of what Mrs Bishop has just read out. Would you accept that?

Mr McDonald—I would accept that.

Mr MELHAM—It is, of course, subject to the regulations. We do not know what they say.

CHAIR—The act says:

(2) The Commissioner of Police or a police officer nominated by the Commissioner of Police must cause copies of all Category 1 complaints received by a member of NSW Police—

that is, any member of the Police Service—

to be sent to the Commission in accordance with Part 8A of the Police Act 1990.

Mr MELHAM—The last I knew was that the Minister for Police was not a member of the Police Service.

CHAIR—No-one ever said he was.

Mr MELHAM—That is who the letter was written to, Madam Chair.

CHAIR—I am fully aware of that. Anyway, we are getting there, but who makes the decision? Please go on.

Mr McDonald—Approximately three weeks after writing to Mr Costa I had a conversation with John Baulman, the executive officer, and, as I said before, he told me that had just received some correspondence with my name on it. It was a letter that I had written to Mr Costa, along with several other complaints which had been forwarded for comment. He said, ‘Richard, don’t you know how to spell my name? You spelt my name wrong in the letter.’ I went back and had a look at the letter, and sure enough he was right. I had spelt his name wrong all the way through the letter. I then jumped on the telephone and called Sergeant Mark Twyman. John Baulman is a very decent person, and I think he knew what was wrong. He said to me, ‘I have just received this letter from Sergeant Mark T-w-y-m-a-n.’ He spelt it out; he wanted me to write it down.

So I called Sergeant Twyman. I said, ‘Sergeant, I sent a letter to Michael Costa on 20 December. I had undertakings that it wouldn’t end up in City East region. I have just been informed by the City East executive officer that it has been sent to City East region.’ He said, ‘I don’t know what you’re talking about. Have you spoke to Sergeant Beattie?’ I said, ‘No. Can you put me on to Sergeant Beattie?’ I spoke to Sergeant Beattie. He said, ‘No, that didn’t happen. Have you spoken to Sergeant Twyman?’ I said, ‘Yes. He told me to speak to you.’ So it was just cat and mouse. I said, ‘Well, how about you put me back to Sergeant Twyman?’ He said, ‘No, no, no; I’ll call him and I’ll get him to call you back.’ He lied to me. He said, ‘No, that did not happen. Your letter is in our office. It has not been sent to City East region.’ I said, ‘Well, why would John Baulman tell me that I have spelt his name wrong?’ He said, ‘Um, I’ll call you back.’ About 10 minutes later, I got a telephone call from Sergeant Beattie: ‘Richard, I’m terribly sorry. I made some inquiries. It is an administrative error.’ They blamed this—sending a document as big as this with serious allegations against City East region and its commander, Dick Adams, which ended up straight back in City East region—on an administrative error.

John Baulman told me that it was a whitewash; my allegations were being swept under the carpet. He said, ‘Fundamentally, Phil Brooks is a decent person, but he’s not running the show. People are pulling the strings for him.’ Every allegation I have made has ended up back in City East region. When I finally got it taken out of City East region, they got a solicitor, Michael Day, to do a review. He had absolutely no intention of finding the truth. All he was concerned with was providing legal advice to the commissioner: ‘My strongest advice is that McDonald should not be allowed anywhere near the thing.’ I have not found out the results of any of my allegations, which were made more than three years ago. They are still being investigated. Yet the regional commander, Dick Adams, has written to the commissioner and the minister, Michael Costa, to say, ‘McDonald’s allegations have been investigated.’

Obtaining all these documents through FOI, I have taken on the role of de facto Ombudsman. I have done my own investigation. I have provided all the information to the Ombudsman’s office. Three weeks ago I got to a point where I was going to go to the North Head and jump off. I got admitted to hospital; I got scheduled. This is what it has come to. And then they try to paint you as a villain. I have done the investigation myself. I have given all the information now to the Ombudsman’s office, which have done nothing. I do not blame the Ombudsman’s office, but I do blame them in that they have to scrutinise more the information that is given to them by the Police Service. They get it from senior police; they rely on it. At the end of last year, I got a letter from the Ombudsman’s office. They want to know how Assistant Commissioner Adams

has supplied them with incorrect information, has supplied the minister with incorrect information—

CHAIR—When did you get this?

Mr McDonald—Just before Christmas. It was two days before Christmas—so it was three years later. It is absolutely disgraceful.

CHAIR—Tell me about the Saads. You said right at the beginning that you wanted to make a difference. You saw these people selling drugs. They seemed to be doing that unfettered. What did you do about that?

Mr McDonald—I got out there and I locked them up.

CHAIR—So you arrested them?

Mr McDonald—I arrested them. I got interviewed by Sergeant Wells at Redfern because they had made a complaint of harassment. Sergeant Wells asked me in a record of interview, ‘How many times do you patrol the vicinity where the Saads live, in a 12-hour shift?’ I answered, ‘Twice.’ The next question was: ‘Why do you patrol the area so many times?’

CHAIR—You said, ‘Because they are selling drugs.’

Mr McDonald—Because they are selling drugs. Were you in the interview with me? That is what I said.

CHAIR—What did he say?

Mr McDonald—He said, ‘How many proactive arrests have you had in the last 12 months? How many traffic infringement notices have you issued? How many convictions have you had?’ The writing was on the wall. I have a sustained complaint of harassment.

CHAIR—By the Saads, who sell drugs.

Mr McDonald—By the Saads, who sell drugs.

CHAIR—So their word is more important than yours?

Mr McDonald—I have a sustained complaint of harassment.

Ms JULIE BISHOP—Excuse my naivete, but why would the Saad family be protected in this way?

Mr McDonald—I would like to know the answer to that. Because we have an inadequate police complaints system.

CHAIR—Hang on.

Mr McDonald—It is very easy. Any smart criminal knows that the way to get back at a police officer is to make a vexatious complaint, because an initial one-page statement taken from an offender will turn out to be a big file directing memorandums left right and centre down to everyone who was in the station on that day. The complaints system is totally out of control. They used that against me. My nickname at Redfern was—my surname is McDonald—McSaad.

CHAIR—I would be pleased if we had a few more people locking people up for selling drugs. Did you ever have an instruction that you were never to arrest anyone if they were carrying less than a gram of heroin?

Mr McDonald—No, I never had that direction.

CHAIR—Were you told not to patrol that area?

Mr McDonald—Yes.

CHAIR—You were told by whom?

Mr McDonald—Sergeant Wells.

CHAIR—He was your superior?

Mr McDonald—I was directed not to patrol that area for fear of getting complaints. That was a complaint made in early 2000 which still has not been investigated three years later.

Ms JULIE BISHOP—What has not been investigated—your complaint or their complaint about your harassment?

Mr McDonald—My complaint. I made a complaint to Internal Affairs, to Detective Sergeant Phil Brooks and Detective Sergeant Yvette Johnson, in May 2000 over a period of three hours. Those allegations have still not been investigated. They were given to a person by the name of Inspector Bob Monk.

CHAIR—That name rings a bell.

Mr McDonald—The record of my three-hour interview was given to Bob Monk. He turned around an investigation on me and labelled me a narcissist with the personality traits of a psychopath.

Mr MURPHY—Did he have psychiatric qualifications?

Mr McDonald—No. Interestingly enough, Bob Monk is currently suspended due to Operation Florida.

CHAIR—I thought that name rang a bell. So he was actually trading in drugs as well?

Mr McDonald—Allegedly. He was involved in Operation Let's Dance at the Manly Pacific Parkroyal Hotel.

CHAIR—What was Let's Dance?

Mr McDonald—It was an operation where drugs were alleged to have been taken from the Manly Pacific hotel and someone was loaded up in Rose Bay with drugs, to connect two people to the one crime.

CHAIR—So drugs were being traded at the Manly Pacific hotel, is that what you are saying?

Mr McDonald—No. There was a drug dealer staying at the Manly Pacific hotel.

CHAIR—Who took the drugs off him?

Mr McDonald—Allegedly, the police did. The police arrested a person at the Manly Pacific hotel and took some of the drugs to a location in Rose Bay for the purposes of connecting two separate people. That was the only way they could connect them.

Mr MELHAM—That is the allegation.

Mr McDonald—That is the allegation to the Police Integrity Commission.

Mr MELHAM—So nothing has been proved or found yet.

Mr McDonald—No. Operation Florida has not handed down its finding. But Bob Monk is currently suspended.

CHAIR—Is he charged?

Mr McDonald—I do not know.

Mr MELHAM—You are not aware of what is alleged against Mr Monk?

Mr McDonald—No, I just know that he is suspended.

CHAIR—But he took your complaint that you were being instructed not to harass drug dealers—by doing your proper patrolling of the area—and did nothing with it.

Mr McDonald—He launched an investigation on me, directed by Commander Dick Adams.

CHAIR—That investigation was because you were being complained about by the drug dealing family.

Mr McDonald—Yes.

CHAIR—That is just wonderful. Are the Saads still selling drugs out there today?

Mr McDonald—It is very sad, it is gut-wrenching, that at the time this was happening, when patrolling the area twice a shift was excessive, there was a person by the name of Robert McPherson, who had a young daughter—Robert McPherson was an absolute champion; Robert McPherson worked hard as a labourer—who tried to get kids off the street. He was an antidrugs campaigner. This was at the time that the Saads were threatening me and that patrolling this area twice a shift was too much. Danny Saad and a few of his associates have recently been charged with the murder of Robert McPherson.

Mr MELHAM—That is before the courts.

Mr McDonald—So I will not go into that in any great detail.

CHAIR—What about his daughter?

Mr McDonald—She does not have a dad. For the life of me, how can this go on? How can we have police in these positions when we have police who want to get out there and do their jobs?

CHAIR—You are saying that Mr McPherson used to help people who were drug addicts?

Mr McDonald—Mr McPherson used to get kids who were dealing drugs off the streets. All he did was walk home—they mouthed off at him and he might have mouthed off back. They jumped out of the back of a ute and allegedly—

CHAIR—You cannot go into that.

Mr McDonald—No, I cannot go into details. Anyway, Robert McPherson is not here today. I am sure that Robert McPherson, if he knew the Saads were getting mentioned today, would be in the front seat up there. They are not petty thieves.

Mr MURPHY—Can I just come in here now. You had faith in Mr Costa, but the constant theme here is no confidence in the culture of the Police Service today. You have a committee here. It is doubtful how much we can do about the past, but there is hope about the future. I have asked this of Mr Fenlon yesterday and of Mr Kennedy and Mr Cook, and I will ask him again when he sits beside you. Here is the your opportunity to say something to us and to do something about it for the future. What would you do if you were sitting here and you had the ultimate power to do something about the Police Service? Forget the politics, because you are saying, ‘Let’s get over the politics.’ What can we do?

Mr McDonald—First of all, I do not think you really have the power to do anything. I wish you did. I wish we could just wave a magic wand and solve all of these problems.

Mr MURPHY—If I made you the police commissioner tomorrow with absolute power over everyone and you could do whatever you liked, what would you do?

Mr McDonald—I would be handing out a hell of a lot of 181Ds.

Mr MURPHY—What are 181Ds?

Mr McDonald—Lack of commissioner’s confidence.

Mr MURPHY—So you would sack half of the Police Force?

Mr McDonald—I would not say half of the Police Force—half the senior management, I would.

Mr MELHAM—So you would deal with them summarily, basically?

Mr McDonald—I would get rid of Court and Legal Services, for starters. I think Court and Legal Services are there for the sole purpose of protecting the upper management of the New South Wales Police Service.

Mr MELHAM—What worries me is that you are complaining about actions—and the previous witness was also complaining about actions and about how he was badly dealt with by the use of this notice—yet that is the first thing that you would do. Isn’t it a situation where you are saying that what you are complaining of needs to be used—

Ms PANOPOULOS—Madam Chair, if I can just interrupt at this point, I would have thought that the actual intention of this inquiry in calling for submissions and giving witnesses an opportunity to give us their version of events and pass onto us very important information was to get that information itself. I do not think it is appropriate at all to effectively cross-examine a witness about any recommendations that may come out of this inquiry. I would have thought that we as the committee are charged with the responsibility of doing that. I think it is unfair to question witnesses in that manner. Of course, we can ask for suggestions, but—

Mr MURPHY—I am being verbed here, Madam Chair, because I am asking—

Ms PANOPOULOS—No, you are not.

Mr MURPHY—for suggestions.

Ms PANOPOULOS—Mr Murphy, you are not being verbed. At this point I would like to put on the record—

Mr MURPHY—I am not asking him for recommendations.

Ms PANOPOULOS—my disagreement with Mr Murphy that, to quote his words, we should forget about the past. As a member of this committee, I would—

Mr MURPHY—I never said that.

Ms PANOPOULOS—like to put on the record that I particularly would not—

Mr MURPHY—I did not say ‘forget about the past’.

Ms PANOPOULOS—Can you please not interrupt me, Mr Murphy.

Mr MURPHY—No, you are verballing me again.

Ms PANOPOULOS—I was kind enough not to interrupt you.

CHAIR—She has the call.

Mr MURPHY—But you are verballing me.

Ms PANOPOULOS—Oh, grow up! I would like to put on the record that I do not agree with the sentiments expressed by Mr Murphy that the past should be forgotten.

Mr MURPHY—I never said that.

Ms PANOPOULOS—I am a keen student of recent history; I think there is much we can learn from it. Mr McDonald, I would like to thank you very much for the details of the information you have given, and any useful suggestions you can make to the committee would be welcome, but I would like you to know that—

CHAIR—It was not the capacity in which you were called.

Ms PANOPOULOS—Correct; thank you.

Mr MURPHY—Mr McDonald, did you think that I said—

CHAIR—Did you ask for the call, Mr Murphy?

Mr MURPHY—that we are forgetting the past?

CHAIR—Are you asking for the call?

Mr MURPHY—Yes. Mr McDonald, did you get the impression from me that I am not interested in the past?

CHAIR—It is not for him to make comments on that.

Mr MURPHY—I am asking the question.

CHAIR—You made the comment. I heard you say that.

Mr MURPHY—I am asking the question.

CHAIR—We will read the *Hansard*.

Mr MURPHY—You are very selective.

CHAIR—Yes, I am.

Mr MURPHY—I did not ask for recommendations, as Ms Panopolous said.

CHAIR—Order!

Mr MURPHY—I asked Mr McDonald for suggestions.

CHAIR—Order, Mr Murphy! It is not his task to be giving you suggestions that we have to come up with.

Mr MURPHY—Nonsense, because if he knows the culture of the Police Force—

Ms PANOPOULOS—To remind you of what you have said, *Hansard* is the record of that.

Mr MURPHY—he should be giving us information with regard to how we might change it. That will impact on the recommendations that we will ultimately make.

CHAIR—Right now, we are interested in trying to find a bit of justice for some of these witnesses that have appeared before us—

Mr MURPHY—That is right, and that is what I am trying to do.

CHAIR—justice for people who have suffered in the past. By way of something I want to do for myself regarding Mr Holmes, I want to place into the *Hansard* the correspondence which has passed between Mr Holmes and me regarding his initial letter to me, which I regarded as being intimidatory.

Mr MELHAM—Is that the one that had ‘urgent and confidential’ on it, Madam Chair?

CHAIR—Yes, the one I have already read into the *Hansard*. It is the copy of my reply to him and his subsequent reply to me. One of the main questions I asked Mr Holmes was who was he acting for. He still has not told me. I want those letters to go into *Hansard*, and I will get the committee to move to do so.

Mr MELHAM—Might I have access to copies of those letters before I—

CHAIR—You have seen them all.

Mr MELHAM—No, I have not seen any of the letters.

CHAIR—Yes, you have.

Mr MELHAM—I have not seen any of the letters, Madam Chair. My understanding was they were private and confidential to you.

CHAIR—No way were they private.

Mr MELHAM—I am saying to you that I have not seen them and I would like to see them before I am asked to make a decision as to whether they be released.

CHAIR—By all means.

Mr MELHAM—Thank you.

CHAIR—Will somebody move that they be released?

Mr MELHAM—Can I also ask—

CHAIR—All in favour?

Mr MELHAM—Madam Chair, I would like to see them before we are asked to vote.

CHAIR—No.

Mr MELHAM—I do not think that is an unreasonable request, Madam Chair—

CHAIR—I have moved that they go on the record.

Mr MELHAM—that I would like to see the correspondence before I vote on this.

CHAIR—It has been moved.

Resolved (on motion by **Ms Panopoulos**):

That the letters be received into evidence.

The letters read as follows—

**NSW POLICE SERVICE
COURT & LEGAL SERVICES**

Level 14 Police Headquarters
Avery Building
14-24 College Street
Darlinghurst NSW 2010
Box 45 GPO Sydney 2001
DX 22 Sydney
Ph: 9339 5777 / 55777
F_x: 9339 5258 /
TTY: 9211 3776

10 October 2002
The Hon Bronwyn Bishop MP
Committee Chair
Standing Committee on Legal & Constitutional Affairs
Parliament House
CANBERRA ACT 2600
Dear Committee Chair

Inquiry into Crime in the Community: Victims, Offenders, and Fear of Crime

I am writing to you on a matter of grave concern.

I have been informed that yesterday evidence was given in Sydney before your Committee by Dr Richard Basham, in public and in camera. I understand Dr Basham made reference to the “James Report” prepared by NSW Police and provided to the Committee an affidavit allegedly sworn by the person codenamed ‘James’ by the NSW Parliamentary General Purpose Standing Committee No. 3 (GPS No. 3).

I further understand that representations were made to your Committee by Dr Basham that the whole or an edited copy of the affidavit should be released by your Committee.

I urge your Committee not to release the affidavit or any part of it or any other confidential material tendered to the GPS No. 3 for the following reasons:

- GPS No. 3 took evidence in camera from the NSW Commissioner of Police, Mr Moroney in relation to James. Mr Moroney has since referred the affidavit to the Police Integrity Commission of NSW in order that the issues raised might be investigated.
- GPS No. 3, in its report tabled 27 September 2002 made the following recommendation (No. 1 at 5):
"That the evidence provided by Dr Basham regarding the "James" investigation be referred by the Legislative Council to the Police Integrity Commission"
- There are concerns for the welfare of James should any of the contents of the confidential affidavit be released. In this respect I note that GPS No. 3 said - Introduction at 1.16:
".... a small group of witnesses sought to use the forum provided by the Committee's public hearings to, in effect, conduct a debate with one another by reference to "James"; his credibility; his appearances in the media; and the conduct of the police investigation into his claims. As well as being an unnecessary and unproductive distraction, the Committee is concerned that continued public debate about "James" is unlikely to be helpful to "James", both in terms of his welfare and his personal safety."

(Emphasis added).

- With great respect, the release of this confidential material would not seem to fall within the terms of reference of your Committee.

For your benefit, I enclose copies of the following relevant extracts from the GPS No. 3 Report:

1) Pages 3-5 : "James" and the Current Review

2) 125-128: James

May I ask that if your Committee is considering a course of action contrary to this submission, that leave be granted as a matter of procedural fairness to the NSW Police to be on the issue.

Further, your Committee might see fit to check with the Police Integrity Commission if your Committee is minded to do what Dr Basham has urged.

Yours faithfully

Michael N. Holmes

Director, Legal Services

Solicitor for NSW Police

cc. T. P. Griffin, Commissioner, Police Integrity Commission of NSW

PARLIAMENT OF AUSTRALIA**House of Representatives Standing Committee on Legal and Constitutional Affairs**

17 October 2002

Mr Michael N Holmes

Director, Legal Services

Solicitor for NSW Police

Office of the General Manager

Level 14, Police Headquarters

Avery Building

14-24 College Street

DARLINGHURST NSW 2001

Dear Mr Holmes

Inquiry into Crime in the Community: Victims, Offenders, and Fear of Crime

Your letter dated 10 October 2002 was handed to me as Chairman of the Committee noted above whilst the Committee was hearing evidence in a public hearing late in the afternoon of that day.

I am surprised by the curious tone and content of the letter and can only wonder as to the motives of your informant. You may care to clarify whether the letter is written on your own account or on instructions and, if the latter, to advise who you are representing.

Taking your points seriatim:

- Your grave concern is misdirected;

- Dr Basham did not give any evidence in camera. All his evidence was given in open public hearing and he gave no evidence concerning the 'James Report' or an affidavit 'allegedly sworn by the person codenamed "James" by the NSW Parliamentary General Purpose Standing Committee No.3 (GPS No.3)'. Dr Basham made no representations concerning any such report or affidavit in any of his evidence which was recorded by Hansard and can be found on the Committee's Website;

- Your first two dot points are noted. As to your third point I too am concerned for the welfare of 'James' as is evident from the questions I put to Deputy Commissioner Madden:

CHAIR: I have here an affidavit with the name of the swearer blacked out ...He says in this affidavit ... that he was asked to sign a paper of which he would be given a copy ... he signed the paper. He was guaranteed a copy of the paper that he signed. He has never been given it. He has asked for a copy of the tapes of the interviews that were given. He says that he has never received those tapes. I ask you to inquire of Mr Small as to why those have never been given to this young man. Will you assure me today that you will cause him to be given a copy of the paper that he signed and a copy of the tapes of interview? Will you do that today?

Mr Madden: I am aware of that inquiry. That is a matter which has been raised in other quarters, including the Police Integrity Commission, and as such I am unable to make any comment in relation to it.

I then had the affidavit, which I - and not Dr Basham - had brought to the Committee, made an exhibit to the Inquiry. It thus became a public document the day before your letter was written.

I went on to say that:

I am concerned about that because the young man apparently feels that he has been let down. Do you have confidence in the way it is being handled?

Mr Madden: I am not prepared to comment on that at this point.

Quite clearly 'James' is entitled to a copy of the document he signed together with the tapes of interview which to date he has been denied.

As I indicated in open hearing I will be writing to the Police Integrity Commissioner on this matter.

Regardless of your letter, I take issue with the reasons you give for keeping the document out of the public domain.

This brings me back to my earlier query. Are you instructed and is your letter written on behalf of any particular person or as Solicitor for the New South Wales Police? Are you not seeking to use a cover of confidentiality to protect any individual police officers?

As to your last dot point I enclose a copy of the terms of reference that clearly allow the Committee to inquire into such matters.

Finally, I refer to your request that '... leave be granted as a matter of procedural fairness to the NSW Police to be heard on the issue'. The NSW Police had been heard through Deputy Commissioner Madden when the specific point was put to him the day before your letter was written (see dot point 3 above). As the transcript shows, Deputy Commissioner Madden declined to comment.

The full transcript of proceedings can be accessed on the Committee's website at www.aph.gov.au/house/committee/laca

Yours sincerely

BRONWYN BISHOP

Chairman

NSW Police

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28 November 2002

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The Hon Bronwyn Bishop MP

Committee Chair

Standing Committee on Legal and Constitutional Affairs

Parliament House

CANBERRA ACT 2600

Dear Committee Chair,

Inquiry Into Crime In the Community: Victims, Offenders, and Fear of Crime

Thank you for your letter dated 17 October 2002.

I am the Director of Legal Services of NSW Police and as such I am the Solicitor for the NSW Police. I am also the corporate spokesperson for legal affairs.

The answer to your question whether I am "*seeking to use a cover of confidentiality to protect any individual police officers*" is no. The letter was written because of concern for James - who has provided information to the NSW Police

- and also in the public interest. It is consistent with the approach the NSW Police took before the State Parliamentary Committee referred to in my letter of 10 October 2002.

At the time that letter was written, I was unaware that the transcript of your Committee's proceedings may have been available on the Committee's website. Had I known that, the transcript would have been checked, and my letter would not have contained inaccurate statements, as in fact it did, which I regret. Unfortunately, I was misinformed as to whether the Committee heard evidence from Dr. Basham in camera, and as to whether the affidavit by "James" had become a public exhibit. Had that been known, I may not have written to you at all, as the action sought to be avoided had already occurred. The request contained in the penultimate paragraph of my letter of 10 October 2002 is accordingly withdrawn.

If the Committee needs to liaise with NSW Police, the appropriate contact person is Paul Akon who can be contacted by telephone on 9339 5104 or by facsimile on 9339 5811.

Yours faithfully,

Michael N Holmes

Director, Legal Services

Solicitor for NSW Police

Mr MELHAM—Could I have it noted, Madam Chair, that you have basically rejected a reasonable request that a member of the committee be entitled to sight and read correspondence before being asked to vote on whether it should be released into the public domain?

CHAIR—Yes, you can make a note of that—no problem at all.

Mr MELHAM—Thank you. Through you, Madam Chair, Mr McDonald is still in the process of making his opening statement. I do not want to interrupt him. Can we get an indication as to how much more time he requires?

Mr McDonald—Ten minutes.

Mr MELHAM—Madam Chair, can I now have a copy of what you have released, which I did not have the courtesy of being shown before it was released.

CHAIR—I might add that you will find that those letters were contained in the documentation that was supplied to you during—

Mr MELHAM—When?

CHAIR—other meetings of this committee. We will go on with Mr McDonald's statement.

Mr MELHAM—I have not seen them. Let us be clear: I have not seen them.

CHAIR—You have got them now; you will get a copy.

Mr MURPHY—We have not got them now.

Mr MELHAM—I have them now, but I have not seen them before.

Mr MURPHY—We have not seen them.

CHAIR—Yes, you have. You saw the first one in a public hearing back in October—

Mr MELHAM—I saw nothing of the kind, Madam Chair.

CHAIR—and my reply—

Mr MELHAM—You were raving at the time—

CHAIR—Never!

Mr MELHAM—and waving it around.

CHAIR—Never!

Mr MELHAM—You did not circulate it.

CHAIR—I was putting it into the *Hansard*. You are the one who was raving and saying you can't.

Mr MELHAM—The record speaks for itself.

CHAIR—Yes, it does.

Ms PANOPOULOS—Maybe you were too busy speaking to the media, Daryl.

Mr MURPHY—How can we possibly know, Madam Chair, when we have not even seen the letters—the ones you are talking about here? There is a doubt about it.

Mr MELHAM—There is no doubt—the record speaks for itself.

CHAIR—Mr McDonald.

Mr McDonald—Have I still got 10 or eight?

CHAIR—We will settle for nine.

Mr MURPHY—Keep going.

Mr McDonald—I will be quick.

Mr MELHAM—Don't go into politics, Mr McDonald.

CHAIR—He has already been in politics up to his neck.

Mr MELHAM—At least the New South Wales parliament is spared from it.

Mr McDonald—At the start of my submission I said that I had been suspended since 30 July 2000. Ostensibly, I was suspended because of my complaints history. Approximately 12 months after that I was served with a commissioner's confidence notice to show cause why I should not be dismissed. I refused to reply to that notice on the grounds that I did not think the commissioner, who was then Commissioner Moroney, could make an objective decision. I gave a one-page submission saying 'Dear Commissioner Moroney, before you make any determination pursuant to 181D on my fitness to be a police officer, taking into consideration my competence and integrity, I ask that you apply the same standards to every member of the New South Wales Police Service and not the select few that you choose'—I am paraphrasing—'to vilify.' The very next day my 181D notice was withdrawn, and I am now pursuing a medical discharge.

Ms JULIE BISHOP—Could I clarify that. How was it withdrawn?

Mr McDonald—I was notified by my solicitor the very next day that they had agreed to withdraw the 181D.

Ms JULIE BISHOP—After receipt of your one page?

Mr McDonald—Plus the accompanying documentation that my solicitor would have forwarded.

Ms JULIE BISHOP—Where does that leave you? If it is withdrawn, it means you are still suspended?

Mr McDonald—I was asked by my local area commander, Alan Baines, last week. He gave me a call and said, 'Richard, what are you up to?' He didn't need to call me to find that out; he did not need to call an officer who has been off for almost three years. I said, 'Superintendent Baines, in the commissioner's office in the corner of his room, there is a basket with a label on it that says "Too hard". I am sitting in that at the moment and I have been for three years.'

Ms JULIE BISHOP—But your current status?

Mr McDonald—Is up in the air.

CHAIR—Are you still suspended?

Mr McDonald—I am still suspended, there is no 181D, the taxpayer still pays me \$1,190 a fortnight and I have been on holidays for almost three years. Dick Adams, my regional commander, has been so determined to have me medically discharged, knowing that my allegations were never investigated—the allegations against him were never investigated. He has tried everything.

CHAIR—What were your allegations against Dick Adams?

Mr McDonald—That he had covered over complaints. He knew about the allegations I had made. We had a deal; I had a meeting with Dick Adams in his office and he said, ‘Don’t discuss this with anyone. You make your complaints, I’ll transfer you somewhere else.’

Mr MELHAM—But if you are seeking medical discharge and he is agreeing to it—

Mr McDonald—I am seeking it now, but I am probably the only officer in the the history of the New South Wales Police Service where they have tried to put it on me to be medically discharged.

CHAIR—And you are refusing?

Mr McDonald—Initially I went along with it but they—

Mr MELHAM—In your letter of 16 October—let us be clear—page 2, second paragraph, you say: ‘Since 30 June 2000 I have been suspended from duty on full pay. I am currently seeking a medical discharge (stress) from the NSW.P.’ That is in your letter dated 16 October 2000.

Mr McDonald—That is correct.

Mr MELHAM—When did you first seek medical discharge?

Mr McDonald—Since replying to the 181D notice last year.

Mr MELHAM—Which was what date?

Mr McDonald—I will come back to you on that—possibly 12 months ago.

Mr MELHAM—Thank you.

Mr McDonald—Prior to that the Police Service tried to have me medically discharged. Bob Monk, who was for lack of a better word—believe this—Dick Adams’s hitman, did an investigation on me: ‘Constable McDonald is a narcissist. He has got a narcissistic personality disorder.’

Mr MELHAM—You are saying they are now happy for you to be medically discharged?

Mr McDonald—More than happy to have me medically discharged.

Mr MELHAM—How long does the process take?

Mr McDonald—How long is a piece of string? I don’t know, Mr Melham. I would say it could be pretty quickly now.

Mr MELHAM—So you have been medically examined?

Mr McDonald—Due to be.

Mr MELHAM—Due to be.

Mr McDonald—Sorry, I have been medically examined already by my psychiatrist—

Mr MELHAM—But you have now got to get some—

Mr McDonald—Yes, I am just going through the processes to say that I suffer from severe post traumatic stress and severe depression. I am on medication.

Mr MELHAM—Okay. But your understanding is that the Police Service does not oppose you now being medically discharged?

Mr McDonald—No, they never have. Back in the beginning they tried to have me medically discharged.

Ms JULIE BISHOP—That is what they wanted, they wanted you medically discharged.

Mr McDonald—I will explain why it did not go through. They sent me to their psychiatrist, who said, ‘Constable McDonald has a personality disorder.’ They thought: ‘Great, we can get rid of him. We can get him medically discharged.’ However, the police medical officer, Dr Tom Norris, informed me that while he is not in disagreement that I might have this personality disorder, it is not a medical condition for medical discharge. Dick Adams was furious because he could not get rid of me. The 181D probably would not go ahead because he knew the allegations that have been covered up. He could not medically discharge me, so what did he do? He tried to intimidate Dr Norris—that is the subject of a complaint never investigated—and then he went over the head—

Mr MELHAM—You made that complaint?

Mr McDonald—Yes. He went over the head and wrote to Dr Ed Chadbourne, who is not a medical doctor—a doctor of economics, I believe.

Mr MELHAM—He gave evidence to us.

Mr McDonald—Who has already given evidence. He wrote to Ed Chadbourne and said, ‘Although I am not a medical doctor, I agree that Constable McDonald should not be a police officer. I ask you to overturn the decision of Dr Norris and medically discharge him.’ Ed Chadbourne has told me on two occasions that he has had irate telephone calls from Dick Adams: ‘When are you going to get rid of McDonald? I just want him out.’ This is coming from a regional commander.

Mr MELHAM—You can understand why he wants you out.

Mr McDonald—A man who has been promoted way above his natural abilities.

CHAIR—Are you saying that that letter was written to Ed Chadbourne: ‘I know you are not a medical doctor but I want you to overturn Dr Norris’? I would like that letter.

Mr McDonald—If you can bear with me for a moment I will just look for it. It would make a good book, Madam Chair.

Mr MELHAM—I do not know that the public would be all that interested.

Mr McDonald—I disagree with that, Mr Melham. When we are talking about people's lives at risk and we have people in these senior positions making decisions and carrying on like that, I think they would be. Can I get back to you on that letter? I am quite happy to supply that to you.

CHAIR—Yes. We would like to see that letter.

Mr McDonald—I believe it is in the letter to Michael Costa.

CHAIR—The 20-page letter to Michael Costa?

Mr McDonald—Yes, which ended up back in—

CHAIR—Back with Mr Adams?

Mr McDonald—Yes. I will get that document.

CHAIR—We do want that letter to Mr Costa and that other letter. Thank you.

Mr McDonald—Yes. I know time is getting away, but I want to go back to the Saads very briefly. In August 2001 the *Daily Telegraph* did a sensational series, called 'Crime in our streets', over a week. On the Wednesday, which was 15 August, they did a story on the Saad family—how one family had clogged up the police complaints system and used the complaints system to their benefit. On that same very day, Peter Ryan appeared on the front steps of police headquarters with the President of the Police Association, Ian Ball, and said words to the effect: 'We cannot have people like the Saads threatening our police. I am going to get the police complaints system changed.' That was the public face of Peter Ryan. You heard OCRs mentioned yesterday. All OCRs were was a way for the commissioner to threaten and intimidate his commanders. On the very day that he said that on the front steps of headquarters—and it was on all the news stations—he also said in his OCR: 'The story has been going around for some time. The Saad family threatened Richard McDonald around three years ago. The currency of these stories is quite out of date. How are we going to combat his stories?' It is in print. I have got it: this is the OCR.

CHAIR—That is authored by Peter Ryan?

Mr McDonald—By Peter Ryan. And Dick Adams, who was there, said nothing. I would like to put on record that my stories are not out of date; my allegations have just never been investigated. So you have the public face of Peter Ryan, which we always saw. I loved the guy in the beginning, until all these appeals from him: 'Contact me. Don't go to the press. Come to me and tell me your problems'. I tried on about six occasions. It was like Larry Cook said. I got the same reply: 'The commissioner cannot concern himself in these matters. You are speaking to me, which is just like speaking to the commissioner.' We all got it. Everyone has tried.

I would like to finish on another point. I have mentioned Dick Adams a few times, a man whom I believe to be—and I do not want to tarnish people's reputations, but there is no better way to describe him—an old-school thug masquerading as a modern-day commander who probably thinks of himself as the next commissioner. Three years ago, during a test cricket game at the Sydney Cricket Ground, a police officer was arrested. He was laying on the ground, handcuffed and not resisting, when a police officer stomped on his head. Dick Adams was there watching it. The person gets convicted—

Mr MELHAM—So a police officer was arrested?

Mr McDonald—An ex-police officer. The person gets arrested, appears before court and is convicted but appeals. Dick Adams does a statement saying that he did not see any police officers using excessive force. What Dick Adams did not know is that this was all on video surveillance. Here we have a regional commander—a man, promoted way beyond his ability, who would picture himself as the next commissioner—standing by watching someone get assaulted and putting in a statement to the effect that, standing a metre away, he did not see any excessive force. It then becomes apparent to Dick Adams that this videotape is in existence. So when the case goes to appeal at the district court the first thing Dick Adams is asked by the prosecution is: 'Is there anything you wish to add to or subtract from your statement?' He responds: 'Yes, when I went up to the top of the stairs I saw this police officer with his foot on this person's head. I told him to take it off.' This is how they work. It is only because he became aware of the existence of the videotape—which I am quite happy to give to the committee—

CHAIR—We would like it.

Mr McDonald—I cannot give it to you today, but I am quite happy to give it to you. I am in possession of the videotape.

Mr MELHAM—Did you obtain that lawfully?

Mr McDonald—Yes, it has been obtained lawfully.

CHAIR—We would still like to see the tape.

Mr MELHAM—I am interested as to how he obtained it, Madam Chair.

CHAIR—I am sure you are.

Mr MELHAM—I think it is a fair question.

Mr McDonald—I am quite happy to say that I obtained it through Mr John Kidman. So there we have a regional commander watching an assault on someone who is not resisting and it is only when he becomes aware that it has been recorded on CCTV, with him standing a metre away, that he changes his statement. Did he generate a complaint; did he do anything? No. This happened only because he was caught out.

Mr MELHAM—What happened on appeal?

Mr McDonald—I will take that on notice and get back to you. I think some of the charges were dropped. The district court judge made comments to the effect that the person was not resisting and there was absolutely no reason for the police officer to put his foot on the person's head like that. Interestingly, another part of the tape, where there is a further allegation made of this same person being assaulted by a police officer while Dick Adams is watching, has conveniently—in a three-hour tape—been taped over with part of another tape. So there is tampering of the tape. That matter from three years ago is still being investigated.

Mr MELHAM—Were these tapes from surveillance of the Sydney Cricket Ground?

Mr McDonald—They were Sydney Cricket Ground Trust tapes. I can provide those tapes to you by this afternoon.

CHAIR—Thank you. Are you saying that Mr Dick Adams committed perjury?

Mr McDonald—Yes.

CHAIR—Has a complaint been made about that?

Mr McDonald—Yes, and it is still under investigation.

CHAIR—It is being investigated?

Mr McDonald—It depends on what you mean by 'being investigated'.

Mr MELHAM—Who made the complaint?

Mr McDonald—Alan Stevens.

Mr MELHAM—You were not present at this incident, so you were not a direct participant.

Mr McDonald—No, I am telling you this as a third party.

Mr MELHAM—You are telling us this as a third party, on hearsay.

Mr McDonald—Yes, on hearsay.

Mr MELHAM—I just wanted to establish that.

CHAIR—So Mr Stevens told you that he had made the complaint, Mr McDonald?

Mr McDonald—Yes.

CHAIR—Have you actually seen the tape?

Mr McDonald—Yes.

CHAIR—We look forward to looking at it too.

Mr McDonald—It is a gross cover-up. I have finished with my submission, Madam Chair, but can I just have two more minutes?

CHAIR—Yes.

Mr McDonald—After I made all my allegations Phil Douglass did nothing to them but give them to Bob Monk, who is now suspended. I will give you an example of how a complaint is covered up. I made a complaint in relation to an inspector who was paid off by Kerry Packer for doing security for Jamie Packer's wedding on 23 October 1999.

Mr MELHAM—That got a bit of publicity, though, didn't it?

Mr McDonald—I believe it was in the papers. It did not really expose the full extent.

Mr MELHAM—I have a recollection that there was some newspaper coverage.

Mr McDonald—I sent my complaint to the Ombudsman's office and also to Internal Affairs to see how the assessments happen. The Police Service declined to investigate it; the Ombudsman's office, on the other hand, took the view that they required it to be investigated. So we had two different assessments of the same complaint. In one, they refused; in the other one, they investigated.

Mr MELHAM—Who made the complaint?

Mr McDonald—I made the complaint.

Mr MELHAM—On what basis did you make the complaint?

Mr McDonald—On first-hand knowledge that an inspector had been paid off for doing security as secondary employment.

CHAIR—I do not understand the expression that somebody was doing 'secondary employment'.

Mr McDonald—Secondary employment is not permitted in the New South Wales Police Service without approval, especially in the security industry.

CHAIR—Without approval. Do you know whether approval was sought?

Mr McDonald—No.

Mr MELHAM—How was that brought to your attention?

Mr McDonald—It was common knowledge around the station.

Mr MELHAM—So, as it was common knowledge around the station, you decided to lodge a formal complaint?

Mr McDonald—Yes.

Mr MELHAM—So there was no direct evidence that you had other than the common knowledge around the station?

Mr McDonald—Yes.

Mr MELHAM—So it was your decision to then lodge a formal complaint?

Mr McDonald—Correct.

CHAIR—Why did you do that? Is there an obligation to do that?

Mr McDonald—There is an obligation under the New South Wales Police Service Act.

CHAIR—What is the obligation?

Mr McDonald—To report misconduct.

Mr MELHAM—But there is no obligation to report misconduct that is not within your direct knowledge in terms of evidence, is there?

Mr McDonald—That is incorrect.

Mr MELHAM—I do not want to be at cross-purposes.

Mr McDonald—Are you saying that I am under no obligation if, for example, I am told by Constable A that Constable B is selling drugs?

Mr MELHAM—I am wondering, again, how long is a piece of string. If there is scuttlebutt around the station, I do not accept that there would be a requirement on you to formally lodge a complaint. I understand it if you are privy to things going wrong, but I cannot accept what you are saying—that if rumour or innuendo comes to your attention you would be required to lodge a complaint. There has to be something more than that, hasn't there? How is it framed? How is that requirement for you—

Mr McDonald—The obligation is to report any allegations of misconduct. It does not say whether it is third-hand or not.

Mr MELHAM—So the way it is framed does not say whether it is directly within your knowledge or whether you hear of it.

CHAIR—If anything, that would be an impossible situation. If any policeman hears of something which they think ought to be investigated then of course there should be an obligation to report it.

Mr MELHAM—That is why I am interested in the wording.

Ms PANOPOULOS—Perhaps Mr McDonald or the committee secretariat could provide us with that guideline and give Mr Melham the opportunity to examine first-hand, in black and white, the exact breadth of that responsibility a police officer in New South Wales has.

Mr MELHAM—I am concerned that this would be one way of locking up the police with red tape and a whole range of other things, if the obligation is there.

CHAIR—They seem to be quite good at that all by themselves.

Mr McDonald—There is going to be no character assassination of Mr Packer.

Mr MELHAM—I am not interested in that. It concerns me that you feel you have an obligation to lodge a complaint on something where you do not personally—

CHAIR—Mr McDonald, when we ask Mr Cook to join you we might ask him the same question.

Mr MELHAM—It is bizarre.

CHAIR—It would be bizarre if they had to prove to themselves that it was a reasonable allegation before they did anything about it; in that case you would never investigate anything.

Mr MELHAM—That is what I am interested in knowing. I declare that I am not an expert in police complaint procedures

CHAIR—The item you have mentioned is under investigation as far as you are aware, and as far as you are aware the police officer could also have sought permission and been granted permission.

Mr McDonald—Yes.

CHAIR—There is a policy within the New South Wales government and Police Force that if people want to have an event they can actually hire policemen. Am I not correct? They can pay the policeman to come.

Mr McDonald—That is the user-pays system.

CHAIR—That is what I am talking about.

Mr McDonald—This was not user-pays.

Mr MELHAM—And no permission was sought in this instance.

Mr McDonald—No, that is right.

CHAIR—We do not know that. It could well have been.

Mr MELHAM—That is the allegation, Madam Chair.

Mr McDonald—I really do not want to go to the merits of the complaint. I am just using this as an example of how the complaints system is abused corruptly. I can demonstrate it. It will be no more than two minutes.

CHAIR—I think we have had an extension of two minutes. I am going to ask Mr Cook to join you at the table, and we can have joint questioning.

Mr MELHAM—I want the record to note that the witness did want to say a few extra things.

CHAIR—He is going to be able to say it.

Mr MELHAM—Having been accused of exactly what you have just done, I think the record should show that.

CHAIR—He will be able to answer any questions and give any information he wishes once he has been joined by Mr Cook. It is not hard, Daryl.

Mr MELHAM—You make it more difficult, Madam Chair.

[2.40 p.m.]

COOK, Mr Larry James, (Private capacity)

CHAIR—Questions can now be asked of both Mr Cook and Mr McDonald. Either of you can make a short statement about anything that has happened while you have been listening to each other's evidence including, if you like, Mr Cook, telling us about your obligation to report misconduct and your understanding of what Mr McDonald has said.

Mr Cook—I have got a fine understanding of this because I have been teaching it in the New South Wales Police Academy. Where a police officer becomes aware of any misconduct or conflict—and the rules say 'aware'—he is duty-bound to report it and can have action taken against him by Internal Affairs for not reporting it. For example, witnesses in the investigation where mates investigated mates actually rang me after the investigation and said that they were served with a directive memorandum and that directive memorandum referred to the allegation that I put forward and the last part of the question said 'and you were aware of that behaviour'. Any person reading that directive memorandum would look at the last line and say, 'I don't know anything about it.' If he does say something, he is going to get charged. That is what they do; they intimate their witnesses through these directive memoranda.

CHAIR—We have heard about those.

Mr Cook—One thing about this—and this is the really odd part—is you have heard about how Redfern police were tied up in red tape over complaints and you have heard about everyone else, but you have heard over the last few months how these senior officers have had complaints made about them and not a thing done about it. I refer you to the resource kit *Complaints and Management Reform* of the New South Wales Police. Page 43 of that document under the heading 'Tough action regarding unethical conduct or gross incompetence' says, 'Senior officers need to be assessed against a higher standard than that applied to less

experienced police.’ Isn’t that amusing. What have we heard? If you are a senior officer, you get up there in the network, you are protected, nothing will happen to you. You can get away with criminal behaviour, you can lie, you can conspire to pervert the course of justice and you can set people up. I will give you an example. Former Sergeant Mark Collins of the academy had a break-up with his fiancée. He lived on a property in Towrang in New South Wales. His former girlfriend registered the car of her new boyfriend at his home so that it would be registered in the country and they would pay less in insurance. He goes to the police computer at the academy, runs the car up, finds out it is registered in his name and makes a complaint to Internal Affairs. The academy started an investigation on him and he was charged with obtaining information from the computer system.

Ms JULIE BISHOP—Improper access of the police computer.

Mr Cook—The matter was dismissed. But what have we heard about the academy management today? What did they get away with—fraud, theft, tax evasion? There are conspiracies to pervert the course of justice here because under the Police Service Act there are requirements. And what happens? Nothing. What do we hear about New South Wales Police? Richard McDonald: suspended under 181D. Me: a section 173 warning notice. ‘Get ‘em, boys! They are only underlings, we can work them, but don’t touch the mates.’

Ms JULIE BISHOP—You mentioned 173 notices. Section 173 of what?

Mr Cook—Of the Police Service Act.

Ms JULIE BISHOP—Was that inserted after the Wood royal commission was handed down?

Mr Cook—It was new in 2000 because the fellow who called me from the academy said they were going to try some new legislation. I do not know the date of enactment of that.

Ms JULIE BISHOP—So it is relatively new legislation?

Mr Cook—Yes.

Ms JULIE BISHOP—Can you tell me the basis upon which section 173 notices are meant to be issued?

Mr Cook—It is in the complaints manual under section 173. I can make this available to the committee. This is the bible for Internal Affairs investigators.

Ms JULIE BISHOP—Perhaps just give us the reference to where section 173 notices are dealt with.

Mr Cook—Bear with me for a moment. It is on page 110 of the resource kit. It talks about reviewable and non-reviewable orders under section 173.

Ms JULIE BISHOP—Does it say what gives rise to a section 173 notice or do I have to refer back to the Police Service Act?

Mr Cook—It says under ‘Application of a Section 173 Order—Misconduct’:

When a Commander identifies that a police officer has engaged in misconduct he or she must decide;

Does the misconduct relied upon, in all of the circumstances, justify action that falls within the reviewable category? (Reduction in officers rank, grade, seniority etc.)

If the answer is yes, the Commander can then initiate the processes outlined below which relate to reviewable action and serve a notice under the provisions of section 173.

Ms JULIE BISHOP—Does it define misconduct?

Mr Cook—Misconduct is defined under the Police Service Act. But make no mistake: 173 was designed for corrupt and inept. They have used this legislation. They have conspired to pervert the course of justice to put this on me.

Ms JULIE BISHOP—Do section 173 notices still exist? Is that section still enforced?

CHAIR—I can shed a bit of light on that. At the back of the Jetz report—

Mr MELHAM—Do you want to take the oath, Madam Chair, and give evidence?

CHAIR—At the back of the Jetz report, published by the PIC and tabled in the parliament of New South Wales about two or three weeks ago, it says:

A1.13 “Reviewable action” within the meaning of section 173 of the *Police Act 1990* refers to forms of disciplinary action that would ordinarily apply to more serious breaches of discipline. The available forms of reviewable action are:

- a reduction in a police officer’s rank or grade;
- a reduction in a police officer’s seniority;
- a deferral of a police officer’s salary increment; and
- any other action (other than dismissal or the imposition of a fine) that the Commissioner of Police considers appropriate.

Owing to the seriousness of these forms of disciplinary action, a police officer may appeal the imposition of any of these penalties to the Industrial Relations Commission of New South Wales.

A1.14 In addition to the requirement to include in a report to Parliament a statement of the Commission’s opinions—

that is the PIC—

regarding those against whom substantial allegations have been made, the Commission has a discretion to recommend that consideration be given to other disciplinary action. This includes “non-reviewable action” within the meaning of section 173 of the *Police Act 1990*. Non-reviewable action is disciplinary action available against police officers for less serious breaches of discipline. There is no avenue of appeal to the Industrial Relations Commission against the imposition of a form of non-reviewable action. The available forms of non-reviewable action are—

and you will love this—

- coaching;
- mentoring;
- training and development;
- increased professional, administrative or educational supervision;
- counselling;
- reprimand;
- warning;
- retraining;
- personal development;
- performance enhancement agreements;
- non-disciplinary transfer;
- change of shift (but only if the change results in no financial loss and is imposed for a limited period and is subject to review);
- restricted duties; and
- recording of adverse findings.

Ms JULIE BISHOP—So, Mr Cook, in relation to this section 173 notice that you received for that A4 page, was your action deemed reviewable or non-reviewable?

Mr Cook—Non-reviewable, and they relied on non-reviewable so I could not do anything about it. When Gary Matlok, who you will hear from in the future and who has a tape, was actually spoken to by Detective Senior Sergeant Southam, he said in that tape, ‘Look, the 173 will stop your promotion for about five years.’ That is the enemy. I would be 50 years old.

Ms JULIE BISHOP—When Constable Friend got a section 173 notice for telling you that he cannot talk to you—

Mr Cook—Yes, that he could not speak to me.

Ms JULIE BISHOP—was his deemed a reviewable action?

Mr Cook—Non-reviewable. They won’t do a reviewable on you, because then you can take it on.

Ms JULIE BISHOP—Then you can appeal it.

Mr Cook—This is a great little sanction they can get on you. Then they say, ‘There is nothing you can do.’ That is what they said to me all the time. Madam Chair, I need to bring up one issue that occurred just after I gave evidence.

Ms JULIE BISHOP—Today?

Mr Cook—Yes. After I consumed the whole jug of water and the coffee, I had to go down to the bathroom and as I came back I am 99 per cent sure—I have not seen the fellow in 4½ years—that Detective Inspector Brooks walked out of the court and eyeballed me. I mean full-on, intimidatingly eyeballed me. He is from Dubbo. What’s he doing here? I am sure it is him. Here he is doing it again, outside the court.

CHAIR—We are not a court; we are a hearing.

Mr Cook—Outside the hearing.

Mr MELHAM—A kangaroo court, Mr Cook.

Mr Cook—I do not agree with that at all, Mr Melham. Where else am I going to go? Where else is Mr McDonald going to go? No-one will listen to us. You have heard the same story. It is the same skeleton that has got different bodies. We love the Police Force.

CHAIR—Is Mr Brooks still here?

Mr Cook—No, he has gone. But, Mr Melham, the thing that I hate the most about this is that when we try to politicise it we have nowhere else to go. I do not care about the timing and the election coming up.

CHAIR—I want to make you pause there. If it were indeed Mr Brooks, what occurred could amount to a contempt of the parliament—

Mr Cook—That is what I figured.

CHAIR—because it is an intimidation of a witness.

Mr Cook—I could complain to Internal Affairs!

Mr McDonald—Madam Chair, is it not amazing that we have heard testimony from two people today in succession—Larry Cook and me—and the same name has come up twice in totally unrelated incidences, and this person has gone from senior constable to—

Mr Cook—Inspector.

Mr McDonald—Not an inspector.

CHAIR—Is this the same man who was your mentor?

Mr Cook—Yes, that is him.

Mr McDonald—Yes, this is my mentor.

Mr Cook—He was here.

Mr McDonald—Same person, different incident—we are not related—and he has gone from—

Mr Cook—I warned him not to speak to him. I said, ‘This fellow has done a job on me. Do not speak to him.’ He went and spoke to him.

Mr McDonald—He has been promoted from senior constable to professional standards manager at Dubbo.

CHAIR—Mr McDonald, did you see this man today?

Mr McDonald—No. When Mr Cook went out before I was here.

CHAIR—When you were giving evidence?

Mr Cook—At the changeover.

CHAIR—But you did not see him in this room earlier? That is of grave concern.

Mr Cook—I am sure he was listening to my evidence.

Mr MELHAM—That is not a crime.

Mr Cook—No, but to come out and eyeball me like he did—

Mr MELHAM—That is another matter.

CHAIR—That is the one we are discussing.

Ms PANOPOULOS—That is the serious matter.

Mr MELHAM—I am just saying that this is a public hearing.

CHAIR—We are not discussing what went on here—

Mr MELHAM—I am not diminishing what Mr Cook says, Madam Chair. Let us be clear.

CHAIR—He said he was eyeballed and intimidated. That is what we are discussing.

Mr MELHAM—I am not disputing what Mr Cook says, let us be very clear.

Mr MURPHY—Do you know where he was sitting?

Mr Cook—I did not see him in the court.

Mr MELHAM—Exactly.

Mr McDonald—Outside.

Mr Cook—He walked out of the inquiry room, I was walking back up and he gave me the filthy look all the way.

Mr MURPHY—Mr Cook, was he inside this room?

Mr Cook—I saw him coming out the back of the court room.

CHAIR—Could you sit down or we will lose the *Hansard* recording.

Mr Cook—Sorry, Madam Chair.

Mr MURPHY—So we do not know whether he was inside.

Mr Cook—He was inside the court. I saw him going out.

Mr MURPHY—Inside this room?

Mr Cook—Inside this room.

Mr MELHAM—But your recollection, Mr Cook—the *Hansard* will show this—is that it was this particular fellow.

Mr Cook—I am 99 per cent sure. I have not seen him in some years.

CHAIR—It is very easy. We can inquire. I think we will make an official inquiry because that is a very serious matter.

Ms PANOPOULOS—The records of Parliament House should have him if he signed in.

CHAIR—Yes, he would have to sign in, wouldn't he?

Mr MELHAM—Not necessarily. I did not sign in.

Mr Cook—We have been signing in. It may well be in the foyer.

Mr MELHAM—It is not a criminal offence to observe a parliamentary hearing.

Mr Cook—No-one is saying it is, Mr Melham. It is what happened.

Mr MELHAM—Mr Cook, in your submission, which we received on 22 October—I think your submission is dated 18 October—you say that you were advised of the existence of the committee. Who advised you of the existence of the committee?

Mr Cook—I had three phone calls. I had a phone call from Richard McDonald, I had a phone call from Gary Matlok, and then I spoke to Richard Basham.

Mr MELHAM—That was how you were advised of the existence of the committee?

Mr Cook—Yes.

Mr MELHAM—And it is as a result of those phone conversations that you made a submission to the committee.

Mr Cook—Yes. Then I had some discussions with Mr Basham and some of the other people who have been affected in the way we have been affected.

Mr MELHAM—Have you had ongoing discussions with Mr Basham?

Mr Cook—I have not spoken to Mr Basham since last year.

Mr MELHAM—Or would you have spoken to him on each occasion that you intended to give evidence?

Mr Cook—I have spoken to him. I have spoken to a lot of the gentlemen down the back.

Mr MELHAM—It is not a crime.

Mr Cook—No, I am not saying that. I make no secret of that. He is very supportive.

Mr MELHAM—It is pretty obvious. So it is as a result of those phone calls that you became aware of the existence of this committee and made a submission?

Mr Cook—Yes.

Mr MELHAM—When you say in your submission your last day of service will be 10 January—

Mr Cook—It was 10 January?

Mr MELHAM—So you are now pensioned out HOD?

Mr Cook—Yes, I am.

Mr MELHAM—You were medically assessed. That was not contested by the service, was it?

Mr Cook—They have declined my psychological injuries caused by actions of the academy and Internal Affairs.

Mr MELHAM—How did you get the HOD then?

Mr Cook—For back injuries from a serious motorcycle accident.

Mr MELHAM—So that was not contested?

Mr Cook—No, not at all.

Mr MELHAM—Mr McDonald, in relation to your submission of 16 October, how did you become aware of the existence of the committee?

Mr McDonald—I had a meeting at Richard Basham's office with Gary Matlok, Larry Cook, obviously me, and Malcolm Kerr.

Mr MELHAM—Malcolm Kerr, the Liberal member for the state seat of Cook.

Mr McDonald—Correct.

Mr MELHAM—Were you encouraged to make a submission to the committee?

Mr McDonald—No, I was never encouraged. It was not even known at that stage whether—

Mr Cook—Whether an inquiry was happening.

Mr McDonald—That is right. I believe I might have said words to the effect that, if there is an inquiry, I will be putting in a submission. But no, I can honestly say I have never been asked to put in a submission.

Mr MELHAM—That is okay. I am trying to ascertain how you became aware of the existence of the committee.

Mr McDonald—Photograph.

Mr MELHAM—Yes. Is that a file photograph?

Mr McDonald—No. It is not a file photograph.

Mr MELHAM—You were just photographed for the article, were you?

Mr McDonald—Yes.

Mr MELHAM—The first sentence of the quote 'the Wood Royal Commission did little if anything at all to rid the NSWP of corruption' is taken directly from page 2 of your submission.

Mr McDonald—I would not disagree with that. Correct.

Mr MELHAM—Did you show Mr Kidman your submission?

Mr McDonald—Yes, I did.

Mr MELHAM—Did you give him a copy of that submission?

Mr McDonald—Yes, I did.

Mr MELHAM—So that was prior to that article.

Mr McDonald—Prior to that article.

Mr MELHAM—However, I notice the rest of what is attributed like a direct quote does not really appear in your submission. Is that as a result of discussions you had with Mr Kidman?

Mr McDonald—Correct.

Mr MELHAM—In relation to your submission you did, however, on page 3 talk about vilification and intimidation. The words attributed to you in the *Herald* are not contained in your submission to the committee.

Mr McDonald—Some words obviously are; some words are not.

Mr MELHAM—Some are but it is not a direct quote from your submission.

Mr McDonald—That is right.

Mr MELHAM—Were you shown the submissions of other people who had made submissions to this committee prior to your giving evidence?

Mr McDonald—Today?

Mr MELHAM—Yes.

Mr McDonald—Yes.

Mr MELHAM—When did that occur?

Mr McDonald—Before submissions were forwarded to the committee.

Mr MELHAM—So you were shown copies of what other people were submitting to the committee?

Mr McDonald—Yes.

Mr MELHAM—Do you know who that was from?

Mr McDonald—Not Larry Cook. Mark Fenlon. I might have been shown something from Larry, but it was not his submission. Larry keeps a very concise record of all his conversations.

Mr MELHAM—So you had an understanding as to what Mr Cook would be submitting?

Mr McDonald—Yes.

Mr MELHAM—You do not know whether it was actually the submission?

Mr McDonald—Yes.

Mr MELHAM—Did Mr Basham see your submission before it came in?

Mr McDonald—I do not have a submission in front of me which I have read from today.

Mr MELHAM—No. I am talking about the one that is dated—

Mr McDonald—Yes, he did.

Mr MELHAM—So he had that before it was publicly released?

Mr McDonald—Submitted.

CHAIR—Was that before it was submitted or after?

Mr McDonald—It has only been publicly released today, but before that I received correspondence saying that it was a confidential submission.

Mr MELHAM—You had shown it to Mr Basham?

Mr McDonald—Yes.

CHAIR—That was before your advice?

Mr McDonald—Yes.

Mr MELHAM—But subsequent to that submission to the committee you showed and gave it to Mr Kidman, I think, prior to the article.

Mr McDonald—No. Shortly after I made my submission I gave it to Mr Kidman. I think that on the day I sent it to the committee by email. I bcc'd it, not cc'd it—so it did not come up on the recipients. I still have that saved on the computer, I think, from when I emailed it that day.

Mr MELHAM—That is when you gave it to Mr Kidman, is it?

Mr McDonald—Yes.

Mr MELHAM—I think it is fair to say that Mr Kidman is someone who has been interested in what you have had to say?

Mr McDonald—Absolutely.

Mr MELHAM—And has written a number of articles.

Mr McDonald—I regard Mr Kidman more or less as my mentor.

Mr MELHAM—It is not a criminal offence, and I am not suggesting that.

Mr McDonald—How Phil Brooks carried on as my mentor is a criminal offence, I believe.

Ms JULIE BISHOP—This question is to either Mr Cook or Mr McDonald and perhaps you would both like to comment in turn. Both of you have cited numerous instances of failures of the police complaints system in what happens to those who do lodge complaints—complaints are swept under the carpet, lost in the system, not dealt with and the like. What is the actual procedure for lodging a complaint? Does it have to be in writing? Are you given some sort of written acknowledgment of the receipt of the complaint? Is a time frame provided to you within which the complaint will be dealt with? Can you tell me from the beginning what is meant to happen when a police officer wishes to register a complaint?

Mr McDonald—Ideally complaints should be in writing, but there is a mechanism for complaints to be made verbally through the customer assistance line. You can basically make a complaint over the telephone.

Ms JULIE BISHOP—Anonymously or do you have to give your name?

Mr McDonald—Complaints can be made anonymously. They can still be investigated even though it is anonymous.

Ms JULIE BISHOP—Generally, how did you make your complaints—in writing or over the phone?

Mr McDonald—All my complaints have been in writing.

Ms JULIE BISHOP—Did you receive, as a matter of course, acknowledgment that your complaint had been received?

Mr McDonald—Yes. I received acknowledgments from the Police Integrity Commission but not from the Police Service.

Ms JULIE BISHOP—If you make a complaint to the Police Service, you do not get acknowledgment that it has been received?

Mr Cook—No.

Mr McDonald—Sometimes you do and sometimes you do not. More often than not, you do not. I made a complaint to the Police Integrity Commission. I received notification about a week later that it would be assessed. Six months later I got confirmation that it was not going to be investigated. They had passed it on to the Ombudsman's office and the Ombudsman's office had given it back to the Police Service.

Ms JULIE BISHOP—Mr Cook, I think it was in your evidence that you indicated that on one occasion, and perhaps there were more, you were informed that your complaint had been lost in the system.

Mr Cook—The Ombudsman's office could not find it, but would not ever call me back. I have sent emails and letters to the Ombudsman's office and I have never ever had a reply.

Ms JULIE BISHOP—So you did not get an acknowledgment or receipt of complaint from the Ombudsman's office?

Mr Cook—No, I received nothing from the Ombudsman's office. Every time I wrote to PIC I would receive a reply and then I would receive nothing for months. With the New South Wales Police, I do not know what is happening there.

Ms JULIE BISHOP—What happens when you make a complaint to the New South Wales Police Service?

Mr Cook—I cause a lot of angst down in Goulburn and then they cover it up.

Ms JULIE BISHOP—I know what your evidence is as to the outcome.

Mr Cook—Nothing happens.

Ms JULIE BISHOP—I am trying to get the procedure. Were your complaints generally in writing or orally?

Mr Cook—I was fearful of being verbally by these people and I refused to speak to them at all.

Ms JULIE BISHOP—So they were in writing?

Mr Cook—I sent emails until they blocked my email. Then I put everything in letters. They would ring up and I would say, 'Don't talk to me; send me a letter.' I wanted a trail because they lie.

Ms JULIE BISHOP—Did you receive correspondence back from the Police Service acknowledging the complaints?

Mr Cook—On a couple of issues, saying 'no adverse findings', but on most of them I did not receive a thing. I do not know what the status is. I do not know what they have done. Nobody has told me—nobody.

Ms JULIE BISHOP—Could I just change to another topic. Mr Cook, looking back now over the years that you have been dealing with these issues during your time in the Police Service, do you think there was one person orchestrating your demise or was it an accumulation of—

Mr Cook—It was Reg Mahoney, using Detective Senior Sergeant—at the time—Bradley Howell as a hitman. And these professional standards managers make no bones about being Mr Fix-its, the hitmen, and they are used by corrupt management to silence people.

Ms JULIE BISHOP—To deal with people who are making complaints?

Mr Cook—Yes. If you are a policeman on the street and you get a complaint, it is all investigated. They go all out; they speak to everybody. If you make a complaint against a senior officer, you are a troublemaker: ‘Let’s get him.’ That is what they do.

Ms JULIE BISHOP—And you believe that a section 173 notice was used against you in order to—

Mr Cook—Destroy my career. That was to make sure I could not come back and then, further, I was unable to teach and supervise. I was the operations and training adviser to an entire region up in the highlands in New Guinea. I was getting shot at, I was trying to stop riots and I was investigating murders—I was digging bodies up out of the ground to prove that they had actually died as the result of an injury to charge an offender with murder. I was running the whole training for the five highlands provinces, where there is no money or morale, and I was doing a good job. Here is a fellow who has a 173 notice taken out against him and he is not allowed to teach or supervise again. What does a sergeant career stream instructor do when he cannot teach or supervise? They stuck it to me and they would have been sitting back, saying, ‘Got him now—got him.’ I can see them; I know these people backwards.

Mr Moroney, as reported by John Kidman in the *Sun-Herald* of 18 August, said that he was going to get rid of the 181s and look at a new way of doing it, because he realised how corruptly they were used against people, I am sure—he knew. Ken Moroney sent me a handwritten note thanking me for my assistance to him in the education and training command. I have the card at home. It says: ‘Dear Larry, thank you for your assistance to me.’ But there were bigger fish ahead of him.

Ms JULIE BISHOP—Essentially, if you received a section 173 notice that was non-reviewable, it could still have the impact of taking away your right to teach?

Mr Cook—No, that was added to it.

Ms JULIE BISHOP—But you had no means of—

Mr Cook—The 173 was a blot on my copybook which labelled me as corrupt.

Ms JULIE BISHOP—Which you then had no means of reviewing—

Mr Cook—No, I could not fight it.

Ms JULIE BISHOP—because it was a non-reviewable action.

Mr Cook—Yes. And they rubbed that in. They said, ‘There’s nothing you can do.’

Ms PANOPOULOS—Mr McDonald, thank you very much for your very detailed and comprehensive evidence. May I apologise for any impression either you or Mr Cook may have gained that some members of this committee appear to be a little hostile towards you—I apologise if you have gained that impression from today’s proceedings. I think I am pretty clear on the evidence both of you have given. One issue I did want to ask both of you about, starting with Mr McDonald, is that you mentioned engaging solicitors and making your own FOI applications. What costs have you had to bear in this matter, approximately?

Mr McDonald—Financially, not much, because I have had assistance through the association, but emotionally it has been absolutely devastating. I have had to argue for documents which I should be legitimately entitled to. I have had to attend numerous court days, hearings, just in relation to documents for which they have claimed the most outrageous exemptions.

Ms PANOPOULOS—How much time would you have spent seeking these documents and making your own investigations?

Mr McDonald—My initial application went in just before Christmas 2001 and judgment was reserved just before Christmas 2002. There have been approximately 15 court days and conferences have been dragged out. But, having said that, I am glad I went through it, because of the documents I have obtained. As I said, I would encourage any police officer—

Ms PANOPOULOS—Would you say that you were engaged at least on a full-time basis in this matter?

Mr McDonald—Yes, absolutely. I have learned the FOI Act backwards.

Mr Cook—In relation to my FOI application, I am now at the stage where I am about to go to the ADT. I am afraid I am going to have a fool for a client, because I am going to represent myself. I feel that I can pretty ably do that. All I want is what they have got. I can tell you what effect it has on you. I have a property at Gosford and I had property stolen from there. I did not call the police. I did not call the police because of my COPS record. If I report to police, the policemen will access my record and I will come up as an AVO offender. It is not taken off your record. I have trained probably—

CHAIR—Even though it was subsequently dismissed?

Mr Cook—It still sits up there. It is unbelievable. They leave it up there; they paste you. The reason I did not call the police—and I have lost a couple of thousand dollars worth of gear—

Mr MELHAM—That is the case for all people in New South Wales.

Mr Cook—Yes, and it is wrong. But—

Mr MELHAM—So it is not just you.

Mr Cook—But there is more to it than that, Mr Melham. I have trained about 6,000 police since I was at the academy. Chances are that one of those I have trained is going to run my record up to start the COPS entry and say, ‘Sergeant Cook’s an AVO offender.’

Mr MELHAM—There have been many complaints by the profession in relation to that matter.

Mr Cook—It is dreadful. But here I am now in fear of reporting anything to the police because of the fact that my reputation will continue to be sullied by the actions of these crooks.

CHAIR—We might make a note about that in terms of recommendations. It may need to be looked at, because that is quite appalling when the thing has been dismissed.

Mr Cook—There is another thing I would like to bring up too. This is something that relates to Richard and it is probably part of the reason. These people in headquarters are briefed on everything we do. There is the proof of it—these gentlemen down the back of the court here are from the solicitor’s office, as you have heard from Mr Chadbourne. They are part of the Pretorian Guard. They will go back over there and say, ‘Listen, Ken, this is what they’ve said. What we will do is get some strategies going to combat this.’ That is what they will be doing. One of the things that—

Mr MELHAM—Mr Cook, they would not have been able to hear this evidence if it was in private—if it was not a public hearing—so let us be clear about that.

Mr Cook—I do not care about what they do—it is where it is going to go to, with that corrupt network over in headquarters. That is exactly what will happen, make no mistake. But Richard McDonald rings me up one day—

Mr MELHAM—You know there is another procedure by which the committee can take evidence, where it is not released until after the event. But the chair and the majority of members of this committee chose—

Mr Cook—The procedural matters do not concern me—

Mr MELHAM—I am just pointing out to you, Mr Cook, that one of the things that I wanted initially was—

CHAIR—Mr Melham, I know that you have desperately moved heaven and earth to prevent public hearings being held. I do not know what you have to hide, I really do not. These are people who are—

Mr MELHAM—Madam Chair, one of the reasons that this witness is complaining—

CHAIR—I am speaking, Mr Melham. The point I am making—

Mr MELHAM—is that members of the profession are here listening to the evidence—

CHAIR—is that you have moved heaven and earth to try and stop public hearings being held. This committee—

Mr MELHAM—and it was your insistence to force him to give evidence in public, when it was not a requirement, that has led to his complaint.

Mr Cook—Nobody has forced me. I am happy to have this out, because it might save someone the angst I have been through in the last five years. My family have been affected to such a degree that you could not understand—

Mr MELHAM—My criticism is not of you, Mr Cook.

Mr Cook—I am just wondering what would happen if someone tried to destroy your career, Mr Melham.

Mr MELHAM—I want to be very clear: my criticism is not of you.

Mr Cook—What would happen if someone tried to destroy your career? How would you feel? I was a career police officer who took an oath. My life has been turned upside down and back the other side.

Mr MELHAM—My criticism is not of you; it is of the chair.

CHAIR—Mr McDonald and Mr Cook, I want to ask you both this question so that there is no misunderstanding. Did you have a preference for having your evidence given in public?

Mr McDonald—Yes, I had a preference for mine to be in public.

Mr Cook—Initially I did not want to. Then I thought, ‘No, I am going in support of my colleagues and I am not going to hide, and I am going to come out.’ Anyone can test anything I say and I appreciate the chance to be here. I hope that people down the back there are writing. I hope people get an understanding of what has happened so that it might not happen to someone else.

CHAIR—So that there is no further misunderstanding, the subcommittee of this standing committee of the parliament determined it would conduct public hearings. There was then a manoeuvre using a never before used standing order that was used to design to prevent that.

Mr MELHAM—There is a bit of rewriting of history there.

CHAIR—This is as it occurred, brought to my attention on the morning of 6 December when we were about to begin our hearing.

Mr MELHAM—And the chair, incompetently, did not get passed as well resolutions that allowed a public hearing.

Mr Cook—There is just one more thing that I would like to say, and it goes to these fellows down the back of the court here.

CHAIR—Just let me finish. The parliament then decided to change that standing order. That is why we are here today. Please proceed.

Mr Cook—I was rejected from the—

Mr MELHAM—And the chair, just so it is noted, because a letter has been circulated, was advised by the Labor members of the committee, Mr Kerr and me, that after the committee had been formed it still was not properly charged by resolutions of the committee to have a public—

CHAIR—This has nothing to do with Mr Cook.

Mr MELHAM—You accuse us of not wanting public hearings—

CHAIR—Yes. You pulled another little stunt in the way things are done, and it was dealt with.

Mr MURPHY—That is wrong.

Mr MELHAM—Let us be clear, Madam Chair, you again did not understand the standing orders.

CHAIR—Please go ahead, Mr Cook.

Mr Cook—What happened is that I was actually rejected by the Internal Witness Support Unit because they said I was not in the workplace. I had had all this action taken against me, my house broken into and I was getting defamed left, right and centre. My name is irrevocably tarnished in Goulburn. What happened is that Richard called me up. I was his instructor at the academy and when he was out in the field he used to ring me up and say, ‘What about this, what about this?’ When he started having the problems he started ringing me. Richard rang the Internal Witness Support Unit and mentioned my name. Chief Inspector Glynnis Lapham at the Internal Witness Support Unit said, ‘What are you talking to him for?’ That has all gone on and I have now been linked to this ‘madman’. So we have two madmen now, acting in concert. Again, I would love to see the intelligence on us, because there would be really good stuff. What they do is vilify, say you’re mad. That is the way they operate.

CHAIR—Who runs this collection of evidence? Is this Court and Legals?

Mr Cook—I have not seen these documents—who puts it together.

CHAIR—What involvement does Court and Legal Services have in all this?

Mr Cook—In collection of the material?

CHAIR—Yes.

Mr Cook—They send out what is called a ‘tracer file’. If you make a request for certain documents, they will send out tracer files to areas that you might identify or they do, and then when all the documents are in they will make a determination. It is reliant obviously upon what

documents are sent back. In relation to FOI, after 6 December, when we appeared here but did not get a chance to give our evidence, I made an FOI application in relation to any documents created in relation to my attendance at the parliamentary inquiry here today and in relation to the newspaper article which came out on 15 December.

Mr MELHAM—What was the time frame on FOIs—

CHAIR—Just a moment. Let him continue. What happened?

Mr Cook—I have been given a determination on my application.

CHAIR—And what is that?

Mr Cook—The only documents that are supposed to be created are from the legal services's special projects branch. They have supplied me with photocopies of four pages of the *Sun-Herald* of 15 December 2002 with respect to the 'Bishop' inquiry; hardcopy of four emails from Mr Arnott, solicitor, dated 20 January 2002; confidential 'issues' paper dated 22 December 2002, which is on a Sunday three days before Christmas; and memoranda from New South Wales Police human resources section to special projects. They are claiming privilege on the last two documents—legal professional privilege.

CHAIR—Are you saying that you suspect that because you dared to appear before this inquiry—

Mr Cook—Risk assessment.

CHAIR—that they are doing a risk assessment on you? That indeed would also constitute a contempt.

Mr Cook—I believe Court and Legal Services should change their name to Court and Legal Circuses—because that is what it is. They are a circus.

Mr MELHAM—We know what a circus is: it is this committee.

Mr Cook—I don't think so, Mr Melham. I don't think so.

CHAIR—May we have a copy of that, please.

Mr MELHAM—I would also like to say that I disagree with the chair in relation to comments she just made.

CHAIR—Also make a note that we will write and ask for those two documents.

Mr Cook—They are claiming legal professional privilege. A document is created by the human resources command.

Mr MELHAM—Madam Chair, I do not accept that as a result of the comment you made—

CHAIR—I do not mind at all if you do not accept it. We will write nonetheless.

Mr MELHAM—It would help if you did not inaccurately assert that there could be breaches of privilege when the evidence is not in and there are other inferences that can be drawn. It is quite proper for the Police Service to be monitoring this inquiry. Let us be very clear about that. This is not the first inquiry that has been monitored by the Police Service or anyone else. I would have thought it is an appropriate practice for the Police Service to be—

CHAIR—That is not what we are discussing. We are discussing the two documents that have been created, which they are not giving to Mr McDonald and which I believe he is entitled to have.

Mr MELHAM—Those are matters between him and the Police Service, not this committee. It is a matter for him. You do not have the power, as you well know.

CHAIR—We will write and ask for those documents for Mr McDonald, just as we did for the boy James—and we finally received those documents.

Mr McDonald—Thank you, Madam Chair.

Mr MELHAM—If you want state power, then run for the state parliament.

Mr Cook—Let us have a state under control then. Let us have a state under control that can control its police force. Put bars on the doors of police headquarters, because you need them.

Mr MELHAM—You have a state election coming up.

Mr Cook—I do not care about the election. I do not care who gets in. I care about crooks.

Mr MELHAM—Isn't it a coincidence that we have four days of hearings scheduled in the lead-up to an election by a partisan political committee?

CHAIR—Order! What you are trying to say is—

Mr MELHAM—Mrs Bishop is seeking political advantage. That is the problem.

CHAIR—What you are trying to say, Daryl, is that at every turn you want evidence suppressed. You do not want these men's stories to be told in case it is adverse to your particular interests. We will not have it. Goodness me!

Mr MELHAM—No-one is about suppression. At every turn, what Mrs Bishop does is jump on the radio and the TV and use your complaints for political advantage. That is fine.

CHAIR—Order!

Mr McDonald—Madam Chair, I forgot to mention something before in relation to my mentor, Phil Brooks. I do not know why it slipped my mind. Phil Brooks also leaked information of my Internal Affairs files to Les Kennedy at the *Sydney Morning Herald*. Also, in

his risk assessment, he said my 181D should be updated to reflect the fact that I have discredited the Police Service through the media. He notes that I have kept in regular contact with Charles Miranda from the *Daily Telegraph* and Morgan Ogg from Channel 7, as he then was.

Mr MELHAM—Charles Miranda?

Mr McDonald—Charles Miranda. He is no longer with the *Daily Telegraph*. He is overseas. Morgan Ogg from Channel 7 is now John Brogden's press secretary. Morgan Ogg has told me he is prepared to give a statement to the effect that Phil Brooks has been his leak for years, and yet he puts in a risk assessment that my 181D should be updated—my mentor.

Mr MELHAM—Many police officers have sources in the media. They are on the drip from the media. You well know that.

Mr Cook—He was supplying it—not on the drip.

Mr McDonald—He was supplying it.

Mr MELHAM—Yes, but it is a two-way street, isn't it?

CHAIR—Just a moment. As I understood, you said that Phil Brooks leaked information—

Mr MELHAM—Mr Basham has a few sources in the media that he—

Mr Cook—He is not a police officer.

Mr MELHAM—I appreciate he is not a police officer.

CHAIR—As I understand it, you are saying that if you had leaked the information then they would have said that you should get a 181D notice for doing that.

Mr McDonald—Absolutely.

CHAIR—But, if Mr Brooks—who has been doing it—has done it, nothing will happen to him.

Mr McDonald—He has been doing it for years for Morgan Ogg, who is now John Brogden's press secretary.

Mr MELHAM—So Mr Ogg basically shopped the person who was leaking to him to you. Is that right? That is how professional he is.

Mr McDonald—That is integrity.

Mr Cook—He became aware of what he did to Richard McDonald and me.

Mr MELHAM—What you are asserting, Mr McDonald, is that a former journalist gave up his source to you. Is that what you are alleging, on oath?

CHAIR—Are you seriously saying that it should be suppressed and these names can be destroyed?

Mr MELHAM—I am not arguing whether it is suppressed.

CHAIR—You amaze me.

Mr MELHAM—It is just that for years you have known that journalists defend their sources in court.

CHAIR—You did say you were a public defender, didn't you, Daryl?

Mr MELHAM—There is no legal privilege that attaches to journalists and their sources, but let us just get this clear: Mr Ogg basically gave up his source to you, didn't he?

Mr McDonald—Correct. I do not have a problem with that.

Mr Cook—After he found out what he did.

CHAIR—Quite clearly Mr Melham does.

Mr MELHAM—I just wanted that to be noted.

CHAIR—Let us get it clear. What you are saying is that Mr Brooks, who had pretended to be your mentor and betrayed you—

Mr McDonald—And he put in his risk assessment that my 181D should be updated to bring in the fact that I had brought the Police Service into disrepute through the media, and that I keep in regular contact with Charles Miranda and Morgan Ogg.

CHAIR—And that is for information which he himself had leaked?

Mr McDonald—No. It is because I had been in contact with them.

CHAIR—But it was all right for him to leak information?

Mr McDonald—It is all right for him to leak information. That is the subject of a complaint as well. We will probably get the result of that in another three years, though.

CHAIR—And that is subject to a complaint?

Mr McDonald—Yes.

CHAIR—And nothing has been done about that either?

Mr McDonald—Just in relation to Michael Holmes, as well, writing to the Legal Practitioners Admission Board, I made a privacy complaint in relation to that and I was at court the day before yesterday, at the ADT, where the Police Service tried to have it struck out as lacking substance and merit. So I have to put in written submissions within the next month in relation to why it should not be struck out.

Mr MELHAM—So that has another hearing date later in the month?

Mr McDonald—Yes. I have hearing dates coming out of my rear end.

Mr MURPHY—Mr McDonald, can you recall the date of your meeting with Malcolm Kerr? Would you be able to tell us that?

Mr McDonald—I could obtain it from Richard Basham; no doubt he diarised it, but I did not.

CHAIR—Why did you see Mr Kerr?

Mr McDonald—I did not know Mr Kerr was going to be there.

Mr MURPHY—Who else was at the meeting?

Mr McDonald—Richard Basham, Larry Cook, Gary Matlok and Malcolm Kerr. I believe it was Malcolm Kerr who said he had raised the problems with Justice Ireland, who I believe is on the oversight body of PIC, and he could not believe what was going on at PIC.

Mr MELHAM—This was recently, was it?

Mr McDonald—No, it was probably two months before my submission went in.

CHAIR—Did he raise the matter with Mr Ireland?

Mr McDonald—He had already raised the matter with Mr Ireland. I want to go back to that matter in my submission in relation to how the complaint system can be manipulated and corrupted. I made a complaint. Mr Melham was asking whether I had the right to make the complaint. I made it to the Police Service and to the Ombudsman's office. The Police Service declined to investigate it. The Ombudsman's office said, 'No, you must investigate it,' and it was given to Bob Monk, whom I have already told you about. The incident occurred on 23 October 1999. The Police Service were finally told on about 20 June, 'You must investigate it.' This is eight or nine months later. One week after that there were allegations that an inspector got paid off for doing security for the wedding. Nine months later, but one week after the Police Service had been told, 'You must investigate it,' all of a sudden a fax gets sent—not a letter—from Kerry Packer to Peter Ryan, which says:

Dear Commissioner,

Somewhat belatedly I write to thank the Police Service for the great assistance they rendered my family in the events leading up to, during and after the wedding of my son James on 23 October 1999. I have long been a supporter of our police. However, the events of 23 October last featuring as they did extremely wet weather and attendant traffic problems

revealed that not only your officers carried out their duties with a high degree of skill but they could also do so with tact and discretion.

The last paragraph reads:

I particularly single out for mention Inspector Robert P McGee. Prior to the function we sought his advice on various issues, including traffic control and safety, as well as security for VIPs and other guests. Inspector McGee gave freely of his time and expertise, including when he was present at the function as a guest and in my view played a pivotal role in the success of the function.

Mr MELHAM—If my recollection is correct, Mr McDonald, that letter from Mr Packer featured somewhere in the paper.

Mr McDonald—That is correct.

CHAIR—I have to say that that letter shows to me a rather responsible attitude on the part of Mr Packer, in that he wanted to look after things.

Mr McDonald—But if you look at the time frames, that letter has been solicited—nine months after an event, one week after they have been told to investigate it. By facsimile to Peter Ryan? And Peter Ryan replies:

Dear Mr Packer,

I refer to your letter of 26 June in which you express your appreciation for the assistance provided by police in connection with the wedding of your son James. It is always pleasing to receive letters regarding the professionalism and efficiency of police officers, particularly when the assistance was provided in such adverse weather conditions and the occasion is one such as James' wedding which generates much media interest. Please be assured that your comments will be brought to the attention of Sergeant McGee. Finally I would like to thank you for taking time out from your busy schedule to write on this occasion.

I am not suggesting for one moment that Kerry Packer is involved in anything untoward, but that letter was solicited for the sole reason of discrediting my allegation. The next week the complaint was written off as 'Inspector Robert P. McGee had full authority of the commissioner to attend.'

Mr MELHAM—Mr Ryan's letter was in the paper as well.

Mr McDonald—Yes. That was solicited for.

Mr Cook—There is one matter that escaped me earlier. I think it is fairly important to draw conclusions about why I was pursued with such vigour. When I was having trouble at the New South Wales Police Academy and I was being tainted, I started to look for somewhere to go. I just could not stay at the academy, and I started looking. I was contacted by Mr Jim Ritchie from the Behavioural Change Unit, whom I had worked with at the New South Wales Police Academy. He knew my work and suggested I go to work at the Behavioural Change Unit and start doing something to address some of the problems that I had highlighted about the academy and the poor treatment of people.

Having known Mr Moroney fairly well, I contacted Mr Moroney and said, 'I've got an opportunity to go up there; what do you think?' He told me that Ritchie was a renegade who was going to meet a sudden demise and the unit would not be in existence. He said that I should

stay where I was, that I was a valued member of Education and Training Command and that that was the role I should stay in. I then experienced more problems at the time of the defamation and I went and saw Reg Mahoney. I put the same thing to him, and he told me the same thing. He said that that unit was going to go down, which was all part of Operation Malta.

CHAIR—Did you give evidence to Malta?

Mr Cook—I will get to that. Greg Moore, superintendent in charge of the management school, was running EMS, which is the employee management system. That is a system which decides whether they are going to take managerial action against you or whether they are going to take legal action against you. It is commonly known as ‘EMS: Every Mate is Safe’. That is what it is known as. Management use it. If you are a mate, you are okay. If you are not and they want to get you, the outcome is a 173. I saw Greg Moore and said, ‘Can I role this EMS out around the state with you? I can’t stay here.’ Greg Moore said to me that that unit was trouble and they were going to go down. I prepared a statement for PIC and put all this in. I was never called to Malta, and I had Moroney, Mahoney and Moore telling me that that unit was going to go down and that he was a renegade.

CHAIR—That would be in order with what Malta itself wrote, that Commissioner Moroney made veiled threats against the CMSU indicating it was destined for death.

Mr Cook—He was open about it. He warned me to stay with Education and Training Command and not to go there, because they were going down. I was never called.

Mr MURPHY—Before I was verbed earlier, I wanted to have a look at a couple of issues because there is a common theme here with both Mr McDonald’s evidence and Mr Cook’s evidence today—

CHAIR—You noticed!

Mr MURPHY—and with Mr Kennedy’s evidence and Mr Fenlon’s evidence yesterday hinging on the promotion system. Even today, Mr Cook’s exact words were: ‘There’s a corrupt promotion scheme.’ As a final burst, what can be done to fix the promotion system and the complaints system? This is for both of you, but I will start with Mr McDonald and then go to Mr Cook.

Mr McDonald—Firstly, in relation to the complaints system, I have heard both you and Mr Melham say over the last hearing days that you are advocates of police not investigating police. Police cannot investigate police. You have too much of a mateship network involved. Protectionism is rife. We need a totally external agency, whether it is made up of police from other states or—I know you have constitutional restrictions—whether you could have a federal body. If we had an appeal process, like a tribunal, where complaints could be heard and you had the opportunity to cross-examine people who make complaints, that would be a start in the right direction. We need a more open and transparent complaints system, not one behind the veil of secrecy that this is. In relation to promotions, I have only ever attained the rank of street constable. I have never been involved in the promotions system.

Mr MURPHY—This might help me, because I discussed it quite a bit with Mr Fenlon yesterday. Would you accept the proposition that you cannot have a promotion system or a

selection system without at least one member of the committee—and let us assume that there are at least three members—who has a police background? But perhaps you could have someone from interstate sitting on a committee.

Mr McDonald—Yes.

Mr MURPHY—Here in New South Wales there is GREAT, the appeals committee, to decide on promotions. In other words, you would have someone who has experience in policing but who could not possibly have had direct contact with any of the applicants or appellants because they are in another state. Presumably, they would have never met.

Mr McDonald—You had Menzies on GREAT, didn't you? I am saying from another state.

Mr MURPHY—He is the exception, and that is the sort of case we would want to root out.

Mr Cook—I have some fairly strong views on this. At the time that all the drama happened to me—and, as I said, I had a fairly good future—I could not stay there. That was at the time of the assessment centres, and I left. I just could not stay; I was too ill. What has happened over in police headquarters is that there are young people now occupying inspectors' positions. I walk around the streets and I see nothing but no stripes and a senior constable. I see people who I have trained now wearing three pips on their sleeves. Once they get into that position, with a retirement age of 55, they will be in that position for a long, long time. That will breed absolute staleness. Let me say one thing about the promotions system. In New South Wales there is no form of ongoing assessment at all. At The Entrance, I was on rollerskates. I was working my tail off because I did not have anyone waiting for a job. I insisted that everyone, as soon as they got to the station, hit the street and got out there. It was a case of get a call and get to that call. Community based policing is having someone call the police, they turn up and do a good job and the caller walks away saying, 'This is what I am paying for.'

CHAIR—I wondered what that meant. Is that what 'community based policeman' means: someone makes a call and someone comes out?

Mr Cook—They will give you a lot of other explanations, but that is how I used to explain it to students.

CHAIR—So that is what it means?

Mr Cook—That is what it means to me.

CHAIR—Somebody calls you; someone comes out. That is what it means.

Mr Cook—Yes, and they give you the service that you require. With no ongoing form of assessment, they have a fast-tracking system. They have been running it in Goulburn at the academy. How do you have a fast-tracking system without any ongoing form of assessment to detect who the fast-trackers are? I will tell you who the fast-trackers are: the go-alongs to get alongs. They are like-minded individuals who pull up and say, 'That is my type of boy,' and in they come. Throughout Operation Ribat, they mention a fellow by the name of Sergeant Meares.

Mr MURPHY—Mr Cook, with great respect, you have put a lot of evidence before this committee, and that is fine—

Mr Cook—You are asking my opinion, sir.

Mr MURPHY—I know, but then Madam Chair asked you a question. I would like you to be succinct like Mr McDonald, because I do not want to prolong this. We will certainly give consideration—

Mr Cook—This is not something we can discuss in 30 seconds.

Mr MURPHY—I realise that. We could be here until next Christmas taking evidence.

CHAIR—But we are not going to be.

Mr MURPHY—I just want you to succinctly tell me what you think we can do with the promotions system.

CHAIR—We will not be in this room, but the inquiry might still be going.

Mr MELHAM—I do not want to spend Christmas here.

Mr MURPHY—You have heard what Mr McDonald said. Perhaps you would say ditto in relation to promotions and complaints.

Mr Cook—The promotions system now is fatally flawed.

Mr MURPHY—What should be done with it?

Mr Cook—I do not know. If I had the answer to that, I would be over on the 18th floor of headquarters sorting it out. I really do not know what the answer is. Too many mistakes have been made over successive years. What was the other issue?

Mr MURPHY—Complaints. Do you accept the proposition anyhow that police should not investigate police? Do you accept that?

Mr Cook—Five years ago I would have said that police should investigate police. From what I have seen now, I would say, ‘Don’t let them anywhere near it.’ Put an electric fence around it. Get cattle prods out. As soon as a policeman comes up to investigate a complaint, hit him in the bum.

Mr MURPHY—Who would you have to do the investigation?

Mr Cook—I do not know, but police cannot investigate police. Because of such entrenched networks, everyone knows someone and they will protect their mates.

Mr McDonald—There is one more question that has not been asked of me that was asked of Larry Cook. Ms Panopoulous, you asked Larry who he thought caused the demise of his Police Service career. I was hoping you were going to ask me the same question.

Ms PANOPOULOS—My apologies.

Mr McDonald—That is all right. I believe it was Assistant Commissioner Adams. I have levelled some pretty heavy allegations towards him today. If even five per cent of what I am saying is correct—and 100 per cent of what I am saying is correct—this person has gone from a situation where we had 11 regions down to five, so he is one of the five most senior police officers in this state. I am going to supply you with a video of the allegations that I have made. He has had his cronies do jobs on me, and they have been promoted. The only person who has been suspended is Bob Monk, because he got caught up in Operation Florida. Had he not got caught up in Operation Florida, where would he be today?

CHAIR—We will take on notice that you will supply us with that tape. We do take it very seriously that you are saying that is an allegation of perjury.

Ms PANOPOULOS—I would like to commend you for your courage, your persistence and your perseverance. I can imagine there are many ex-officers in similar situations that would have been run into the ground and would have given up. Thank you very much for your courage, and I am sure the broader community of New South Wales is very grateful for the efforts you have put in.

Mr McDonald—Would it be possible for the committee to make a public statement for other police to come forward? I know a lot of police would like to come forward but, through fear of intimidation, they are not prepared to.

Mr Cook—I would not recommend that any young policeman come forward, not against management.

Mr McDonald—I disagree with that.

Mr Cook—They will lose their job.

Mr McDonald—If they can be guaranteed protection, Madam Chair, I am sure you would need a bigger room.

CHAIR—We are hearing what you have to say and it is something for us to deliberate upon.

Mr MELHAM—Madam Chair, can the record show—and I am being a bit naughty here—that the Labor members of the subcommittee now have a majority but we are not going to play up or exercise it. Even though we have been at war with the chair and the majority members of the subcommittee, I do not want it to be thought that parliamentary committees do not act in a consensus type of way. We acknowledge that this is a majority government committee, and I gave assurances to the chair when Ms Julie Bishop left that we would not use our numbers. So, whilst I disagree with some aspects—

CHAIR—If you had not given that undertaking, she would not have gone.

Mr MELHAM—I think the record should note, Madam Chair, that she left before I gave that undertaking, so let us be clear.

Mr Cook—Mr Melham—

Mr MELHAM—I am just saying to you that, while there has been some heat generated across the table, a lot of parliamentary committees—this one as well—do have a situation where there is consensus among the members.

Mr Cook—Mr Melham, what we are saying has an effect on us all.

Mr MELHAM—I accept that.

Mr MURPHY—I would also put on record that we want to work with our colleagues on the other side of the political spectrum in the interests of doing something to help the Police Service.

Mr McDonald—Thank you.

CHAIR—I am delighted to hear that.

Mr MELHAM—It was very tempting to use our numbers.

CHAIR—It was all right. All we had to do was make a phone call and she would have been right back.

Ms PANOPOULOS—I have Julie's mobile number here, Daryl. You would not have been able to do it.

CHAIR—It is all linked up, Daryl; don't worry.

Mr MELHAM—At least you have cracked a smile for the first time today.

CHAIR—I thank both Mr Cook and Mr McDonald for coming here today. I am glad to see that you are well again, Mr McDonald. I can only hope that we can work in every way we can to see that perhaps you get some form of justice.

Mr McDonald—Thank you.

Mr Cook—Thank you.

Resolved (on motion by **Ms Panopoulos**):

That this subcommittee authorises publication of the evidence given before it at public hearing this day, including publication on the electronic parliamentary database of the proof transcript.

Subcommittee adjourned at 3.43 p.m.
