

From: Anthony Lawrence Smith als1969@me.com  
Subject: FORMAL COMPLAINT AND PRESERVATION NOTICE: Missing Item 7, H81615839, Inspector Winch and extension 40027
Date: 5 August 2026 at 05:27
To: Complaints Complaints Police customerassistance@police.nsw.gov.au



Dear Sir/Madam,

Please register this as a formal complaint against NSW Police Force. Kings Cross PAC, Inspector Martha Winch, Constable Claudine Dellenty and the officer identifying himself as 'Brendan' are directly involved, I object to the complaint being allocated to Kings Cross PAC. I request assessment by Professional Standards Command or an investigator outside that Command, with LECC oversight.

I wish to lodge a formal complaint concerning:

1. the omission of foundational evidence identified as Item 7 from the Brief of Evidence in matter H81615839;
2. the refusal of Inspector Martha Winch to answer basic factual questions about that missing material;
3. the use of a command-wide communication restriction to prevent me from seeking accountability concerning officers within Kings Cross Police Area Command;
4. the apparent conflict of interest arising from Inspector Winch's involvement in protecting or controlling enquiries concerning the Officer in Charge and an officer identifying himself as "Brendan"; and
5. the direct contradiction between Inspector Winch's restriction and the advice provided by the Minister for Police that I should be encouraged to contact Kings Cross PAC if I had further concerns.

The missing foundational Item 7

The Contents of Brief page for H81615839 lists Item 7 as:

"Documents provided by Victim."

Item 7 was individually marked as verified by the Brief Manager on 27 May 2025. The brief was served on my solicitor on 29 May 2025, only two days later, but the pages corresponding to Item 7 were entirely absent.

This was not a peripheral administrative attachment. The police statement in the brief records that the person described as the victim attended Kings Cross Police Station and physically produced documents said to connect me with the relevant Instagram account.

That material was foundational because it was the identified basis upon which the complainant allegedly attributed the Instagram account to me. Without Item 7, the defence could not inspect, test or challenge the material upon which that attribution was based.

The brief therefore presented the complainant's allegation and the Officer in Charge's description of the documents, but withheld the underlying documents themselves.

The relevant chronology is stark:

- 27 May 2025: Item 7 was listed and marked verified by the Brief Manager.
- 29 May 2025: the brief was served without Item 7.
- 10 June 2025: the prosecution withdrew the charge and the Court dismissed the proceeding.
- NSW Police subsequently recorded that the Officer in Charge, Constable Claudine Dellenty, had deleted some information she had received that had not been saved on ViewIMS after the court matter was finalised.

This raises serious and objectively answerable questions about the custody, removal, omission and possible subsequent destruction of evidence.

Inspector Winch's refusal to answer

On 28 June 2026, I wrote to Inspector Martha Winch asking three straightforward questions:

1. What documents comprised Item 7?
2. Why were those pages not included in the brief served on me?
3. Does NSW Police still hold Item 7, and if so, in what form?

I also asked Inspector Winch to identify the officer who called himself "Brendan," who made a referral concerning me to Queensland Health while using Kings Cross PAC extension 40027.

Inspector Winch answered none of these questions.

Instead, she replied:

"I will remind you that you have been advised in writing not to contact a Police Officer from Kings Cross PAC unless in case of emergency."

She then directed me to call Triple Zero if the matter was an emergency.

My enquiry was plainly not an emergency call. It was a written request for information about missing evidence from a concluded criminal proceeding and the identity of an officer involved in a separate documented referral.

Inspector Winch's response therefore did not merely fail to assist. It applied the communication restriction to prevent scrutiny of missing evidence and the conduct of officers within her own command.

Apparent conflict involving extension 40027

The Queensland Health records identify the officer who made the referral as

“Brendan,” Senior Constable, Kings Cross Proactive Crime Team, using extension 40027.

Inspector Winch’s own email signature states:

- direct telephone number: 8356 0027; and
- internal extension: 40027.

The fact that both Inspector Winch and “Brendan” are identified by the same internal extension requires a proper explanation.

At a minimum, the complaint investigation must establish:

- whether extension 40027 is allocated to Inspector Winch personally, to “Brendan,” to a shared desk, or to a shared office;
- the full name, rank and position of “Brendan”;
- whether Inspector Winch and Brendan work together or share facilities;
- whether Inspector Winch had any supervisory, operational or personal involvement in Brendan’s Queensland Health referral;
- whether Inspector Winch consulted Brendan or Constable Dellenty before responding to my Item 7 enquiry; and
- whether the communication restriction was being used to protect colleagues from scrutiny.

I am not suggesting that sharing an extension, by itself, proves misconduct. I am saying that Inspector Winch was not an independent person to determine whether my legitimate enquiry about Brendan and the Officer in Charge should be answered.

Her refusal creates a reasonable apprehension that the communication restriction is being used as a shield around the conduct of Kings Cross PAC personnel.

Contradiction with the Minister for Police

The Minister for Police’s response concerning my complaints stated:

“Should Mr Smith have further concerns, please encourage him to contact Kings Cross PAC on (02) 8356 0099.”

Inspector Winch, however, says I must not contact any Kings Cross PAC officer except in an emergency.

These positions cannot both operate fairly.

I am being told by the Ministerial response to contact the Command while simultaneously being warned by an Inspector within that Command that I am prohibited from doing so.

This creates an impossible administrative trap:

- if I contact Kings Cross PAC, the Command says I am breaching its direction;
- if I do not contact Kings Cross PAC, police may say I failed to raise or clarify my concerns;
- when I make a narrowly framed written enquiry, Inspector Winch invokes the restriction rather than answering it; and
- no alternative non-emergency written channel has been provided.

The contradiction also raises the question of whether NSW Police disclosed the existence of the communication restriction when briefing the Minister.

Disability and denial of an effective communication channel

I expressly informed Inspector Winch that a disability affects my ability to communicate and that I am able to deal with these matters reliably in writing only.

Despite that notice, she directed me toward Triple Zero, an emergency telephone service, and provided no accessible written alternative for a non-emergency records or misconduct enquiry.

A communication restriction cannot lawfully or fairly operate as a total barrier preventing a person from:

- seeking information about evidence used in a criminal prosecution;
- reporting missing or potentially destroyed government records;
- making a complaint about police conduct;
- providing new evidence;
- requesting correction of police records; or
- communicating through an accessible written channel because of disability.

Nature of the alleged misconduct

I allege that Inspector Winch's conduct gives rise to concerns about:

- obstruction or frustration of a legitimate misconduct enquiry;
 - misuse of an administrative communication restriction;
 - failure to manage an apparent conflict of interest;
 - failure to provide an accessible written communication process;
 - failure to account for missing prosecution material;
 - possible concealment of misconduct by the Officer in Charge;
 - possible concealment of the identity and conduct of "Brendan";
 - misleading or incomplete information being supplied to the Minister for Police;
- and
- possible noncompliance with police recordkeeping, evidence-management and disclosure obligations.

I do not accept that these concerns can properly be assessed by Inspector Winch, Constable Dellenty, Brendan, or another officer working closely with them at Kings Cross PAC.

Preservation notice

NSW Police should immediately preserve, without alteration or deletion:

1. the complete original and electronic Brief of Evidence for H81615839;
2. every version of the Contents of Brief page;
3. Item 7 and all documents that formed or were intended to form Item 7;
4. CMFMS, ViewIMS and other system audit logs showing when each brief item was uploaded, verified, edited, printed, removed or served;
5. emails and internal messages concerning the preparation and service of the brief;
6. records identifying who verified Item 7 on 27 May 2025;
7. records showing who compiled and transmitted the brief served on 29 May 2025;
8. any information deleted by Constable Dellenty after the proceeding was finalised;
9. records concerning the decision to delete information not stored on ViewIMS;
10. allocation, call and user records for extension 40027;
11. correspondence between Inspector Winch, Constable Dellenty, Brendan and command management concerning me;
12. records concerning the creation, authorisation, scope and enforcement of the communication restriction;
13. records supplied to the Minister for Police or the Minister's office concerning my ability to contact Kings Cross PAC; and
14. metadata, backups and archived copies of the above records.

This preservation request should be treated as applying to active systems, email archives, shared drives, local drives, mobile devices, notebooks, backup systems and any records held outside ViewIMS.

Outcomes requested

I request:

1. A formal complaint reference number.
2. Appointment of an investigator who is independent of Kings Cross PAC and the officers concerned.
3. Confirmation that this complaint will not be returned to Inspector Winch or Kings Cross PAC for substantive investigation.
4. Immediate preservation of all Item 7, brief-management, deletion, extension-allocation and ministerial-briefing records.
5. Production of a complete copy of Item 7, including its metadata and chain of custody.
6. A written explanation identifying:
 - what comprised Item 7:

- when NSW Police received it;
- where it was stored;
- who verified it;
- why it was missing from the served brief;
- whether the prosecutor received it;
- whether any part was removed or deleted;
- who authorised any removal or deletion; and
- whether it remains recoverable from backups or other systems.

7. Investigation of whether the omission of Item 7 breached disclosure, evidence-management, recordkeeping or professional-conduct requirements.

8. Identification of the officer known as “Brendan” and an explanation of the allocation and use of extension 40027.

9. Investigation of Inspector Winch’s apparent conflict of interest and whether she used the communication restriction to prevent examination of her colleagues’ conduct.

10. Identification of the legal or policy authority for the communication restriction, including:

- who authorised it;
- its precise scope;
- its commencement and expiry dates;
- its review and appeal process; and
- whether it was disclosed to the Minister for Police.

11. Reconciliation of the restriction with the Ministerial advice that I should be encouraged to contact Kings Cross PAC.

12. Provision of a designated non-emergency written contact officer or mailbox outside Kings Cross PAC as a disability-related communication adjustment.

13. Written assurance that making this complaint, requesting records or providing evidence will not result in retaliatory action, adverse characterisation or another inappropriate welfare referral.

Please communicate with me in writing by email. Telephone communication is not an effective or reliable adjustment for me in stressful legal, police or complaint matters.

Yours faithfully,

Anthony Lawrence Smith
als1969@me.com



Attachments:

1. Inspector Martha Winch email response concerning Item 7.

2. Brief of Evidence contents page showing Item 7 verified on 27 May 2025.
3. Brief served on 29 May 2025 showing Item 7 absent.
4. Solicitor's email serving the brief.
5. Constable Dellenty's statement describing the documents produced by the complainant.
6. GIPA internal-review decision recording deletion of information by Constable Dellenty.
7. Ministerial correspondence advising that I should be encouraged to contact Kings Cross PAC.
8. Communication restriction dated 16 February 2025.
9. Queensland Health RTI records identifying "Brendan" and extension 40027.

09_QLD_Health_RTI_Brendan_ext_40027.pdf



Martha Winch 27 June 2026 RE- Brief of Eviden...



NSW Police Force
CONTENTS OF BRIEF OF EVIDENCE

Accused: TONY SMITH

Offences: Use carriage service to menace/harass/offend

Brief Items		
No.	Item	Verified by B.M.
1	Witness List	<i>Y.M</i>
2	Summary of Evidence	<i>Y.M</i>