

Dear Assessment Team,

CASE20269657: outcome of the referred complaint (NSWPF ref EXT2026-5004)

I refer to your letter of 28 August 2026 advising that my complaint of 5 August 2026 had been referred to the NSW Police Force for further consideration.

I write to report the outcome, and to ask the Commission to consider exercising its function under s 99(3) of the Law Enforcement Conduct Commission Act 2016.

1. What happened

On 31 August 2026, the next business day after your letter, I received a letter under reference EXT2026-5004 from Superintendent Jill Walters, Commander, Kings Cross Police Area Command.

The letter states that my correspondence of 5 August 2026 "was subsequently forwarded to the Kings Cross Police Area Command for assessment", that it has been "reviewed by the Professional Standards and Service Delivery Command Inspector", that "the officer involved has taken all reasonable and appropriate actions", and that under s 132 of the Police Act 1990 "no further investigation will be undertaken".

My complaint of 5 August 2026 was a complaint about Kings Cross Police Area Command. It named Inspector Martha Winch, Constable Claudine Dellenty and a third officer of that command whose identity has not been disclosed to me. It stated expressly that I objected to the complaint being allocated to Kings Cross PAC and requested assessment by an investigator outside that command.

The complaint has been determined by the Commander of the command complained about.

2. Five features of the decision I ask the Commission to note

2.1 The classification does not correspond to the complaint.

The matter has been classified as "fail to be accessible – fail to provide assistance". My complaint concerned:

- material listed as Item 7 on the Contents of Brief for H81615839, initialled as verified by the Brief Manager on 27 May 2025 and absent from the brief served on 29 May 2025;
- the subsequent assertion that the material has been destroyed, made orally and never in writing;
- the use of a communication restriction to decline a written enquiry about it; and
- a referral to a Queensland health service whose stated basis does not appear in NSW Police records.

A classification of failure to provide assistance does not capture the omission of prosecution material, the destruction of records, or the accuracy of information provided to an interstate health service and to the Minister. On that classification, those matters have not been assessed at all.

2.2 "The officer involved" is singular.

My complaint concerned the conduct of at least three officers. The letter refers throughout to "the officer involved" and does not identify who that officer is.

2.3 No reasons are given.

Section 131(6) of the Police Act 1990 provides that where the Commissioner decides a misconduct matter that is a complaint does not need to be investigated, the Commissioner must notify the complainant of the decision and the reasons for it. The letter states a conclusion, that all reasonable and appropriate actions were taken, but does not state the reasons for it, identify what "police holdings" were examined, or address any of the documents accompanying my complaint.

2.4 The subsection is not identified.

Section 132 sets out seven distinct factors at (a) to (g). They are materially different: (a) concerns remedial action already taken; (b) concerns a complaint being frivolous, vexatious or not made in good faith. The letter cites "Section 132" without identifying which factor was applied. I am unable to know whether my complaint has been recorded as vexatious.

2.5 The timing.

Your referral letter is dated 28 August 2026. The outcome letter is dated 31 August 2026, the next business day. My complaint was accompanied by nine documents, including a preservation notice covering fourteen categories of record. I ask the Commission to consider whether an examination of "all relevant police holdings" was capable of being undertaken in that period.

2.6 A matter capable of being resolved from the agency's own correspondence.

Part of my complaint concerns the identity of an officer of Kings Cross Police Area Command who contacted a Queensland health service on 25 and 27 June 2025, giving extension 40027. I have sought that officer's identity from the NSW Police Force since December 2025. On 28 June 2026 an enquiry seeking it was declined by reference to the communication restriction.

I do not seek to identify that officer publicly and I make no allegation against him personally. I raise the matter because it goes to whether the assessment examined the records it said it examined.

Extension 40027 appears in the email signature block of Inspector Martha Winch of Kings Cross Police Area Command, in correspondence sent to me on 20 September 2024, 9 December 2024, 16 February 2025 and 28 June 2026, in the form "P: 83560027 E: 40027". The convention is consistent within that command. Senior Constable J De Angeli signs "P: 02 8356 0108 E: 40108".

I do not assert that Inspector Winch sent the emails; the sender identified himself as a Senior Constable. I raise it for one reason: it indicates that the identity of the user of that extension is ascertainable from the agency's own records, and that an assessment which examined "all relevant police holdings" and did not resolve it warrants examination.

I ask the Commission to note a further matter arising from the agency's decision of 28 July 2026 (GIPAA-2026-1077028). In that decision the NSW Police Force:

- refused the officer's name, rank and unit under s 58(1)(d), giving strong weight to clause 3(f) of the section 14 table, which concerns disclosure that could expose a person to a risk of harm or of serious harassment or serious intimidation; and
- decided under s 58(1)(b) that it holds no records of the outgoing call log or extension register for extension 40027, or of any notebook entry recording the call.

I ask the Commission to consider how those two determinations sit together. A decision that disclosing an officer's identity would expose that officer to harm proceeds on the footing that the agency knows who the officer is. A decision that no record identifies the user of the extension proceeds on the footing that it does not. I do not know which is correct, and I do not suggest bad faith on the part of the decision-maker, who is an officer of a separate unit. I ask that the question be resolved by someone outside the command.

2A. The call of 11 August 2026. An officer of the command describing the system

On 11 August 2026, three weeks before the decision, I received an unsolicited telephone call of 23 minutes 59 seconds from Inspector Plummer of Kings Cross Police Area Command concerning the complaint the Commission later referred. Calling line identification was withheld. I had asked in writing, with medical material in support, that contact with me be in writing. I recorded the call. Times below are elapsed times in that recording.

2A.1 The Inspector described the referral loop in terms.

"You saying you don't want anyone from King's Cross police to do anything about it, and you want professional standards command to do it, unfortunately with LECC oversight, that doesn't how the system works, Tony. It does not work that way."
(03:07–03:22)

"So this doesn't work. It will come always come to King's Cross police." (03:30–03:32)

My complaint expressly asked for assessment by an investigator independent of that Command. Twenty days later the Commission referred the matter to the NSW Police Force, and the next business day it was determined by the Commander of that Command. I ask the Commission to note that the outcome was described to me in advance, by an officer of the Command, as the only outcome the system permits.

2A.2 An assertion about the Commission itself.

I ask the Commission to consider this alongside its own letter to me of 20 September 2024 in CASE20237645/RT. That letter advised that the Commission would take no further action, directed me to contact Kings Cross Police Area Command with any queries about the matter, and stated that the Commission "may consider placing restrictions on your contact". That was a conditional statement, addressed to me, about my contact with the Commission, and one I am not aware was ever acted upon.

On the same day, at approximately 21:30, Inspector Winch of Kings Cross Police Area Command wrote to me: "The complaint does not amount to misconduct and will be declined to be

investigated." No reasons were given. I later sought the internal rationale under the GIPA Act and it was withheld under s 14(1)(e) (released in part via GIPAA-2025-0943218).

I draw the parallel with the present matter without asserting any coordination between the Commission and the command, then or now: on 28 August 2026 the Commission referred my complaint to the NSW Police Force, and on 31 August 2026, the next business day, it was declined by the Commander of the command it concerned.

"I know LECC has sent us some correspondence... They asked you not to contact you at all... They've asked you never to contact them. They've put you on the banned list, not us. You should have that correspondence." (11:39–12:00)

"You should have that letter, because we have that one." (11:49)

The Inspector asserts that Kings Cross Police Area Command holds correspondence from the Commission placing me on a banned list.

The Inspector of the Law Enforcement Conduct Commission, Mr Bruce McClintock SC, wrote to me on 19 May 2026 (C82-2526/A8579640), having reviewed the Commission's records, that communication restrictions "have not been imposed on your communications with the LECC" and that there was no evidence before him that the Commission had told the NSW Police Force it would block me from its servers. The Commission's own letter of 28 February 2025 (CASE202411928) states only that it "may consider placing restrictions" on my contact. That is a conditional statement, and one I am not aware was ever acted on.

A materially identical assertion appears in the referral to Queensland Health of 25 June 2025, released under GIPAA-2026-1077028: that I had emailed the LECC "who have told him he will soon be blocked from their server so too has the ministers office."

The same claim has therefore been made by two officers of the same Command, thirteen months apart, to two different audiences. I ask the Commission to establish whether any such correspondence from the Commission to the NSW Police Force exists. If it does not, the Commission is in a position to say so definitively, and that bears directly on the reliability of the account on which the decision of 31 August 2026 rests.

2A.3 A determination on Item 7, made orally.

"You are not going to get that item because there's no requirement for the police to produce it to you. So if what if it's been destroyed, it's been destroyed." (22:40–22:42)

"Yeah it's been dismissed, so you're not gonna get it now... So it's not here. It's been destroyed." (23:08–23:18)

Earlier in the same call the Inspector said: "Item seven of the brief... Yes, I don't know what item seven is." (12:20–12:23).

The status of Item 7 was at that time the subject of an access application before InfoLink and is now before internal review REV-2026-1141562. I make no complaint about the Inspector's view of the merits. I ask the Commission to note that a determination refusing access, and asserting

destruction, was communicated to me orally by an officer who had said ten minutes earlier that he did not know what the item was, and that no written notice of decision, reasons or review rights has ever issued in respect of it.

2A.4 The restriction.

The Inspector described my account of the restriction as "absurd" (05:31, 05:32). I then read him the email of 28 June 2026 verbatim (10:26–10:43), in which Inspector Winch reminded me I had been "advised in writing not to contact a police officer from the Kings Cross PAC unless in case of emergency", referring back to her direction of 16 February 2025. He replied "It is" (10:48).

He then stated: "She said do not contact about this matter unless it's an emergency" (18:40), and, when I began to read the words of the direction, "you can not cut words off a sentence to suit your argument" (18:48).

The direction of 16 February 2025 reads: "Do not contact any Staff or Officer attached to Kings Cross Police, unless in CASE OF EMERGENCY." It contains no limitation to a particular matter.

2A.5 Characterisation of the complaints, before the decision.

- | *"It's come to a point, Tony, where this has got to stop! Stop!" (12:01–12:05)*
- | *"Its got to stop Tony." / "It needs to stop." (18:18–18:20)*
- | *"You gotta let this obsession go. You really do." (21:59–22:00)*
- | *"It's just it's obsession. It has to stop." (23:27–23:28)*

The decision of 31 August 2026 declines to investigate under s 132 of the Police Act 1990 without identifying which of the seven factors in that section was applied. One of them, s 132(b), concerns complaints that are frivolous, vexatious or not made in good faith. I raise these statements because they were made by an officer of the deciding Command three weeks before the decision, and because I am unable to know from the decision itself whether that characterisation informed it.

2A.5A In the same period, the same command approached me as a source of information.

On 20 July 2026 at 15:23, Constable Lucas Opdam of the Proactive Crime Team, Kings Cross Police Area Command, wrote to me under the subject "Drug Supply - Kings Cross" [SEC=OFFICIAL, ACCESS=Personal-Privacy]. He stated that he had received information concerning drug supply in the Kings Cross area and asked to speak with me.

I replied in writing the same day, providing a source-attributed intelligence brief and a supporting report. The material was drawn from primary-source data exports and identified permanent account identifiers, message identifiers and timestamps, together with the reference numbers of the reports I had already made to Crime Stoppers (996961, 999823, 1002693, 1012217, 1015185) and to the NSW Police Portal (CAS-2183884-M3H4). I asked that it be cross-referenced against the Command's existing holdings.

I make no criticism of Constable Opdam. His approach was courteous and proper, and I record it for one reason only.

Within a period of six weeks, the same Police Area Command:

- on 20 July 2026, sought my assistance and received a written response from me;
- on 11 August 2026, through Inspector Plummer, characterised my complaints as an "obsession" that "has to stop";
- on 31 August 2026, through its Commander, declined the complaint referred to it by the Commission, under s 132 of the Police Act 1990, without identifying which subsection was applied.

I ask the Commission to note that contrast when considering whether s 132(b), frivolous, vexatious or not made in good faith, informed the decision of 31 August 2026. I am unable to know from the decision itself whether it did.

I ask the Commission to note one further matter. The direction of 16 February 2025 states: "Do not contact any Staff or Officer attached to Kings Cross Police, unless in CASE OF EMERGENCY." When Constable Opdam wrote to me, I said so in my reply, recorded that I understood his enquiry to concern a separate operational matter, and asked him to tell me if I had misunderstood that distinction. I received no correction. The same direction was invoked against me on 28 June 2026 to decline answering three written questions about a brief of evidence. I ask how the direction is applied, and by whom that is decided.

2A.6 The basis on which the communication restriction was imposed.

The restriction of 16 February 2025 is one of the matters in my complaint. I ask the Commission to note the following, because the agency has already determined the relevant facts.

On 8 December 2024 Inspector Winch wrote: "The brief of evidence would have been served and will contain the documents related to the matter. Once again, speak to your solicitor regarding the evidence in this matter." I replied in the same thread: "I have not been served the brief."

On 16 February 2025 Inspector Winch wrote: "The brief of evidence has been served on you. Provide this to your solicitor who can assist you with any questions you may have regarding the matter before the court. If you seek to make representations in this matter, your solicitor will advise you as to the process." The same email directed: "Do not contact any Staff or Officer attached to Kings Cross Police, unless in CASE OF EMERGENCY."

The agency has since certified that it holds no record supporting that statement. In GIPAA-2025-0909690 (notice of decision 20 November 2025) I sought "all internal emails and records from Inspector Martha Winch relating to her assertion that the Brief of Evidence for H81615839 had been served on me prior to February 16, 2025". The agency decided, under s 58(1)(b) of the GIPA Act and after searches it certified as reasonable under s 53(2), that no documents are held. That decision was upheld on internal review in REV-2025-0947041 on 2 December 2025. I sought substantially the same material again in GIPAA-2025-0943218 (notice of decision 16 January 2026), scope item 6, expressly including "records substantiating her claim in that correspondence that the brief of evidence has been served on you". The result was the same.

The agency's own system records establish that the statement was not correct when it was made:

- The brief was not due to be served until 3 May 2025, seventy-six days after the statement.
- A CMFMS automated alert to the officer in charge dated 3 May 2025 records: "COPS shows that the brief has not yet been uploaded to VIEW for the prosecutors. The brief was due to be served by the 3/05/2025."
- A further alert dated 12 May 2025 records: "COPS shows that the brief has not yet been served on the defence. The brief was due to be served by the 10/05/2025."
- On 26 May 2025 my solicitors, O'Brien Criminal & Civil Solicitors, wrote to the officer in charge: "May I please enquire when we may be able to receive the Brief of Evidence? Noting that the Hearing is listed on 10 June 2025."
- The brief was served on 29 May 2025, twelve days before the hearing.

I make no assertion as to the Inspector's state of mind, and I do not ask the Commission to make one. I ask it to note the following, which does not depend on state of mind.

The email of 16 February 2025 gave four directions: that I raise evidentiary issues with my solicitor, that I provide the brief to my solicitor, that I make any representations through my solicitor, and that I not contact the command. Each of them depended on my having been served with the brief. I had not been, I had said so in writing ten weeks earlier, and the brief would not exist in servable form for a further fifteen weeks. Between 16 February and 29 May 2025 I was barred from raising the matter with the command and had no material with which to raise it anywhere else.

I ask the Commission to consider how a statement of that kind came to be made and relied upon as the basis for a command-wide restriction, when the agency has certified that no record of any enquiry supporting it exists.

I ask it to note one further matter. Item 7 of the Contents of Brief was initialled as verified by the Brief Manager on 27 May 2025 and was absent from the brief served on 29 May 2025. The period in which that occurred is the period in which I had been told I already held the brief and directed not to contact the command. I do not assert that those facts are connected. I say that no person has been asked to account for them together, and that is what I ask the Commission to require.

2A.7 The pattern this decision continues.

I ask the Commission to note four occasions on which what I raised and what was recorded differ:

27 October 2024. I asked the Customer Assistance Unit for the email address of a Domestic Violence Liaison Officer, referring to NSWPF training and Standard Operating Procedures. It was recorded as "your most recent complaint", concerning a matter before the court, and met with a warning that restrictions might be placed on my contact.

25 June 2025. I had complained to the Commission and to ministers about police conduct. In a referral to a Queensland health service I was described as a "serial complainant" with self-harm threats and DV offences.

19 February 2026. I complained about false information provided to government. The response was that there was "insufficient evidence to substantiate your claims of identity theft"

(F/2026/10870).

31 August 2026. I complained of the omission of prosecution material, the destruction of records, a communication restriction, and an interstate health referral. It was classified as "fail to be accessible – fail to provide assistance" (EXT2026-5004).

The October 2024 instance is the most readily checked, because the original request and the record made of it appear in one email thread. On 27 October 2024 I wrote to Inspector Winch: "Why are you misrepresenting my words and inserting yourself to prevent me from accessing this help?" I received no answer to that question. I ask the Commission to consider whether the decision of 31 August 2026 is a further instance of the same thing.

3. A matter of possible conflict I ask the Commission to examine

The internal review decision in REV-2025-0858525 (16 September 2025) records that, in the course of GIPA searches relating to this matter, enquiries were made with "the Executive Officer at Kings Cross PAC", who advised that "she had previously communicated with the officer in charge at that PAC" about the subject matter.

Part of my present complaint concerns the adequacy of those searches and the accounting for records said not to be held. I ask the Commission to establish whether Superintendent Walters held the Executive Officer position at Kings Cross PAC at the relevant time, and if so, whether she has now determined a complaint that includes the handling of records searches in which she was previously involved.

I make no allegation about this. I raise it because it is capable of being checked from the agency's own records, and because it bears on whether the decision-maker was independent of the subject matter.

4. Why this is not a repeat complaint

I am conscious that I have made complaints to the Commission previously (CASE20222615, CASE20235274, CASE20237645, CASE20248756, CASE202411928, CASE202512717). I am not asking the Commission to revisit any of them.

This request concerns one new and discrete event: a complaint the Commission referred to the NSW Police Force on 28 August 2026 was determined by the commander of the command that was its subject, on the next business day, without reasons. That event occurred after, and as a direct result of, the Commission's own referral decision.

5. What I ask for

1. That the Commission consider whether it disagrees with the decision not to investigate, and if so exercise its function under s 99(3), the effect of which is that the Commissioner of Police must cause the matter to be investigated.
2. That, if the Commission does not take that course, it monitor any further police handling under s 101.

3. That the Commission consider whether the classification of the complaint as "fail to be accessible – fail to provide assistance" identified all the relevant issues raised.
4. That the Commission ask the NSW Police Force to state which subsection of s 132 was applied, and to provide reasons as required by s 131(6).
5. That any further consideration be undertaken by a command or unit independent of Kings Cross Police Area Command.

I attach the following:

1. The letter of Superintendent Jill Walters dated 31 August 2026 (EXT2026-5004).
2. A transcript of the telephone call of 11 August 2026 referred to at section 2A.
3. The notice of decision in GIPAA-2026-1077028 dated 28 July 2026, referred to at section 2.6.
4. My complaint to the Customer Assistance Unit of 5 August 2026, without its attachments.

I also hold, and will provide on request: the nine attachments to my complaint of 5 August 2026; the Contents of Brief page for H81615839; the brief as served on 29 May 2025; the internal review decision REV-2025-0858525; the Queensland Health release JIAU25/13749; the letter of the Inspector of the Commission dated 19 May 2026; and the audio recording of the call of 11 August 2026.

I have a disability affecting communication and am able to deal with these matters reliably in writing only. Please correspond by email to als1969@me.com.

Yours faithfully,

Anthony Lawrence Smith

als1969@me.com | [REDACTED]