

43881 OPERATION DUKONO
REPORT PURSUANT TO S 132 OF THE *LAW
ENFORCEMENT CONDUCT COMMISSION ACT 2016*
(NSW)

February 2020

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1. Introduction

- 1.1 In January 2018, the Commission received a complaint alleging that New South Wales Police Force (*NSWPF*) officers attached to the Albury Local Area Command (*Albury LAC*) had conducted searches of persons who visited the Mannus Correctional Centre (*MCC*) that were not compliant with the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (*LEPRA*).
- 1.2 It was alleged that in early 2017, senior officers of the NSWPF directed other officers to “*boost business target numbers*” and have officers conduct searches of visitors in the carpark of the MCC.
- 1.3 The disclosure also alleged that the recording of the searches on the Computerised Operational Police System (*COPS*) was incorrect, because it claimed that police powers to search were carried out under LEPRA. Further, the searches did not comply with LEPRA as there was no reasonable suspicion that the persons searched had committed any offence(s).
- 1.4 It was estimated that over 500 persons and 300 vehicles had been searched unlawfully. The searches ceased when the Tumbarumba Sector (which comprised of the Tumbarumba and Khancoban stations) was moved from the Albury LAC to the Riverina Police District in February 2018.

2. The Commission’s Statutory Functions

- 2.1 This report is made pursuant to Part 11 of the *Law Enforcement Conduct Commission Act 2016* (*LECC Act*). Section 132(1) provides that the Commission may prepare reports “*in relation to any matter that has been or is the subject of investigation under Part 6*”.
- 2.2 Section 133 (Content of reports to Parliament) provides that:

(1) The Commission is authorised to include in a report under section 132:

- (a) *statements as to any of the findings, opinions and recommendations of the Commission, and*
 - (b) *statements as to the Commission's reasons for any of the Commission's findings, opinions and recommendations.*
- (2) *The report must include, in respect of each affected person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given to the following:*
- (a) *obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of the person for a specified criminal offence,*
 - (b) *the taking of action against the person for a specified disciplinary infringement,*
 - (c) *the taking of action (including the making of an order under section 181D of the Police Act 1990) against the person as a police officer on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the police officer,*
 - (d) *the taking of reviewable action within the meaning of section 173 of the Police Act 1990 against the person as a police officer,*
 - (e) *the taking of action against the person as a Crime Commission officer or an administrative employee on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the Crime Commission officer or administrative employee.*

Note: *See section 29(4) in relation to the Commission's opinion.*

- (3) *An "affected person" is a person against whom, in the Commission's opinion, substantial allegations have been made in the course of or in connection with the investigation (including examination) concerned.*
- (4) *Subsection (2) does not limit the kind of statement that a report can contain concerning any affected person and does not prevent a report*

from containing a statement described in that subsection in respect of any other person.

2.3 Part 4 of the LECC Act sets out the functions of the Commission. Pursuant to section 29 the Commission may, *inter alia*, make findings and form opinions on the basis of its investigations as to whether officer misconduct occurred and to make recommendations as to whether the advice of the Director of Public Prosecutions should be sought in relation to the commencement of proceedings against particular persons for criminal offences or whether consideration should be given to the taking of action under Part 9 of the *Police Act 1990*. However, the Commission cannot include in a report under Part 11 of the LECC Act a finding or opinion that any conduct of a specified person is officer misconduct unless the conduct is serious misconduct.

2.4 Serious misconduct is defined in section 10 of the LECC Act as:

(1) For the purposes of this Act, "serious misconduct" means any one of the following:

(a) conduct of a police officer, administrative employee or Crime Commission officer that could result in prosecution of the officer or employee for a serious offence or serious disciplinary action against the officer or employee for a disciplinary infringement,

(b) a pattern of officer misconduct, officer maladministration or agency maladministration carried out on more than one occasion, or that involves more than one participant, that is indicative of systemic issues that could adversely reflect on the integrity and good repute of the NSW Police Force or the Crime Commission,

(c) corrupt conduct of a police officer, administrative employee or Crime Commission officer.

(2) In this section:

"serious disciplinary action" against an officer or employee means terminating the employment, demoting or reducing the rank,

classification or grade of the office or position held by the officer or employee or reducing the remuneration payable to the officer or employee.

"serious offence" means a serious indictable offence and includes an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be a serious indictable offence.

- 2.5 The Commission may hold an examination for the purpose of an investigation into conduct that it has decided is (or could be) serious misconduct or serious maladministration: section 61(a).
- 2.6 In considering any factual conclusions to be reached in a report, the Commission will apply the civil standard of proof, namely whether the relevant factual matters have been proved to the reasonable satisfaction of the Commission.¹ Accordingly, findings can form the basis of opinions and recommendations, even if they do not reach the standard of beyond reasonable doubt.

3. The Commission's Investigation

- 3.1 The MCC is a low-security prison which is located approximately 15km southwest of Tumbarumba on the Jingellic Road in the Mannus Valley. The prison houses approximately 200 low-risk (minimum 'C' classification) inmates in dormitory-style unit blocks.
- 3.2 There is no significant fencing or border control system other than standard rural fencing which contains the centre. It is set on approximately 6,000 hectares, over several parcels of land.
- 3.3 The southern boundary of the MCC adjoins a privately owned rural property. There is no public transport directly to the MCC, and very limited public transport to and from Tumbarumba.

¹ *Briginshaw v Briginshaw* [1938] 60 CLR 336; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170.

- 3.4 Due to the distance that the MCC is located from Tumbarumba, the only form of transport to the prison is private vehicle. All visitors to the MCC are required to book their visit in advance, except in the event that an inmate is transferred from another correctional centre to the MCC in the week prior to the visit. In these circumstances, visitors of newly-transferred inmates do not need to book a visit.
- 3.5 In September 2016, officers attached to Tumbarumba Sector of the Albury LAC instigated 'Operation Mannus' for the purpose of conducting searches of persons and vehicles in the carpark of the MCC.
- 3.6 During the period from 17 September 2016 to 11 February 2018, four NSWPF officers from the Tumbarumba and Khancoban police stations conducted the operation known as Operation Mannus.
- 3.7 The officers have been assigned codenames for the purposes of this report:
- a. Senior Constable (*SC*) DUKA from the Tumbarumba station. He conducted 198 person searches and 176 vehicle searches in the period from November 2016 to February 2018.
 - b. Leading Senior Constable (*LSC*) DUKB from the Tumbarumba station. He conducted 86 person searches and 80 vehicle searches in the period from November 2016 to February 2018.
 - c. SC DUKC from the Khancoban station. He conducted 152 person searches and 149 vehicle searches in the period from November 2016 to February 2018.
 - d. Sergeant DUKD from Tumbarumba station. He conducted 147 person searches and 111 vehicle searches in the period from November 2016 to February 2018.
- 3.8 NSWPF Operational Orders for the conduct of the searches prepared by

Sergeant DUKD record Ms DUKE, a Senior Assistant Superintendent at the MCC, as a 'human resource' for Operation Mannus.

3.9 The Operational Orders stated that the officers were to conduct searches of all visitors pursuant to the *Crimes (Administration of Sentences) Act 2016* (NSW) (*CASA*). Set out below are some examples of the records made by the officers in the COPS database. The names of the visitors have also been replaced by codenames to protect their identities.

3.9.1 A search conducted on 7 January 2017 by LSC DUKB on DUK4:

About 10:30am on Saturday 7th January 2017, the above POI was stopped as she was entering the Mannus Correctional Centre. Police stopped and spoke with the POI. Police informed the POI of their name, rank and station and under Section 253J of the Crimes (Administration and Sentencing) Amendment Act 2016, that a cursory search would be required prior to entering the facility. Police asked the POI if she was in possession of any contraband or illegal drugs, which they replied, 'No.' The POI consented to a search for contraband or illegal drugs of her person and vehicle. No items were found.

3.9.2 A search conducted on 4 June 2017 by SC DUKC on DUK5:

About 10:20am on Sunday the 4th of June 2017, the above POI's were stopped by police as they were entering the Mannus Correctional Centre. Police informed the POI's of their name, rank and station and under Section 253J of the Crimes (Administration and Sentencing) Amendment Act 2016, that a cursory search would be required prior to entering the facility. Police asked the POI's if they were in possession of any contraband or illegal drugs, which they replied, 'No.' The POI's consented to a search and a search of the above vehicle for contraband and or illegal drugs. Nil adverse was located. The POI's details were obtained and was informed a record would be made of the search. Police reminded the POI's that items such as, mobile phones, tobacco, and alcohol were not permitted into the Correctional Centre.

3.9.3 A search conducted on 29 July 2017 by SC DUKA on DUK6:

About 10:39am on Saturday 29 July 2017, the above POI's were stopped by police as they were entering the Mannus Correctional Centre. Police informed the POI's of their name, rank and station and under Section 253J of the Crimes (Administration and Sentencing) Amendment Act 2016, that a cursory search would be required prior to entering the facility. Police asked the POI's if they were in possession of any contraband or illegal drugs, which they replied, 'No.' The POI's consented to a search and a search of the above vehicle for contraband and or illegal drugs. Nil adverse was located. The POI's details were obtained and was informed a record would be made of the search. Police reminded the POI's that items such as, mobile phones, tobacco, and alcohol were not permitted into the Correctional Centre.

3.10 On 18, 19 and 20 June 2019, the following witnesses were examined pursuant to section 69 of the LECC Act:

- a. DUK1 (civilian witness);
- b. DUK2 (civilian witness);
- c. DUK3 (civilian witness);
- d. SC DUKA;
- e. LSC DUKB;
- f. SC DUKC;
- g. Sergeant DUKD; and
- h. Ms DUKE (Senior Assistant Superintendent, MCC);

Evidence of DUK1

- 3.11 DUK1 gave the following evidence in relation to her interactions with officers at the MCC:
- 3.11.1 Her son was at the MCC from July 2017 to October 2018. She recalled visiting her son about five or six times.
- 3.11.2 On three or four occasions a police officer approached her and her husband when they got out of the car and asked for copies of their driver's licences, information to verify who they were, and information as to who they were visiting. The officer said: *Are you here to visit somebody?* And then asked who it was, he then asked to look at their licences.
- 3.11.3 The officer took out a notebook and wrote down every piece of information. The officer did not look inside the car and he did not conduct a pat-down search. In her view, it was an identification check.
- 3.11.4 The police officer took her and her husband's mobile 'phone numbers. He did not explain the purpose for taking their numbers.
- 3.11.5 After she and her husband had left the officer, they went into the prison. The clear plastic container they were carrying was searched by a correctional officer. She and her husband also produced their driver's licence on a desk and they completed a form on which they provided their details. They would be given a locker key and put anything they couldn't take in the locker and proceed.
- 3.11.6 She and her husband were not searched by correctional officers, but every now and again they would wave a wand over them. It was not a process she found offensive.
- 3.11.7 Her son spent some time at other correctional centres. She was not approached by police officers at any of those centres.

Evidence of DUK2

3.12 DUK2 gave the following evidence in relation to her interactions with officers at the MCC:

3.12.1 She visited her son at the MCC on six occasions between August 2017 and February 2018.

3.12.2 The first time she encountered police officers in the carpark at the MCC she found it scary and she was asked if she had cigarettes, mobile 'phones or drugs. She told the officers they were in her glovebox. The officers looked through the clear plastic tub she brought with her, which contained food, and they also looked in her handbag. The two officers were male. It happened every time she visited. It was never the same officers.

3.12.3 She and her husband were approached when they got out of the car. They would leave their mobile 'phones and cigarettes in the glovebox. The police officers would approach them and identify themselves by saying I am Constable 'X'. They would then say: *we need to look through your bag, we need to look through your tub*. She would open up the handbag and the police officer looked in, but they did not fiddle around with anything inside. Although she was a bit surprised by this, she had no objection to it.

3.12.4 The police officers asked for their driver's licences which were taken over to the police car, and then returned. They also noted the licence plate on their vehicle. They looked at the clear plastic container which contained food, but never fiddled with anything inside it. The officers did not explain why it was necessary. They were very courteous.

3.12.5 One police officer stated his name and his rank. He took down her licence and registration details. He looked into the glovebox from the window. Nothing was ever seized by police.

3.12.6 When she and her husband went into the prison, they went through a similar process. Correctional staff looked through the clear plastic container. They

were given a key for a locker. Correctional staff would also record details of their driver's licences.

Evidence of DUK3

3.13 DUK3 gave the following evidence in relation to her interactions with officers at the MCC:

3.13.1 Her partner was at Mannus from about 5 November 2016 to 11 May 2017 and then from 27 July 2017 to 10 January 2018. She visited her partner 26 times at Mannus. She would call on a Monday to arrange the visit. At the beginning they were told what they could bring into the prison. They were not specifically told that they would be searched.

3.13.2 She recalled there were police officers at Mannus probably half the time she visited the MCC. She recalled there was a female officer there once. She would get out of the car and wait for officers to approach her. She (and others with her) would get their IDs ready. The police officer would not say there was a particular reason for taking their details. They also took their mobile 'phone numbers. They did not check the car, she would offer for them to search the car but they would say *no, that's fine*.

3.13.3 The officers took down everyone's details, they stated their name and their rank, they did not search through the clear plastic tub; she would hold it up and they would say, *don't bother*.

3.13.4 Once she entered the prison, the tubs were searched by staff from Corrections, they would fill out a form which contained details of their names, address, date of birth and relationship to inmate.

3.13.5 She could not recall if the police officers asked for consent, she did not think about whether she was legally obliged to hand over her details to the police officer, she would just hand it over.

Evidence of Senior Assistant Superintendent DUKE

3.14 Ms DUKE gave the following evidence:

3.14.1 She was in charge of the daily running of the MCC.

3.14.2 The MCC had an ongoing battle preventing contraband getting into the prison.

3.14.3 Everything the visitors bring into the prison is searched. Visitors are not allowed to bring in tobacco, mobile 'phones, certain food items and things like that.

3.14.4 The plastic tub that visitors bring to the prison is searched by correctional officers. If a woman brought a handbag, she could leave it in the car.

3.14.5 She was aware of police officers being in the carpark at the MCC. They were there on Saturdays and Sundays. The reason for their presence was that "*it was a mutual thing*", it assisted the prison because they would check vehicles for Corrections, do registration checks and licence checks.

3.14.6 She understood that they would check vehicles for any contraband and also the visitors themselves because they had certain things they couldn't bring into the visiting section. The police officers would just check them and say: *Look you can't have that, that's not on the list, so you're better off leaving it in your car.* Because otherwise they'd just go down to the correctional staff and they'd just tell them to go back to the car, so the officers would help out by saying: *That's not on the list, you can't have it.*

3.14.7 She acknowledged that a police officer who merely took details of a driver's licence and registration plate and sent them on their way is not helping the prison much because they already have those details when they go inside the prison.

3.14.8 Ms DUKE understood that in order to search a car for contraband it meant

opening the doors and having a look around inside the car, including the glovebox.

- 3.14.9 The officers approached her about coming to Mannus, it was not a formal approach and it was more in the nature of: *We've got some available police on the weekend, can we help you out with your prison visitors?*
- 3.14.10 The arrangement evolved and it became a matter of the officers asking: *Look if you need a hand on the weekend, we're not doing anything, [and] we can come out and search a few vehicles.*
- 3.14.11 The police officers needed her permission to go onto the prison site, but she was happy to provide that consent.
- 3.14.12 The police officers would not provide the details they had obtained from the visitors to the Corrections staff. The Corrections staff took their details and searched them again. It was never explained to her why this information was useful for police. She assumed it was for a proper policing purpose.
- 3.14.13 She had a practice of sending visitor lists for each weekend to Sergeant DUKD.
- 3.14.14 She thought the police presence had a good deterrent effect.
- 3.14.15 She never observed the police conducting any pat-down searches of visitors, she never had any expectations that they would conduct pat-down searches. The police presence was another set of insurance.
- 3.14.16 She was identified in the Operational Orders as a 'resource' but she did not nominate herself for that role.
- 3.14.17 She might have been told in an off-hand way that the 'searches' being conducted by police at Mannus were helping with key performance indicators.

Evidence of Sergeant DUKD

- 3.15 Sergeant DUKD gave the following evidence:
- 3.15.1 He could not remember what instigated the first operation at Mannus in October 2016.
 - 3.15.2 His recollection was that Operation Mannus was going out and working with the correctional centre.
 - 3.15.3 They would usually spend two hours at the most at Mannus, when a car drove in they would go and introduce themselves and say: *We are just here to remind people there are certain items you are not allowed to bring into the prison, things like knives, 'phones, alcohol.* The new one was tobacco and they would ask if they could look in the visitor's esky.
 - 3.15.4 They would take down licence and registration details of the visitors.
 - 3.15.5 He would generally take a cursory look at the food containers, if they were stacked really high, he might ask them to hold their sausages (or whatever it was). It wasn't overly onerous.
 - 3.15.6 He would generally have a look in the boot area of vehicles, he might have asked the visitor to open the centre console or the glovebox and have a cursory look. He would sometimes move the rubbish around in the boot to see whether there was anything concealed.
 - 3.15.7 He never found anything of interest. He gave a lot of warnings in relation to people having tobacco or wine or something. He remembered some young guys coming in without their P-plates on, they were given a warning.
 - 3.15.8 He would record the information he collected from the visitors on COPS.
 - 3.15.9 He expected to be working with Corrective Services in searching persons and vehicles. His understanding was that that's where the reference to the

CASA came from.

3.15.10 The only way to display that officers actually had any interaction with someone in relation to searching was to put it down as a person search. Because they were searching the visitor's bags and containers that was the way they were capturing that they had that interaction with that person.

3.15.11 The searches were not conducted on the basis that the officers had formed reasonable grounds to suspect (as in the context of a search under the LEPRA).

3.15.12 He asked the visitors for permission and they always seemed to comply.

3.15.13 The main motivation for the operation at the MCC was "*trying to reduce the amount of drugs and stuff getting into the gaol, and one way was doing that operation, the high visibility, trying to do that.*"

3.15.14 The particular section from the CASA that was relied on to conduct the cursory searches was section 253I. DUKD was shown the Operational Orders for 24 September 2017 which were prepared by him. Those orders provided at page 5:

Police to conduct cursory searches of all visitors entering the Mannus Gaol premises. Police to utilise the Crimes (Administration of Sentences) Act to search for items such as, contraband, tobacco, mobile phones, alcohol and illegal drugs.

3.15.15 The report for the operation on 24 September 2017 shows that there were 39 person searches and 22 vehicle searches. This report was sent to the LAC.

3.15.16 Senior Assistant Superintendent DUKE from Corrective Services never took part in any searches.

3.15.17 No drugs were ever found in a vehicle nor on a person.

- 3.15.18 The Operational Orders were forwarded to his inspector for approval.
- 3.15.19 On 7 December 2016 he sent an email to officers DUKA, DUKB and DUKC which referred to *“topping the LAC with vehicle searches and coming second to Albury with person searches.”* Sergeant DUKD supposed that these results were *“one way the LAC rates proactivity”*.
- 3.15.20 Proactivity refers to trying to detect crime before it happens. Operation Mannus and the searches conducted pursuant to it formed part of the proactivity.
- 3.15.21 If it hadn't been for Mannus, Tumbarumba's numbers for searches, whether personal or vehicle, would have been very low and Mannus offered a bit of lifeline.
- 3.15.22 He was pleased to task something that would give him something to report.
- 3.15.23 The COPS entries were created using a generic narrative prepared by DUKD before and he would cut and paste that into documents.
- 3.15.24 He thought he could use section 253I of the CASA when conducting the searches as a delegated authority from the boss of the prison to carry out the operation.

Evidence of SC DUKC

- 3.16 SC DUKC gave the following evidence:
- 3.16.1 He went to Mannus on 12 occasions between 8 March 2017 and 27 January 2018.
- 3.16.2 He would go for one day on a weekend.
- 3.16.3 He could not recall what instigated his first visit on 8 March 2017. It would

have been a suggestion by Sergeant DUKD.

- 3.16.4 They would park in a position that was clearly visible to people entering the carpark and as people drove in they would approach them and introduce themselves (one officer to each vehicle so as not to appear heavy-handed) and greet them.
- 3.16.5 He would introduce himself and say where he was from, he would explain that contraband was being introduced into the prison, and that the police with their permission could search them and their vehicles. He would explain that there may be something they were not aware of may be contraband such as mobile 'phones or cigarettes and they would offer advice and say: *Best leave them in the car because they are not permitted to pass a certain point.*
- 3.16.6 He would ask for their driver's licence, but generally people would offer it to him they would assume that he would want it. If they didn't, he would say to them: *If you've got any photo ID so I can have a look to see and make things easier.*
- 3.16.7 They never did any pat-down searches, they never touched anyone. It was more: *Do you have any weapons or any drugs...* it was never a hands on – they never touched anyone. They never touched a visitor's clothing or felt whether they had anything in their pockets.
- 3.16.8 He would look in a visitor's car. He would look for more obvious contraband items such as weapons or drugs. He would say: *Do you mind if I look in your car?* He would do a quick glance through the car to see if anything stuck out. On some occasions he would open the glovebox. On rare occasions he would move items when looking through the boot.
- 3.16.9 There were never any arguments or objections to what they were doing. Everyone was genuinely happy.
- 3.16.10 DUKC would record the details of all visitors, i.e. if there were multiple

visitors in a car, he would record all of them.

- 3.16.11 The COPS system would record the interaction as a person search and a vehicle search.
- 3.16.12 He acknowledged that if a person was minded to smuggle in a few joints or something like that into the prison, nothing that he was doing was likely to prevent it.
- 3.16.13 He was unaware if there were any key performance indicators for person searches or anything like that.
- 3.16.14 DUKC acknowledged that the people being searched at the prison were half expecting to be searched and the search was pretty cursory anyway and they weren't creating any angst (as opposed to stopping people walking through Albury).
- 3.16.15 The operation at Mannus had to be recorded on COPS because it always involved interaction with the public and searches.
- 3.16.16 He was shown an email from Sergeant DUKD dated 1 June 2017 which stated:

Over the weekend, can you please conduct vehicles searches at Mannus CC (Sat and Sun). We need to get our numbers up, I see that Albury is now overtaking us in this department.

- 3.16.17 He said it was never the case that the operation was designed to help boost statistics or to get numbers up. He thought it was a bit tongue-in-cheek. The operation was more responding to intelligence that they received about contraband being introduced into the facility. The whole numbers game became a bit of a joke. They never cared for that, it's not what the operation represented.

Evidence of LSC DUKB

3.17 LSC DUKB gave the following evidence:

- 3.17.1 He went to Mannus 15 times between November 2016 and February 2018.
- 3.17.2 DUKB recalled that one of the signs at Mannus referred to the CASA in relation to contraband items coming into the prison and there was a more general warning sign.
- 3.17.3 When the visitors arrived at the carpark they would wait for visitors to come into the carpark and, when they got out of the car he would approach them with an Alcolmeter. He would introduce himself and say: *We are here to assist Corrective Services in the jail with their screening of visitors coming in to see inmates*. He would then remind them what they could and could not bring into the centre.
- 3.17.4 As to searching the car, it would just be a cursory look. First of all he would ask: *Do you mind if we look in your car?* They would say *no*, usually. If the boot was open he would just have a quick look, he wouldn't disturb anything.
- 3.17.5 He acknowledged that any contraband which was going to be smuggled into the prison was unlikely to have been exposed by the kind of searching they were doing.
- 3.17.6 If there was something hidden in the boot under the shopping bags (for instance) they wouldn't have found that either.
- 3.17.7 The purpose of the searching was that they were often called to the prison for people bringing in mobile 'phones, tobacco and drugs and they felt that their presence there would prevent a flow of contraband from vehicles into the centre, so they were sort of preventing offences from occurring.
- 3.17.8 They were warning people so it didn't get to the stage of them committing

an offence by taking contraband into the prison, it was a very broad preliminary filter.

- 3.17.9 The 'searches' would result in two entries in the COPS system: one for person searches and one for vehicles searches.
- 3.17.10 The narratives used for the COPS entries were generic and cut and pasted: they would insert details of the individuals.
- 3.17.11 The COPS entries would not describe what was involved in the person searches or the vehicle searches. It would contain the registration, make, model of car, the name of the person and the vehicle searched on most occasions. He would describe the car and the fact that he asked permission to conduct the search and that a search was then conducted.
- 3.17.12 He acknowledged that he could have been more descriptive in what he reported in COPS. He agreed that his searching was at the very lowest level of searching.
- 3.17.13 He answered "*perhaps*" to the question whether someone reading the COPS entry might have thought that it involved a higher level of searching than he intended to convey.
- 3.17.14 If his superiors wanted to know what the search actually meant, then they would have to ask him.

Evidence of SC DUKA

3.18 SC DUKA gave the following evidence:

- 3.18.1 He recalled going to the MCC on 18 occasions between September 2016 and November 2017. It was an operation that they ran with Corrective Services, their special operations group would come down from Goulburn, they would run an operation on the weekend and it turned into an operation that they would run by themselves.

- 3.18.2 When people drove into the carpark, they would get out of their cars and then they would approach them and introduce themselves and say: *We're here at the jail, we are reminding people that there's a requirement coming into the jail that you can't take things like guns, knives, bombs, bazookas...* They kept it light-hearted.
- 3.18.3 They reminded people that mobile 'phones, tobacco, cigarette lighters, cigarettes and smart watches were not allowed in the correctional facility. They would tell people if they still had the items on them to take them back to their cars. They would also say: *Look one of the conditions of entering the correctional facility is that you need to be searched, or your items need to be searched. We'd like to search those items, do you have an objection to that? Can we have a look at what you've got?* People would say yes. They would say: *Well, can you just show us what you have got there?* People would just pull things out and go: *Oh, we've got meat in here.* Sometimes they'd have cutlery. They would say to people: *You can't take the metal cutlery in, so if it was a metal knife and fork, you can't take that in, but the plastic knives and forks you've got there, they can go in.* They'd go *okay, so, just put that in your car.* They would just ask them to open the boot. They would have a look in their boot. It was a real cursory search inside the car. They weren't pulling... panels off cars or anything like that. They'd just open the doors. Sometimes he'd put his head under a seat just to have a look under a seat. Nine times out of ten the cars are... either rental cars... there's not much in their cars... it was more a cursory search than anything, looking for something that was glaringly obvious.
- 3.18.4 They would take down details from the people, they would ask: *Do you have any identification?* And everyone would have some form of identification, and we'd ask them: *Look we've had an interaction with you today. We're going to record that interaction by just taking down your details and, because we have had an interaction with you, we're going to record that interaction on our system.* They recorded time, date and place; if they produced a driver's licence, the details on their driver's licence (they would also make sure that the 'photo matched the person) and registration and

model of vehicle. Sometimes they would conduct an alcotest.

- 3.18.5 He described Operation Mannus as a bread and butter type operation.
- 3.18.6 He had access to the visitor lists that were sent by DUKE but he never conducted background checks on the people on the lists.
- 3.18.7 They used it more as a checklist as to how many people would be coming on the particular day.
- 3.18.8 DUKB believed that the Deputy Commissioner, Regional NSW Field Operations knew that the operation was running and that he approved of it. This may or may not have been the supposition on DUKB's part however, if the Deputy Commissioner was aware of the operation, it is highly unlikely that he was aware of the true character of the searches.
- 3.18.9 Their direct inspector, DUKF, knew the operation was running as did the Superintendent DUKH. DUKA stated that he and Sergeant DUKD would meet with DUKH at Albury Police Station and he recalled conversations to the effect where DUKH would say: *How's Operation Mannus going? You're doing a good job guys* (that sort of thing).
- 3.18.10 The searches conducted at Mannus were reported 'up', they were contained in the Tasking and Deployment (*T&D*) documents. Those documents would set out the number of person searches and the number of vehicle searches.

Further evidence from private examinations on 20 and 21 August

- 3.19 On 20 and 21 August 2019, the following witnesses were examined pursuant to section 69 of the LECC Act:
 - a. Inspector DUKF;
 - b. Detective Chief Inspector DUKG; and

c. Superintendent DUKH.

Evidence of Inspector DUKF

3.20 Inspector DUKF gave the following evidence:

3.20.1 Before February 2018, DUKF was the Duty Officer in the Albury LAC with responsibility for the Tumbarumba and Holbrook areas. The officers, DUKA, DUKB, DUKC and DUKD then reported up to him.

3.20.2 The officers would report to him in relation to operational matters, amongst other things. Operational Orders referred to operations that would be conducted out of the Tumbarumba cluster.

3.20.3 DUKF described proactivity as: *the area of policing where we undertake... it's not reactive. It's proactivity. So we go out and whether it be RBT, RDT, person searches, move-ons, bail compliance checks, AVO compliance checks, our target management plan checks, a number of initiatives outside of our reactive policing we would undertake as proactivity.*

3.20.4 As to person searches, DUKF explained that person searches were an individual choice. If police detected anyone out on the street, they could undertake a person search, but obviously it is incumbent on each individual to ensure those person searches complied with LEPRA.

3.20.5 DUKF elaborated on this: *Police approaching people outside jobs that they're called to, so they could be going through a high-crime area, they might see someone in the street, for example. Every police officer has got the ability or authority to speak to people, and then it would be up to them to create reasonable suspicion or reasonable cause to conduct a person search.*

3.20.6 Further, proactivity may mean encouraging officers to go to identified hot-spot areas to drive down crime.

- 3.20.7 Vehicle searches were approached in the same manner: that is, putting police in a spot where criminal activity was known to occur and the circumstances may arise for the suspicion to be enlivened for the police to conduct a vehicle search.
- 3.20.8 The Albury LAC maintained statistics for proactivity. Those statistics included business targets. The figures could be recorded on COPS and then ultimately recorded on COMPASS.
- 3.20.9 Each month they were given a target to aspire to for person searches, move-on directions, etc. The targets are set at the regional level.
- 3.20.10 There would be emails sent around encouraging proactivity but making sure the staff complied with LEPR.
- 3.20.11 As to overt activities, DUKF envisaged that the officers would engage with correctional staff at the MCC and conduct an operation in relation to contraband.
- 3.20.12 DUKF was not aware of what the officers did other than conduct the operation and patrolling the area.
- 3.20.13 The operation would have been a matter that was reported up to him from time to time. He was aware that the operation was conducted once in 2016 and from September to November 2017.
- 3.20.14 He understood that the officers would be using the CASA in conjunction with the correctional service officers.
- 3.20.15 DUKF was asked if he turned his mind to what was meant by the phrase '*cursory searches*' or contacted Sergeant DUKD or any senior constables conducting the operation to find out what was meant by it – he didn't.
- 3.20.16 DUKF envisaged that if an officer conducted a search pursuant to LEPR out in the field, then it would involve a turning out of the person's pockets

and a general pat-down by the officer. A search conducted like that would then be recorded in COPS as part of the business or proactivity targets.

3.20.17 DUKF stated that he envisaged that a Corrections officer would have instructed a police officer to conduct a search of a person or vehicle in the carpark.

3.20.18 His assumption was that the searches were being conducted in the carpark in the presence of Corrective Services staff using the CASA. This meant the police officers did not have to worry about LEPRA as they were working in Corrective Services boundaries. He never got legal advice about this.

3.20.19 DUKF was shown the T&D minutes for 27 April 2017. He was shown the breakdown for proactivity which showed figures for person searches and vehicle searches by sector. That showed 30 person searches and 21 vehicle searches for Tumbarumba Sector.

3.20.20 DUKF stated that these figures for person searches and vehicle searches were never interrogated in any T&D meetings.

3.20.21 In particular, the slideshow for the T&D meetings referred to *Powers - Person Searches and Powers - Vehicle Searches*. There was never any interrogation of what powers were used to conduct the searches.

3.20.22 DUKF was aware that the figures for Tumbarumba which were displayed at the T&D meetings would have been associated possibly with Operation Mannus.

3.20.23 He said he was never made aware that there never were any pat-down searches or pockets turned out at Mannus.

3.20.24 It was put to DUKF that the evidence from the officers who conducted the searches at Mannus was that mostly they would ask people to empty their tubs and have a look and ask if they had a 'phone or tobacco and if so they were told that they couldn't take them into the prison. It was then put to

him that these matters did not constitute a search at all – DUKF agreed.

3.20.25 DUKF also stated that he was unaware that the manager of Mannus prison was sending visitor lists to the police conducting the operation. He said that he thought it would not be an appropriate use of COPS for the police to conduct a search to see if any of the people listed had criminal records. It would have been inappropriate.

3.20.26 DUKF stated that had he been informed of exactly what had occurred at Mannus in terms of the content of the searches, he would have condemned them for not conducting proper person and vehicle searches. He would have taken some sort of action in relation to the manner in which the operation was being conducted.

3.20.27 DUKF agreed that in terms of actual policing there was, for all practical purposes, nothing happening.

3.20.28 When DUKF was informed that no contraband was found as a result of the searches he stated: *Well, the way they went about it, I'm not surprised.*

3.20.29 DUKF was shown the Monthly Command Portfolio Reporting Document for December 2017. It provided the following narrative for SC DUKA for Operation Mannus: *Excellent proactivity*. DUKF stated that he would not have endorsed that description if he was fully informed. DUKF agreed that he would not have endorsed similar descriptions in other documents as to excellent proactivity.

3.20.30 He genuinely believed it was an operation they were conducting to detect and deter people from bringing contraband into the prison.

Evidence of Inspector DUKG

3.21 Inspector DUKG gave the following evidence:

3.21.1 He was the Inspector Duty Officer in the Albury LAC and was responsible

for the human resources portfolio.

- 3.21.2 He described proactivity as anything from diverting crime before it occurs, involving outside agencies to assist the police get the job done, right down to target areas involving move-on legislation and person search legislation (which meant LEPRAs).
- 3.21.3 There is no provision in COPS to record informal consent searches.
- 3.21.4 The following scenario was put to him: *You stop someone and you say: Are you carrying – have you got any drugs on your person? Right? You don't have a reasonable suspicion but you ask the question, you never know the answer. They say: No I haven't. Okay, thanks, Sir, okay, and moves on. You wouldn't expect that to be a person search that would be noted and go through to crime figures.* He said: *No.*
- 3.21.5 When DUKG saw person searches reported he would assume that the searches would vary from complete LEPRAs searches down to a consent search which involved people emptying out their pockets. He understood that the figures represented a variety of searches, the most significant aspect would be that it represented a number of interactions with the public which to a greater or lesser extent involved a search.
- 3.21.6 He agreed that opening the boot of a vehicle and looking in without displacing anything could not be characterised as a vehicle search. He expected that it would include looking into the vehicle, the centre console, looking in the pockets of the doors.
- 3.21.7 He knew that Sergeant DUKD and other officers were conducting an operation at Mannus but he wasn't aware of the details.
- 3.21.8 It was put to him that it may have been that a purpose of the operation was to make the numbers look good for the purposes of KPIs: he responded that it would be a shame if police officers felt that way, there was, in his view, enough criminality 'out there' for officers not to resort to this.

3.21.9 If he became aware that an operation had no relationship with driving crime rates down, he would 'probably' say: *"This is being done to death. Let's move on to something that will bring us some results."*

3.21.10 He did not recall reviewing any Operational Orders for Operation Mannus.

Evidence of Commander DUKH

3.22 Commander DUKH gave the following evidence:

3.22.1 He was the Local Area Commander of the Albury LAC.

3.22.2 They would take a snapshot each month of the command to see where their proactivity efforts were and that included things like: licensed premises inspections; high visibility patrols; person searches; move-ons; business inspections; community engagement; all measures which were regarded as proactive measures which would drive down crime (and reactive crime).

3.22.3 Vehicle searches fell within proactivity.

3.22.4 When he saw reported person searches, it conveyed to him that the searches were conducted appropriately and in accordance with LEPRAs or other applicable powers and recorded on the COPS system.

3.22.5 He expected that the overwhelming number of searches would have been conducted pursuant to LEPRAs.

3.22.6 As to vehicle searches that had been recorded, DUKH stated that he would expect that the officer searching would have moved items around in the car, looked in the console, and looked in the glovebox - things like that.

3.22.7 He did review the Operational Orders for Operation Mannus at one stage. He said there were several different incarnations of these orders but he didn't remember the specific set of orders that he saw, but he did see orders

for Mannus at one stage.

- 3.22.8 DUKH recalled that Sergeant DUKD and LSC DUKB would visit him at Albury and he would visit them at Tumbarumba Police Station. He said that he did not discuss Operation Mannus; he discussed the operation with the Inspector (DUKF) who was running that sector.
- 3.22.9 He understood that Operation Mannus was an operation to assist Corrective Services with visitors who were attending the MCC. DUKH said that he would have expected Corrective Services officers to be present at the searches conducted by police officers, if they were relying on Corrective Services powers and a request from Corrective Services. He acknowledged that if the officers were relying on LEPRAs then it wasn't necessary for Corrective Services officers to be there.
- 3.22.10 DUKH attended some T&D meetings but not all of them.
- 3.22.11 DUKH was shown the slideshow for the T&D meeting for 1 May 2017. He was shown the page which displayed the proactivity figures as at 27 April 2017. He said that as far as he knew, the figures on this page were never interrogated.

Concerns regarding the different manner in which searches were recorded in COPS

- 3.23 The manner in which the details of the searches were uploaded to the COPS database by the officers meant they would be recorded as a '*person search*' and a '*vehicle search*'. In some COPS entries seen by the Commission the reason for the search recorded in the narrative was '*OTHER*'. In other entries the reason for the search recorded in COPS was "*SUSPECTED POSSESSION OF ILLEGAL DRUG*" even though, on the evidence given by the officers, no such suspicion had ever been formed.
- 3.24 For example, in the case of the witness DUK3, who was searched by Senior Constable DUKA on 26/08/17, the record created in COPS was as follows

(emphasis added):

Automated Narrative Created on: 26/08/2017 13:25. At: 26/08/2017 08:31 CNI 774701583. DUK3 was searched with nothing found **Primary Reason: SUSPECTED POSSESSION OF ILLEGAL DRUG** Additional Comments: WHILST ENTERING A CORRECTIONAL FACILITY. By Officer: 0032945 - DUKA. At Site of Incident: MANNUS CORRECTIONAL CENTRE 3506 JINGELLIC RD MANNUS NSW 2653LOC: Mannus Correctional Centre. POI: DUK3 Lic: [REDACTED] Exp: [REDACTED] Class: [REDACTED] Ph: [REDACTED] VOI: [REDACTED] About on 08:31am Saturday 26 August 2017, the above POI's were stopped as they were entering the Mannus Correctional Centre. Police informed the POI's of their name, rank and station and under Section 253J of the Crimes (Administration and Sentencing) Amendment Act 2016, that a cursory search would be required prior to entering the facility. Police asked the POI if they were in possession of any contraband or illegal drugs, which they replied, 'No.' The POI consented to a search and a search of the above vehicle for contraband and or illegal drugs. Nil adverse was located. The POI's details were obtained and were informed a record would be made of the search. Police reminded the POI that items such as, mobile phones, tobacco, alcohol was not permitted into the Correctional Centre. NFPA

- 3.25 The reference to **SUSPECTED POSSESSION OF ILLEGAL DRUG** being the primary reason for the search of DUK3 was completely untrue and should not have been entered.
- 3.26 Similarly with the witness DUK1 and her husband, who went to the MCC on 25/11/17 to visit their son and were searched by Senior Constable DUKA:

Automated Narrative Created on: 25/11/2017 12:45. At: 25/11/2017 08:25 CNI 627736249 husband of DUK1, was searched with nothing found Primary Reason: SUSPECTED POSSESSION OF ILLEGAL DRUG Additional Comments: ENTERING A CORRECTIONAL CENTRE. By Officer: 0032945 - DUKA. At Site of Incident: MANNUS CORRECTIONAL

CENTRE 3506 JINGELLIC RD MANNUS NSW 2653 Automated Narrative
Created on: 25/11/2017 12:45. At: 25/11/2017 08:25 CNI 627735828 DUK1
was searched with nothing found Primary Reason: SUSPECTED
POSSESSION OF ILLEGAL DRUG Additional Comments: ENTERING A
CORRECTIONAL CENTRE. By Officer: 0032945 - DUKA. At Site of
Incident: MANNUS CORRECTIONAL CENTRE 3506 JINGELLIC RD
MANNUS NSW 2653 LOC: Mannus Correctional Centre. POI: Husband of
DUK1 Lic: [REDACTED] Exp: [REDACTED] Class: [REDACTED] Ph: [REDACTED]
POI: DUK1 Lic: [REDACTED] Exp: [REDACTED] Class: [REDACTED] Ph: [REDACTED]
VOI: [REDACTED]. About on 08:25am
Saturday 25 November 2017, the above POI's were stopped as they were
entering the Mannus Correctional Centre. Police informed the POI's of
their name, rank and station and under Section 253J of the Crimes
(Administration and Sentencing) Amendment Act 2016, that a cursory
search would be required prior to entering the facility. Police asked the
POI if they were in possession of any contraband or illegal drugs, which
they replied, 'No.' The POI consented to a search and a search of the
above vehicle for contraband and or illegal drugs. Nil adverse was
located. The POI's details were obtained and were informed a record
would be made of the search. Police reminded the POI that items such
as, mobile phones, tobacco, alcohol was not permitted into the
Correctional Centre. NFPA

4. Analysis of Evidence

- 3.27 The police did not have the authority to conduct the searches which they undertook at the MCC. They mistakenly assumed that they had the power under the *Crimes (Administration of Sentences) Act 2016* but they did not.
- 3.28 Section 253I(3) of the CASA which was cited by Sergeant DUKD is conditioned on a correctional officer forming a suspicion based on reasonable grounds as to the matters set out in subsections (a) and (b) and then making a request of a police officer to conduct a search of a person or vehicle. It can only operate on a specific basis and cannot be used to provide a blanket authority:

Power to detain for purpose of search by police:

A correctional officer who stops and detains a person or a vehicle under this section (whether or not the correctional officer searches the person or vehicle), and who suspects on reasonable grounds that—

(a) the person has in his or her possession or under his or her control anything that has been used, is being used or is intended to be used in or in connection with the commission of a relevant offence, or

(b) the vehicle—

(i) contains anything that has been used, is being used or is intended to be used in or in connection with the commission of a relevant offence, or

(ii) has been used, is being used or is intended to be used in or in connection with the commission of a relevant offence,

may request a police officer to conduct a search or a further search of the person or vehicle, and may detain the person or vehicle while waiting for the arrival of a police officer at the place where the person or vehicle is being detained for the police officer to conduct the search.

This is emphasised by section 253I(4) which provides that:

(4) Request to police to be made as soon as practicable

A request to a police officer under subsection (3) must be made as soon as practicable after the correctional officer stops and detains the person or vehicle, or searches the person or vehicle.

3.29 It appears from the COPS entries that it was conveyed to visitors by the officers that the searching was a condition of entry. This was wrong. Any

consent obtained in these circumstances was not a proper consent and should not and could not have been relied on to conduct any subsequent search. Accordingly, the searches could not have been authorised by section 34A of the LEPR, which is in the following terms:

(1) A police officer may search a person with the person's consent but only if the police officer has sought the person's consent before carrying out the search.

(2) A police officer must, before carrying out any such consensual search, provide the person with: (a) evidence that the police officer is a police officer (unless the police officer is in uniform), and (b) the name of the police officer and his or her place of duty.

3.30 There was no other source under LEPR which would have authorised the searches as there was no basis on which any of the officers could have had reasonable grounds to form a suspicion for a search under Part 4 of LEPR.

3.31 In *R v Buddee*,² McClintock DCJ in the District Court of NSW considered the lawfulness of a person and vehicle search which was conducted by a police officer as part of a pro-active policing operation. In that case there was no relevant suspicion, the police stopped and searched a vehicle “*on a hunch*” and found a small quantity of methamphetamine. The driver admitted ownership of the drug and was charged. His Honour reviewed the authorities on detaining for the purpose of a search. He noted: ‘*A person should be regarded as having submitted on compulsion where, without the application of threat or application of physical restraint, he or she believes the choice to do otherwise does not exist*’.

3.32 The NSWPF was given the opportunity to make a submission in response to a draft of this report. It accepted, in substance, that there was no basis for any relevant reasonable suspicion that could justify a search under LEPR and that the officers did not in fact form any such suspicion, but it submitted that evidence by Sergeant DUKD as to the receipt of intelligence “*could have*

² *R v Buddee* [2016] NSWDC 422.

*been relevant to the formation of a suspicion [justifying] a coercive search under LEPR*A”. This submission must be rejected. The “*intelligence*” in question had no link of any kind with any of the visitors who had been searched by the officers, including Sergeant DUKD.

3.33 In respect of the issue of consent, it is clear that on any realistic view of the evidence taken as a whole, the persons searched were given to understand, at the least, that they must undergo a search directed by police as a condition of entering the facility, that is, as a condition of exercising their legal rights. The Commission notes, in this regard, that the Operational Orders of 24 September 2017, prepared by Sergeant DUKD, envisaged that all visitors were to be searched. Compliance with such a legally unjustified condition is not a request for consent within s 34A of LEPRA. It was also submitted by NSWPF that it was correct to indicate that it was a condition of entry that the visitor be searched. However, in the circumstances what was clearly conveyed was that this would involve, at least, a search by police. The mere fact that it would involve a further search by correctional staff is immaterial.

3.34 More substantive (but quite mistaken) was the submission by the NSWPF that “*consent for the purposes of s 34A ... must concern consent to the search itself. So long as there is consent freely given to the search, without a misunderstanding of the nature and quality of the act, the consent is valid. It should not matter why the consent was given*”. This submission errs in two respects. The first issue is that, in the present case, consent was not “*freely*” given; it was required to satisfy a condition which the police had no legal power to impose and prejudiced the legal rights of the persons subjected to the searches. Furthermore, whilst it is correct to say that there is no consent where the nature and quality of what is required or requested is not understood, it is obvious that the converse is not. Merely to understand the nature and quality of what is proposed is not, clearly enough, to consent to it being done.

3.35 In the current matter the entries were recorded in COPS as person searches and vehicle searches when there was no lawful basis for those searches. This

has led to the situation where there are hundreds of entries in COPS for person searches or vehicle searches on named individuals when those searches should not have been made. There was no suspicion of possession of drugs, as recorded in some entries. The individuals were lawfully visiting relatives at the MCC and there were no circumstances that actually gave rise to a suspicion under Part 4 of the LEPR. This represents an ongoing slur on the reputation of the individuals in question and should be corrected.

- 3.36 COPS is available to police who might have future interactions with the persons mentioned. It is possible that an officer might reasonably suspect, say, drug possession, but nothing is found after searching. The mere fact, however, that other police had such a reasonable suspicion is not only adverse to the character of the person, but might be used as 'intelligence' to justify another search. There is no proper basis of any kind for COPS to contain untruthful information or information known to be incorrect. This issue was addressed in the NSWPF submission by suggesting that the COPS entries might be corrected by the addition of the information that "*the suspicion was rejected by LECC*". Though this would be a correct statement, it appears to maintain the non-existent position that the search was based on what police believed was a reasonable suspicion in accordance with LEPR, even though they did not and were not acting under LEPR at all. The submission thus is not only an insufficient answer but the proposal that the false entry should remain uncorrected is scarcely consistent with proper ethical standards. Whilst the Commission accepts the submission made by NSWPF that the entries should not be expunged, they should be amended to make it clear that the officers were not exercising LEPR powers and had no relevant reasonable suspicion that might have justified their exercise. The entries which record the reason for those searches as '*SUSPECTED POSSESSION OF ILLEGAL DRUG*' should be corrected so that the reason is recorded as '*OTHER*', which is consistent with the other COPS entries. The Commission has received advice from the NSWPF that the entries will be reviewed and amended where appropriate.

5. Findings

- 5.1 The evidence does not support a finding of serious police misconduct on the part of any individual officer. However there was a failure of management and training.

The evidence was contradictory as to exactly what the goal of the searches was, beyond general 'proactivity'. Although the Commission is satisfied that the recording of the searches in COPS was not motivated by concern in relation to the re-engineering process being undertaken in NSWPF as alleged in the original complaint, they were significantly misleading, not only in suggesting that the searches were performed in accordance with LEPRA but that they actually involved general and vehicle searches as envisaged by that legislation and understood by supervisory police at management level. If this result was not intentional (as to which the Commission makes no finding), it certainly fell markedly short of appropriate standards.

6. Recommendations

- 6.1 There is a demonstrated need for training in this area so that police are aware of the limits on their powers and visitors to correctional centres are not subjected to further unauthorised searches.
- 6.2 The recitation of the relevant principles set out in *R v Buddee* are instructive and that judgment would be a useful resource in the formulation of training material for police, especially in relation to the conduct of 'pro-active' operations.
- 6.3 Because the 'searches' performed during Operation Mannus were not undertaken because of suspected possession of illegal drugs, the entries to that effect appearing in the COPS system as a result of Operation Mannus should be immediately corrected.
- 6.4 Police should be given adequate instructions on the necessity for COPS to reflect actual occurrences and contain no misleading information.

Operation Dukono
Report pursuant to s 132
Law Enforcement Conduct Commission Act 2016

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