

## Operation Prospect report

The Acting Ombudsman Professor John McMillan issued the following statement in response to media reporting of the *Operation Prospect* report that was tabled in the NSW Parliament on 20 December 2016.

“A recent newspaper report states that the New South Wales Crime Commission has made a written response that is critical of the *Operation Prospect* report. I have not received any written response from the Commission since the report was tabled.

This was one of many media references to correspondence about the *Operation Prospect* report that I have either not received or received at the same time of the media reference.

I have considered all correspondence that I have received and responded to each sender. Those responses have explained why I reject the criticisms that have been published about the report.

I will outline these developments and my views in a special report to the Parliament that I expect to make after the NSW Government has announced its decision on the appointment of a new Police Commissioner.

The recent newspaper report about the Crime Commission response states that seven Queen’s Counsel have criticised the *Operation Prospect* report or the process that led to its finalisation.

Only one written opinion by Senior Counsel has been provided to me since publication of the report. I have responded to the party that sent the opinion and advised that I reject Senior Counsel’s analysis of the report. I will outline the issues raised in that written opinion, and my response, in the special report to Parliament.

It is open to any other party or lawyer who disagrees with the *Operation Prospect* report to communicate with my office and to set out their views in writing. I have set out my own views on all legal issues in the *Operation Prospect* report (see in particular Chapter 2). The proper approach for any party who disagrees with those views is to engage directly with my legal analysis and, if there is an alternative view, explain it in writing.

A final point to make is that Operation Prospect was a complex investigation by the Ombudsman’s office into controversial, long-standing and unresolved disputes in NSW law enforcement investigations and activities. The Ombudsman’s office had no prior engagement with the matters under investigation, no agenda and no stake in the outcome. Our objective was to place on the public record our analysis of the issues and the evidence, and my findings and recommendations. This was done after an extended period of investigation, consultation and analysis, including a comprehensive procedural fairness process for parties who may be adversely affected by the report.

Some interested parties have accepted my analysis and findings, without necessarily agreeing with all that is said. It is disappointing that some other interested parties appear to be seeking to undermine the Operation Prospect investigation and report without engaging properly with the analysis in the report.”