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# Minister david elliot cleared of impersonating police officer by internal review without following proper process

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An internal review into Police Minister David Elliott allegedly impersonating a police officer in a road-rage incident with a P-plater, has cleared him of wrongdoing before consulting legal advice.

Last October, the Minister's car was allegedly clipped by a young man on Windsor Road in Baulkham Hills, with both cars progressing to Castle Hill where a confrontation occurred at traffic lights.

The P-plater's father claimed that Mr Elliott had chased the teenager through backstreets before grabbing his arm, which Mr Elliott denied.

However, Mr Elliott did confirm that during the exchange that he told the boy he "*worked for the cops*", curtly responding when asked for his badge that: "*I pay for the badges, I don't get one.*"

Video was revealed of the heated exchange, in which Mr Elliott repeatedly 'formally' asks for the license of the young man and yells at him to get out of the car.

The Daily Telegraph report that legal advice provided internally from the Police Prosecutions Command regarding the incident was provided on 22 November, however, notably, it was announced that Mr Elliott was cleared of all charges on 13 November.

While the NSW Police and NSW Government have declined to release the legal advice, it is understood that it contains criticisms of Mr Elliott.

After Mr Elliott was cleared of wrong-doing, Greens MP, David Shoebridge called for an independent investigation to be conducted.

Following the recent discovery that legal advice was not consulted, he commented: "*The Police Minister has repeatedly put the NSW Police Force into an impossible situation by insisting that they investigate their boss, and nobody can investigate their boss without having an insurmountable conflict of interest and we've seen that repeatedly with the NSW Police Force.*"

"*In this case the conflict of interest has played out so that the decision was made not to place charges on Elliott before they had even received their internal legal advice, about the merits of the case, and that does two things.*"

"*The first thing it does is discredit the decision to not press charges against David Elliott and then it also discredits the legal advice that is received after that.*"

*“It would be an extremely career limiting action for an internal NSW Police lawyer to have put pen to paper and say that in their opinion there was a compelling case to prosecute their boss, when a very senior, in this case deputy assistant commissioner has already made the call not to press charges.”*

*“It not only discredits the decision of the senior officers who decided not to, but also the legal advice that follows after that.”*

NSW Police have released a statement indicating that the internal review has been finalised and will not be revised.

Impersonating a police officer carries a maximum penalty of up to 2-years imprisonment and/or a fine of up to \$11,000 under section 546D of the *Crimes Act 1900* (NSW).

Anyone who impersonates an officer, with intent to deceive and purports to exercise a power or function as a police officer, is guilty of the ‘aggravated’ form of the offence, with carries a heavier penalty of up to 7-years imprisonment.

Purporting to exercising a power includes pretending to have the authority to stop someone’s vehicle to check their driver’s licence, arresting someone, or searching someone’s home or vehicle.

*“The behaviour of the Police Minister is appalling....and it’s not an isolated case, this man does not have the character or the temperament that you should see in NSW Police Minister.”* continued Shoebridge.

Earlier this year in March, Mr Elliott was involved in another incident which allegedly involved the handling of two prohibited firearms without a permit.

Mr Elliott had fired a Glock pistol and a Heckler & Koch submachine gun at the Mark Simmons shooting range, operated by Corrective Services NSW, without a permit.

However, Corrective Services NSW issued an apology in which they took responsibility for an “administrative error” with its licensing arrangements.

NSW Premier Gladys Berejiklian relied on this statement within the decision to not discipline the Minister.

Use or possession of a prohibited weapon unless the person is authorised to do so by a permit is punishable with a maximum penalty of 14 years in jail.

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