

**2016 BUDGET ESTIMATES - POLICE**  
**QUESTIONS TAKEN ON NOTICE FROM HEARING**  
**1 SEPTEMBER 2016**

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**1. ORIGINAL POLICE NEGOTIATORS TRUCK**

a) **The Hon. LYNDIA VOLTZ:** With the original police negotiating truck, which I understand was struck by lightning—

**Mr TROY GRANT:** That is correct.

**The Hon. LYNDIA VOLTZ:** Were repairs undertaken on that truck or was it unable to be repaired?

b) **The Hon. LYNDIA VOLTZ:** Was the van sold? If so, what was the sale price of the van?

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**RESPONSE:**

I am advised:

a) The truck was unable to be repaired

b) The Hino rigid negotiators' truck was sold at auction on 27 April 2015. It was sold for \$18,862.50, including GST.

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**2. DEATH OF REBECCA MAHER**

**The Hon. SHAOQUETT MOSELMANE:** Minister, I want to address the issues of Rebecca Maher's death while in custody. You are aware of her death, Minister?

**Mr TROY GRANT:** Yes, I am aware of her tragic death.

**The Hon. SHAOQUETT MOSELMANE:** When did you become aware of her death?

**Mr TROY GRANT:** ... I do not have a specific date; I will have to check my diaries and correspondence to answer that for you. I am happy to provide that answer to the Committee.

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**RESPONSE:**

I am advised:

The Federal Minister for Indigenous Affairs wrote to the NSW Attorney General on 17 August 2016 regarding the death of Ms Rebecca Maher.

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**3. ABORIGINAL PEOPLE IN CUSTODY**

**Mr DAVID SHOEBRIDGE:** Minister, here is a question that will test your rhetoric: How many Aboriginal people were in jail when your Government came to office, and how many Aboriginal people are in jail today?

**Mr TROY GRANT:** I will take the question on notice.

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**RESPONSE:**

I am advised:

As at 30 June 2015, there were 2,869 Indigenous inmates in custody, representing 24.2% of all inmates.

As at 30 June 2016, there were 3,076 Indigenous inmates in custody, representing 24.2% of all inmates.

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**4. OPERATION PROSPECT**

**Mr DAVID SHOEBRIDGE:** Commissioner, are you aware whether or not the NSW Police Force has accepted referral back of some or all of Operation Prospect?

**Mr SCIPIONE:** Not to my knowledge, no ... What I can say is that I have no knowledge, and I have not even heard a suggestion that matters have been returned to the NSW Police Force. With no knowledge of that, I certainly have no knowledge of any suggestion of any resources being allocated to investigating any matters.

**Mr DAVID SHOEBRIDGE:** I am more than happy for you to take the question on notice to confirm that.

**Mr SCIPIONE:** Yes, I can take it on notice.

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**RESPONSE:**

I am advised:

No matters from Operation Prospect have been referred back to the NSW Police Force for investigation.

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**5. STATE RECORDS ACT AND SMS DESTRUCTION**

a) **Mr DAVID SHOEBRIDGE:** Are you aware of the State Records Act?

**Mr SCIPIONE:** Yes.

**Mr DAVID SHOEBRIDGE:** Do you know that it is an offence to destroy State records under section 21 of the State Records Act unless there is consent from the public officer?

**Mr SCIPIONE:** I think there is an exclusion for SMSs. I will take that question on notice and provide advice. I am trying to think of the word that relates to them being deemed not to be a record that needs to be retained. I will take the question on notice and provide the advice that has been provided to me by general counsel in my office.

b) **Mr DAVID SHOEBRIDGE:** Do you not think it would be essential for the NSW Police Force at least to have a policy that deals with how you retain something or when you delete what could be crucial evidence in the form of text messages rather than leaving it up to individual officers?

**Mr SCIPIONE:** We rely on the State Records Act. That is the source of my advice. Having said that, I understand the question. The State Records Act deems an SMS to be ephemeral in nature, which means that it is fleeting.

**Mr DAVID SHOEBRIDGE:** Will you tender that advice?

**Mr SCIPIONE:** I am happy to take the question on notice.

c) **Mr DAVID SHOEBRIDGE:** What is the difference between a text message and an email?

**Mr SCIPIONE:** We probably need to talk to those who have responsibility under the State Records Act, and we do that. However, I would like to take the question on notice and I will provide that information to the Committee.

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**RESPONSE:**

I am advised:

a) It is not an offence under section 21 of the *State Records Act 1998* (NSW) to destroy a record in accordance with normal administrative practice in a public office. The *State Records Regulation 2015* sets out guidelines on what constitutes normal administrative practice.

b) The NSWPF Records and Information Management policy statement sets out NSWPF employees' recordkeeping responsibilities and this policy is linked to the State Records Authority approved Functional Retention and General Disposal Authorities.

The NSWPF Records and Information Management policy statement provides that records that do not provide evidence of a business transaction or a decision can be destroyed under normal administrative practice. This is reiterated in the State Records Authority approved NSWPF Functional Retention and General Disposal Authorities which provides that ephemeral and facilitative records (irrespective of the format) can be destroyed under normal administrative practice.

c) The *State Records Act 1998* (NSW) defines a record as any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. This definition therefore includes both SMS messages and emails.

The *State Records Regulation 2015* defines messages as including messages in the form of email, voicemail, SMS messages, instant messaging, facsimiles, telephone messages, transmission reports or similar records.

Irrespective of the format, ephemeral and facilitative records can be destroyed under normal administrative practice.

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**6. NEW POLICE NEGOTIATORS TRUCK**

- a) **The Hon. LYNDA VOLTZ:** I want to clarify an issue I raised earlier. Deputy Commissioner, you said that the van was received late last year or early this year. Do you have an exact date? You can take the question on notice if you cannot provide an answer now.

**Ms BURN:** I do not have that information here. I will take the question on notice.

- b) **The Hon. LYNDA VOLTZ:** Would the van have gone through as a bid but not the highest priority in 2011?

**Mr SCIPIONE:** I am happy to take that on notice. I think it was, but again I would not want to mislead you and I would not want to get this wrong. So if I can, I will take that on notice. My memory of what I have seen in terms of paperwork would suggest that that is the case.

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**RESPONSE:**

I am advised:

The new cab chassis was delivered and made available to the NSWPF on 11 July 2016.

The Counter Terrorism and Special Tactics Command listed the bid as priority 19 among its minor capital bids for 2011-12. The first 11 bids were funded that year.

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**7. ORIGINAL POLICE NEGOTIATORS TRUCK**

**The Hon. LYNDIA VOLTZ:** Do you have an exact date of when the van was hit by lightning in 2011? I know you will probably have to take that on notice.

**Mr SCIPIONE:** I certainly do not have the exact date. I understand that it was in that period that you have talked about. I think it would be most appropriate if we took on notice where, when and how it happened. We can make sure we provide you with the accurate advice.

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**RESPONSE:**

I am advised:

The truck was struck by lightning sometime between 23 - 24 November 2011.



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**8. REQUESTS FOR POLICE FUNDING**

- a) **The Hon. LYNDIA VOLTZ:** What was the increase that went to the command that was responsible for putting in the bids for the negotiating truck?

**Mr TROY GRANT:** I will have to take that on notice to give you the specific answer but, as I indicated in my earlier answer, in my tenure the broad capital funding base was \$178.2 million in 2015-16 and I increased that in 2016-17 to \$218 million. To be completely accurate I will provide to you on notice the breakdown of that into the specialist areas you referred to.

- b) **The Hon. LYNDIA VOLTZ:** Has the commissioner put forward any bids to you for requests of increased funding that have not been met?

**Mr TROY GRANT:** I will take that on notice. Not that I recall. I do not believe so, but I will take that on notice ... I said that the commissioner has made requests outside of his budget allocation to me and I listed those. I have met, as I understand it, every one of those requests. I will take it on notice to make sure that there are no independent items.

...

**The Hon. LYNDIA VOLTZ:** ... what I would like to know, on notice, is whether the bids have come into the Minister's office. I am not asking the Commissioner that question; I am asking you that question—and not just to you during your tenure. I want to know if they came in at any time since the negotiating truck was damaged in 2011.

**Mr TROY GRANT:** My answer is that the commissioner, in his answer, has said he would take that on notice and provide you with the time frames, et cetera—when things happened, when bids were made, the time frame for purchase or acquisition, et cetera. Between the two of us we will take that on notice and provide that to the Committee.

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**RESPONSE:**

I am advised:

- a) The NSW Police Force Counter Terrorism and Special Tactics (CT&ST) Command is responsible for the Negotiators Truck.

NSWPF minor capital funding is allocated to commands on a priority basis across all commands and therefore allocations vary from year to year at Command level. For 2016-2017, the CT&ST have received an additional \$1.209m (162%) in minor

capital compared to 2015-16. This includes funding for plant & equipment, special purpose dogs and specialist vehicles only.

- b) As part of the annual budget process, the NSW Government considers and determines the allocation of budget funding in line with the government priorities and the needs of the community.

Decisions on funding are made with due regard to fiscal responsibility.

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**9. LINDT CAFÉ SIEGE EQUIPMENT**

- a) **The Hon. LYNDIA VOLTZ:** Commissioner, I would like to go back to some more equipment questions. It was identified during the Lindt cafe siege inquest that radio communications were not working. What was the age of the communication devices used during the siege?

**Mr SCIPIONE:** Clearly I will need to take that on notice.

- b) **The Hon. LYNDIA VOLTZ:** During the siege, what steps did they take to get around the problem of the radio system not working?

**Mr SCIPIONE:** It is not appropriate for me, perhaps, to talk about evidence that was given by other witnesses. If I can take that question on notice, I think what we should do is obtain transcript references to assist.

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**RESPONSE:**

I am advised:

The NSWPF radio terminal fleet as a whole at the time of the siege ranged in age from less than one year up to 16 years old.

Over the past several years the NSWPF has spent over \$80 million refreshing and upgrading its radio network and equipment, and continues to invest heavily in this capability.

At no stage during the siege was the Police radio network not working; the radio communications network remained fully operational for the duration of the siege.

Three technical officers were present at the forward command post from shortly after the siege commenced until after its conclusion to ensure the continuity of radio operations. Other technical officers were deployed to the Police Operations Centre and the Sydney Radio Operations Centre.

On any wireless network, the individual user experience will vary depending on the local environment and prevailing conditions. Reception, transmissions and clarity of audio can be affected by proximity to high density structures or background noise as well as other factors, including how the device is operated by the user.

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**10. GUIDELINES / SOPS RE DELETION OF TEXT MESSAGES**

**Mr DAVID SHOEBRIDGE:** Commissioner, is there any guidance—from your office or in the form of a police circular or standard operating procedure—to police constables about which of their text messages they can delete and which they cannot?

**Mr SCIPIONE:** In terms of their SMS text messages, I have no knowledge of any guidance we give in that regard—not from my office, which I think was your question.

**Mr DAVID SHOEBRIDGE:** What about from anywhere? I asked whether there are any standard operating procedures or police circulars or anything.

**Mr SCIPIONE:** Again, I will take that on notice to confirm for you, but there is nothing from my office that dictates retention of short messaging service [SMS] texts. I would like to go back and confirm for you to see if there is a policy position, but certainly it is not from my office.

**Mr DAVID SHOEBRIDGE:** Has anyone in the police, including senior police, issued any kind of guidance or circular or any advice to any member of the Police Force about the circumstances in which they can delete their text messages?

**Mr HUDSON:** Not that I am aware of.

**Mr SCIPIONE:** No, that I am aware of.

**Mr DAVID SHOEBRIDGE:** There is a resounding no.

**Mr SCIPIONE:** I would ask to take that on notice and confirm that for you.

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**RESPONSE:**

I am advised:

The NSWPF Records and Information Management policy statement sets out NSWPF employees' recordkeeping responsibilities for both physical and electronic records (regardless of file type and format).

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**11. TEXT MESSAGE POLICY AND STATE RECORDS ACT**

- a) **Mr DAVID SHOEBRIDGE:** Where is the policy that requires New South Wales police to retain text messages of value? Tender it, show it to us, table it, provide it on notice.

**Mr SCIPIONE:** Thank you, will do.

**Mr DAVID SHOEBRIDGE:** Do you know of any?

**Mr SCIPIONE:** I said I am not aware of any so I said that I would take that on notice and we will check against current standing policies and table it, as you have requested.

- b) **Mr DAVID SHOEBRIDGE:** Have police in your command had advice about how they can comply with the State Records Act regarding their text messages?

**Ms BURN:** There is general advice about complying with information protocols.

**Mr DAVID SHOEBRIDGE:** Would you provide that information on notice?

**Ms BURN:** It is the same that has already been requested, but, yes.

**Mr SCIPIONE:** Mr Shoebridge, I have been advised that we have a records policy but it does not expressly reference text messages. It says ephemeral records can be deleted, so if you send a text that is not ephemeral, you should keep it.

**Mr DAVID SHOEBRIDGE:** Or if you receive one?

**Mr SCIPIONE:** Correct. It says ephemeral records can be deleted. I will make a copy of that policy available to this Committee.

- c) **Mr DAVID SHOEBRIDGE:** It makes no reference to text messages and provides no guidance to police about how to deal with text messages, does it?

**Mr SCIPIONE:** It did does not expressly reference text messages. It says "ephemeral records", and if you go to the definition of an ephemeral record, in most dictionaries it will probably reference text messages via SMS.

**Mr DAVID SHOEBRIDGE:** It would be better to go to the one in the law though, would it not?

**Mr SCIPIONE:** I do not know what the one in the law says.

**Mr DAVID SHOEBRIDGE:** That is your job, is it not, as the police commissioner?

**Mr SCIPIONE:** We will find out and get back to you.

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**RESPONSE:**

I am advised:

See attached NSW Police Force Records and Information Management policy statement and response to Question 5 above re State Records Act.

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**12. LONG RANGE ACOUSTIC DEVICE (LRAD)**

- a) **Mr DAVID SHOEBRIDGE:** Has the Police Force acquired what is called a long range acoustic device [LRAD]?

**Mr SCIPIONE:** ... I can confirm we do have an LRAD.

- b) **Mr DAVID SHOEBRIDGE:** What was the cost?

**Mr SCIPIONE:** I cannot tell you. I can take that on notice.

**Mr DAVID SHOEBRIDGE:** Considering the potential for permanent hearing damage, are there guidelines in place or a standard operating procedure [SOP] to deal with a long range acoustic device? ... My question is whether there are guidelines and/or standard operating procedures that the Police Force has adopted to deal with its use?

**Mr SCIPIONE:** Yes.

- c) **Mr DAVID SHOEBRIDGE:** Are those guidelines or standard operating procedures?

**Mr SCIPIONE:** I would have to take that—I would assume that they would be SOPs. Again, I would need to take advice.

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**RESPONSE:**

I am advised:

- a) Yes.
- b) Approximately \$11,000 per device.
- c) The NSW Police Force has guidelines for the use of LRADs.

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**13. BAY AND BASIN POLICE STATION**

**The CHAIR:** This question is on behalf of the Hon. Paul Green. He would like an update on the progress of the Bay and Basin police station. First, has the site been identified for the station; secondly, will it be built on time in 2017, as promised; and, thirdly, will the police station be fully resourced and staffed and, if so, by what date?

**Mr TROY GRANT:** The Government has committed to a new \$5 million police station for the Bay and Basin area of the Shoalhaven Local Area Command. The plan is to relocate the Huskisson Police Station to a more central location, which will support policing across the Bay and Basin area. The 2016-17 budget includes \$1.24 million for this project. The \$1.24 million will support the early stages of development, including activities such as the site acquisition, planning and approvals. At this early stage it is expected that the construction of the new police station will be complete in 2018.

In speaking to the local member, Ms Shelley Hancock, I discovered that when one site was originally evaluated it was not deemed suitable. From local knowledge, I think that that would be the most suitable location. I have asked for it to be reconsidered now that its tenure and status has changed since it was originally evaluated. I am happy to get an update on that and provide that directly back to the Hon. Paul Green. I have already committed to get back to Ms Hancock on that matter.

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**RESPONSE:**

As stated in the hearing, I will seek details on this matter from the Commissioner and provide a further update directly to the Hon Paul Green when it becomes available.



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**14. CRIME STOPPERS**

- a) **Mr DAVID SHOEBRIDGE:** Who runs or owns Crime Stoppers?

**Mr TROY GRANT:** I will have to take that on notice. It is run by the organisation of Crime Stoppers in a partnership with the NSW Police Force, and is located at Tuggerah. I have been on site, but the exact ownership details and arrangements I will take on notice for you.

**Mr DAVID SHOEBRIDGE:** Commissioner, do you know if there is a corporation or a private entity behind Crime Stoppers.

**Mr SCIPIONE:** Crime Stoppers is a private entity.

- b) **Mr DAVID SHOEBRIDGE:** A corporation?

**Mr SCIPIONE:** I think it is incorporated. I will take that on notice, as the Minister said. We manage calls to the Crime Stopper number, but it is certainly not a NSW Police Force unit.

- c) **Mr DAVID SHOEBRIDGE:** Does that private corporation retain any data or any information that comes in via Crime Stoppers?

**Mr SCIPIONE:** I do not think so. I think that goes to our organisation. Bear in mind that Crime Stoppers is a national entity, so it goes to the respective State and Territory police forces.

**Mr DAVID SHOEBRIDGE:** I am happy for you to take the question—about the full details of what, if any, information is retained by Crime Stoppers—on notice.

**Mr SCIPIONE:** Full details will be made available to you.

- d) **Mr DAVID SHOEBRIDGE:** I would like to know what privacy provisions are in place and the name of the corporation.

**Mr TROY GRANT:** It is a good question that needs a full answer, which I am happy to take on notice.

- e) **Mr DAVID SHOEBRIDGE:** Can you also advise how much the NSW Police has paid to Crime Stoppers over the last three financial years.

**Mr TROY GRANT:** I am happy to take that on notice.

**Mr SCIPIONE:** I do not think we have paid anything but we will take that on notice.

- f) **Mr DAVID SHOEBRIDGE:** How much has the NSW Police Force spent on promoting Crime Stoppers' Dob in a Dealer program that is currently running?

**Mr SCIPIONE:** Again, we will take that on notice. I think that all of that funding is supplied by Crime Stoppers. But again, I will provide that information to you in totality.

- g) **Mr DAVID SHOEBRIDGE:** Including the funding for the police who staff the Dob in a Dealer booths that have been popping up all around the State?

**Mr SCIPIONE:** As I said, I will take that on notice and make that advice available.

...

- h) **Mr DAVID SHOEBRIDGE:** How many dealer reports have been received by the NSW Police Force since the commencement of the Crime Stoppers Dob in a Dealer program?

**Mr SCIPIONE:** I can take that on notice and provide that to you.

- i) **Mr DAVID SHOEBRIDGE:** While we are in an "on notice" mood, of those reports how many have led to a charge of possession of any illegal drug?

**Mr SCIPIONE:** Likewise.

- j) **Mr DAVID SHOEBRIDGE:** How many have led to a charge or prosecution for an indictable offence under the Drug Misuse and Trafficking Act? I do not expect you to have all those figures in your head.

**Mr TROY GRANT:** I am happy to take those questions on notice.

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## RESPONSE:

I am advised:

NSW Crime Stoppers Ltd is an incorporated public company, limited by liability. It operates in partnership with police, the community and the media. The NSW Crime Stoppers Board is primarily made up of volunteers from organisations across a range of sectors. NSW Crime Stoppers is a 24/7 point of contact for members of the community to anonymously provide crime information to the NSW Police Force. The NSW Crime Stoppers Unit is based at PoliceLink and the NSW Police Force is responsible for the operation of the contact centre. Crime information received by NSW Crime Stoppers is retained and managed by the PoliceLink Command.

The privacy policy of NSW Crime Stoppers Ltd is available on its website at <https://nsw.crimestoppers.com.au/privacy>.

PoliceLink Command protects the anonymity of Crime Stoppers informants.

NSWPF expenses in relation to the Dob in a Dealer campaign will be reimbursed by NSW Crime Stoppers out of the Federal Funding it received for the National campaign.

Any incidental expenses at Local Area Command level have been absorbed by each Command as part of their community engagement obligations.

The duration of the campaign was March to September 2016. Between March and July 2016, NSW Crime Stoppers created 8,600 information reports relating to drug crime which were forwarded to the NSW Police Force for investigation. However, it cannot be determined which contacts are a direct result of the Dob in a Dealer campaign as informants will not necessarily nominate a specific campaign or reason for contacting Crime Stoppers.

Given the campaign has not yet ended, it is too early to determine any outcomes. Investigations and charges resulting from the information reports created during the campaign period will be pursued over an indefinite period of time, depending on the value of the information provided.

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**15. MULTICULTURAL LIAISON OFFICERS**

a) **The Hon. SHAOQUETT MOSELMANE:** How many officers do you have?

**Mr SCIPIONE:** Let me confirm that for you, bearing in mind at any time you have vacancies; you have some that are vacant and those that are in the process of being filled, and those that are off duty. I can take that on notice, sir, and provide that to you.

b) **The Hon. SHAOQUETT MOSELMANE:** But specifically, how many officers are presently employed in the metropolitan and south-western Sydney region?

**Mr SCIPIONE:** Again, if I can take that on notice and make sure that I provide you with the accurate advice, as opposed to trying to take a snapshot.

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**RESPONSE:**

I am advised:

There are 33 Multicultural Liaison Officer (MCLO) positions across 25 Local Area Commands:

Central Metropolitan Region: Four positions.

North West Metropolitan Region: Nine positions.

South West Metropolitan Region: 18 positions.

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**2016 BUDGET ESTIMATES - RACING**  
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**1. GREYHOUND RACING INQUIRY**

**The Hon. LYNDIA VOLTZ:** Minister, in regard to the greyhound racing inquiry, do you have any ongoing investigations into greyhound racing at the moment?

**Mr TROY GRANT:** Me personally or the department?

**The Hon. LYNDIA VOLTZ:** The department.

**Mr TROY GRANT:** I will take that on notice. I will have to get that information from Greyhound Racing NSW, the NSW Police Force and the RSPCA to confirm that. My anecdotal information is that there are active investigations occurring in relation to animal cruelty.

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**RESPONSE:**

I am advised there are currently ongoing investigations into greyhound racing, including welfare complaints, by Greyhound Racing NSW, NSW Police Force and RSPCA NSW.

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**2. GREYHOUND RACING INQUIRY REPORT**

**The Hon. LYNDIA VOLTZ:** By what method did the greyhound commission of inquiry deliver its report to Government?

**Mr TROY GRANT:** By the method required of it under the Special Commissions of Inquiry Act, where Justice McHugh handed the report, as I understand, to the Governor of New South Wales and that report was then provided to the New South Wales Government, to the Premier of New South Wales and to the Minister, being myself.

**The Hon. LYNDIA VOLTZ:** On what date did that occur?

**Mr TROY GRANT:** I will confer with my staff to give you an accurate date, or I can take that on notice. It was 16 June, which is recorded in the front cover of the report.

**The Hon. LYNDIA VOLTZ:** On what date did Cabinet consider the report?

**Mr TROY GRANT:** The full Cabinet considered the report on 7 July, the date of the announcement.

**The Hon. LYNDIA VOLTZ:** Did a part of the Cabinet consider it? Did a Cabinet subcommittee consider it?

**Mr TROY GRANT:** The Premier, being a member of the Cabinet; myself, as the Deputy Premier, and Minister for Racing; and a member of Cabinet considered it. As with all Cabinet minutes, they are loaded onto an eCabinet system and then all members of the Cabinet read and considered the Cabinet submission between the date it was loaded and the date of the Cabinet meeting on 7 July.

**The Hon. LYNDIA VOLTZ:** On what date was it loaded?

**Mr TROY GRANT:** I will check. I am unaware of that date. I understand that process is Cabinet in confidence.

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**RESPONSE:**

As I indicated in the Hearing, that information is Cabinet in confidence.

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**3. ILGA STAFF AND STAR CASINO**

- a) **The Hon. LYNDA VOLTZ:** Before the reforms to the structure of the Independent Liquor and Gaming Authority were implemented, how many specialist staff were allocated to monitoring The Star casino?

**The Hon. TROY GRANT:** I will take that question on notice so that I can provide an exact answer. Since 1 June 2016 and when the reforms were implemented, 17 covert deployments have occurred at high-risk venues, and 110 audits of the casino have been undertaken as part of complaint investigations.

- b) **Ms TORRES:** We need to make it clear that Liquor and Gaming has assumed responsibility and as part of that test moved away from the permanent 24/7 location. However, by going through a rotational system and shift work models there is greater exposure and a much wider number of inspectors who are being exposed to the casino environment. The Liquor and Gaming inspectors, as the Deputy Premier said, have already been undertaking several investigations in relation to the casino and have done a number of overt and covert operations there. In addition, Liquor and Gaming inspectors also have permanent access to the Star's CCTV networks and can monitor at any time they choose. Prior to this, as you point out, the Independent Liquor and Gaming Authority [ILGA] inspectors were based at the Star. I will have to come back to you on notice about the exact number because it is about shift work.

**The Hon. LYNDA VOLTZ:** That is fine. You can come back to us on notice about that.

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**RESPONSE:**

I am advised:

- a) Seventeen specialist staff.
- b) Fifteen inspectors.

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**4. ILGA BOARD MEMBERS**

**The Hon. LYNDIA VOLTZ:** Minister, how many members of the ILGA board have left in the past 12 months?

**Mr TROY GRANT:** I will take that on notice for the exact number and the composition. I understand it is four, but I will confirm that on notice.

**Ms TORRES:** I can confirm if that is helpful.

**Mr TROY GRANT:** Yes.

**Ms TORRES:** The former chair, Chris Sidoti, Helen Morgan and Ken Brown have, over the past few months, been replaced for various reasons—terms expiring and so on.

**The Hon. LYNDIA VOLTZ:** So it is four out of five?

**Ms TORRES:** They have been replaced by Philip Crawford as the new chair, Craig Sahlin, Nicky McWilliam and two other gentlemen whose names escape me at the moment. We will provide full details.

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**RESPONSE:**

The ILGA Board is currently undergoing a period of renewal as is not uncommon with government boards.



**2016 BUDGET ESTIMATES - RACING**  
**QUESTIONS TAKEN ON NOTICE FROM HEARING**  
**1 SEPTEMBER 2016**

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**5. GAMBLING LOSSES AND NSW POKER MACHINES**

**Mr JUSTIN FIELD:** While you are explaining that, could you also go to why you think that people who regularly gamble in New South Wales lose about twice as much as people in some other States? I know that people have the right to gamble, but, if it is not due to government settings, why are people in New South Wales more willing to lose money on poker machines? Could it be because we have so many of them in New South Wales?

**Mr TROY GRANT:** I do not think that is a question I can answer. It would need some substantive research. I am happy to take on notice to provide you with all the available material that may help to answer that, but there may be a need to study that very question you are asking. It is not an answer I have at hand.

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**RESPONSE:**

I am advised:

According to the most recent data reported in *Australian Gambling Statistics* released in August 2016, real per capita gaming expenditure has decreased in NSW over the last decade.

The NSW Government is committed to developing a better understanding of gambling in NSW. In October 2015, the Government committed funding of \$475,000 to undertake a prevalence study to further understand the nature of gambling including participation in gambling activities, frequency of gambling, attitudes to gambling, impacts of gambling and help seeking behaviour. The study will provide the government with a comprehensive understanding of gambling behaviours and attitudes of gamblers in NSW, including recreational, at risk and problem gamblers. The prevalence study will commence in early 2017.

The NSW Government has partnered with ACT Government to undertake a 5 year longitudinal study of problem gamblers to explore the long term impact and pathways that problem gamblers follow in gambling and treatment. This research will be completed in 2017 and will provide the Government with important information on how to support problem gamblers.

**2016 BUDGET ESTIMATES - ARTS**  
**QUESTIONS TAKEN ON NOTICE FROM HEARING**  
**1 SEPTEMBER 2016**

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**1. OPERA AUSTRALIA AND AUSTRALIAN BALLET MEETING**

**Mr TROY GRANT:** It is those types of innovative ideas that I have discussed in the meetings I have had with Opera Australia and the Australian Ballet about sourcing other venues and other opportunities to continue their programming in and around New South Wales, and the global opportunities are being considered by them. I continue to have a strong, healthy relationship with both companies as they look to plan for the disruption period concerning the Concert Hall in which they usually perform.

**The Hon. WALT SECORD:** When did you meet with them? What was the date?

**Mr TROY GRANT:** That was published in my ministerial diaries, which are publically available. I am happy to provide you the exact dates. I will need to check.

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**RESPONSE:**

My diary is disclosed as part of the Ministers' diary disclosures at  
[http://www.dpc.nsw.gov.au/about/publications/ministers\\_diary\\_disclosures](http://www.dpc.nsw.gov.au/about/publications/ministers_diary_disclosures)

I met with The Australian Ballet and Opera Australia on 3 June 2015 to discuss the Joan Sutherland Theatre.

**2016 BUDGET ESTIMATES - ARTS**  
**QUESTIONS TAKEN ON NOTICE FROM HEARING**  
**1 SEPTEMBER 2016**

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**2. OPERA AUSTRALIA AND AUSTRALIAN BALLET ASSISTANCE**

**The Hon. WALT SECORD:** What is your assistance involving? It is helping them find locations or giving them financial compensation?

**Ms TORRES:** We are not, at this point, contemplating compensation. Our understanding is that the Opera House was quite clear in negotiations prior to commencement of the Joan Sutherland Theatre planning that no compensation would be payable from the Government or from the Sydney Opera House.

**The Hon. WALT SECORD:** From the very beginning?

**Ms TORRES:** From the very beginning. Opera Australia and the Australian Ballet are supportive of the project. It is a matter of working through—

**The Hon. WALT SECORD:** Was that communicated to them verbally or through correspondence?

**Ms TORRES:** Off the top of my head I do not know. I can confirm and come back to you.

**The Hon. WALT SECORD:** Can you take it on notice? Thank you.

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**RESPONSE:**

I am advised:

Opera Australia (OA) and The Australian Ballet (TAB) have been advised, verbally and in writing by the Sydney Opera House (SOH), that SOH would cover the \$44 million project costs for the JST upgrades, plus its own business disruption costs for the seven-month JST closure, but not closure costs for OA and TAB.

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NSW Police Force

## Records and Information Management policy statement

### 1. INTRODUCTION

Under the State Records Act, 1998, all public offices are required to establish and maintain a records and information management program that conforms to the standards and codes of best practice approved by the State Records Authority of New South Wales.

The Australian Standard AS ISO 15489 Records Management has been adopted as a code of best practice for the management of records by the NSW Public Sector.

The legislation and standard applies to both physical and electronic records and requires the New South Wales Police Force (NSWPF) to document business transactions fully and accurately in a compliant recordkeeping system.

### 2. AUTHORITY OF THIS POLICY

This policy is issued as corporate policy under the authority of the Commissioner's Executive Team (CET) and will be reviewed and amended as required, in consultation with business unit managers, local area managers and other members of staff.

Ownership of this policy rests with the Manager, Process and Records Services.

### 3. COMPLIANCE WITH THIS POLICY

Under Section 10 of the State Records Act 1998, the Commissioner has a duty to ensure that the NSWPF complies with the requirements of this Act and any associated regulations. Therefore all staff, consultants, contractors and volunteers must comply with this policy, and the procedures issued in accordance with it.

This policy applies to records of work done by, or on behalf of, the NSWPF, and therefore it applies to sworn and unsworn officers of the NSWPF, consultants, contractors and volunteers.

### 4. PURPOSE OF THIS POLICY

The purpose of this policy is to define and specify records and information management principles that all staff must comply with to ensure that NSWPF effectively fulfils its obligations and statutory requirements. This policy applies to all personnel who create records, across all NSWPF locations.

The aim of this policy is to ensure that:

- Principles and procedures of good records and information management are consistent across all commands and units of the NSWPF.
- Records are created and maintained as an integral component of, and support to, NSWPF business processes.
- Accepted standards of accountability are maintained.
- Guidelines on security, privacy and disposal of records are observed.

Records are essential parts of the NSWPF's information resources and corporate memory. They are an asset crucial in meeting business, accountability and audit requirements, and like any asset, they need to be managed efficiently and effectively. The creation, transmission, maintenance, use and retention/disposal of records must be in accordance with this policy.

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## 5. SCOPE OF THIS POLICY

This scope of this policy covers:

- All administrative, functional and investigative information and the records they form, as created and managed by the NSWPF to ensure that they are protected from unauthorised or unlawful access, destruction, loss, deletion or alteration.
- All information managed within the corporate recordkeeping system, RMS, or other NSWPF corporate information management systems, covering all operating environments, including diverse system environments and physical locations.
- All records and information managed and maintained on behalf of the NSWPF, in all outsourced, cloud and similar service arrangements, plus systems that hold high-risk and/or high value records.

## 6. RECORDS AND INFORMATION MANAGEMENT PROGRAM

The records and information management program is a planned, coordinated set of policies, procedures and activities that are required to manage NSWPF's records.

The objectives of this program are that:

1. NSWPF has the records it needs to support ongoing business activities and customer services, meet accountability requirements and community expectations.
2. These records are managed efficiently and effectively.
3. These records can be readily retrieved when required.
4. Records relating to critical NSWPF activities are preserved for historical and research reasons.

Section 12(2) of the *State Records Act 1998* requires the following principles be implemented for establishing and maintaining a records and information management program:

The program is directed by policy

- Records management is directed by policy adopted at the corporate level.
- Policy statements direct that records are made, captured, maintained and disposed of in accordance with the legal, regulatory and business needs of the public office.
- Policy defines the responsibilities of all personnel who manage records and information.

The program is planned

- Long and short term records management goals are identified and documented in the planning mechanisms of the public office.
- Adequate resources are allocated to achieve long and short term records management goals.

The program is staffed with skilled people

- Overall responsibility for the records management program is assigned to a Nominated Senior Officer.
- Specialist records management skills required to implement the records management program and its component recordkeeping systems are available to the organisation.
- Staff undertaking records management have appropriate skills for their positions and responsibilities and these are kept up to date.

The program is implemented

- Records are made, captured and maintained in official recordkeeping systems in accordance with legal, regulatory and business needs.
- Business systems meet identified requirements for making and maintaining records.

- Current retention and disposal authorisation is in place for all records, regardless of format, of the public office.
- Records are disposed of in accordance with authorised retention and disposal authorities and appropriate processes.
- Staff are trained in recordkeeping practices and procedures, and training is appropriate to their positions.
- Staff use official recordkeeping systems and services and have access to appropriate advice.

The program is monitored and reviewed

- All aspects of the records management program are regularly reviewed against performance objectives.
- Opportunities are identified for improving the effectiveness, efficiency and quality of records management systems, processes and tools through regular monitoring and review.
- Areas for improvement are addressed in records management planning.

## 7. RECORDKEEPING RESPONSIBILITIES

The State Records Act requires all public officials to 'make and keep full and accurate records' of their business activities.

The NSW Public Sector Code of Conduct requires all public officials to maintain adequate documentation to support any decisions made of their business activities.

The Ombudsman's Good Conduct and Administrative Practice Guideline 2006 – 2<sup>nd</sup> Edition for Public Authorities states that public official must make and create records to support accountability and corporate memory.

Under Parts 2 – 8 of the State Records Act, 1998, the Commissioner is responsible for ensuring that the NSWPF complies with the regulations and requirements of the Act.

The Process and Records Services Unit develops, and has overall responsibility for the NSWPF records and information management program covering policies, procedures, training and advice, records classification and disposal tools, management of RMS – the corporate records management system, management of corporate archives including provision of reference and access services, records storage and life-cycle management solutions, and quality assurance of records.

All records captured and maintained at the local level must comply with the procedures for, and concepts of, records management, as outlined in this and other Records Services' policies and procedures.

## 8. THE IMPORTANCE OF RECORDKEEPING

A record is defined as:

"Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business" (Source: ISO 15489 - International Standard on Records Management).

All records created by NSWPF personnel in the course of their duties are considered public records of the NSW Government. The NSWPF therefore has an obligation to the people of New South Wales to ensure that the principles of records management are implemented. This ensures that:

1. Business communications and decisions are captured as official records.
2. The evidentiary chain is kept intact.
3. Information is available for ongoing business purposes.
4. Storage costs are minimised through accountable records disposal.
5. An historical record of the NSWPF is maintained.

Under the NSWPF Code of Conduct, all NSWPF personnel are required to "make sure confidential information cannot be accessed by unauthorised people and sensitive information is released only to people inside and outside of the NSWPF who have a lawful access need".

Records generated by NSWPF document the organisation's past activities and may be required for internal and external investigations, litigation, and public access reasons. It is therefore essential that records are properly created and can be retrieved when needed.

#### **9. DIGITAL INFORMATION AND RECORDKEEPING**

Activities and business transacted electronically must be managed in accordance with this policy. The medium of the record is immaterial to how it is managed; the critical factor is the subject matter and its content, rather than the format.

The preferred method for managing information within NSWPF is to capture, distribute and dispose of records in electronic format throughout their life-cycle. This is the most efficient and cost-effective method of managing information and NSWPF is moving to minimise the creation of hardcopy records as a corporate priority.

Electronic records fall into two main categories – unstructured documents saved to network drives and emails, and information held in databases.

Unstructured information, such as documents and emails, that are evidence of business transactions must be registered in RMS and attached electronically to an appropriate file also registered in the corporate recordkeeping system RMS.

Digitisation processes must ensure that the images created are full and accurate and that they are also:

- **Authentic** - i.e. the product of routine, authorised digitisation and registration processes.
- **Complete** - i.e. an accurate, legible reproduction of the original, without substantive changes or deletions of content.
- **Accessible** – i.e. available and readable to all with a right to access them for as long as required.

Digital images also need to be stored, backed up and managed effectively for as long they are as required. When digital images replace original paper records as evidence of business, it is particularly important to store master versions in a way that promotes and ensures their security and longevity.

Images stored in a digital recordkeeping system must comply with the following requirements:

- **Secure** – i.e. unable to be altered or tampered with or accessed by unauthorised users. Digital images must remain accurate and reliable reproductions of the original paper records that were created or received, so that they can be trusted as reliable evidence. Unauthorised attempts to access them must be able to be detected by the system and images and their associated metadata must also be backed up and protected from disaster.
- **Accessible** – i.e. stored in a way that allows anyone with sufficient access privileges to access and view the digital images and their metadata.
- **In context with related records** – i.e. related to other records that document the same business processes. Digital images will also inherit the metadata and classifications associated with the business process they document or relate to.
- **Able to be managed long term (when required)** – i.e. protected, accessible and useable for as long as required, as defined by existing retention and disposal authorities.

If a digital image is linked to a business system, the system should have recordkeeping functionality or be integrated with RMS. This will enable the image to comply with the requirements detailed above and inherit metadata associated with the business processes it forms part of.

Removable media must not be used to store State Records as they are subject to a number of risks including being easily damaged, stolen or lost. Additionally they are not backed up as part of a regular backup cycle.

The Manager, Process and Records Services should be consulted whenever new databases and automated systems are being implemented, to determine the recordkeeping requirements and ensure compliance with legislative requirements

#### **General Authority 45 (GA45) – Original or source records that have been copied**

GA45 provides the authority to the NSWPF to securely dispose of hard-copy records and digital records that have been registered and attached to the NSWPF Records Management System (RMS), subject to meeting the specified criteria in section 1.4 of GA45.

It is recommended that any hard-copy or digital record added to RMS as an electronic record is securely destroyed at the first available convenience.

## **10. SECURITY OF RECORDS AND INFORMATION**

### **10.1. Security Classification of Information**

To ensure the protection of corporate information produced and managed by NSWPF, security classifications based on national standards have been developed and implemented. Details of the various security levels and associated Dissemination Limiting Markers (DLMs) used by NSWPF and guidelines on managing information classified in terms of these security levels, are available on the Classification and Security Classifications Intranet page.

### **10.2. Circulation and Tracking of Records**

All official records of the NSWPF must be accessible at any point in time, subject to appropriate access and security controls being in place.

The electronic management of records registered within RMS provides a secure and auditable method of tracking and circulating information, whilst minimising the risk of their loss.

Electronic records registered in RMS are immediately available subject to any access restrictions placed upon them.

Managing records in hardcopy format is subject to the receipt and actioning of the record, with subsequent delays imposed by the delivery of mail, increasing the risk of the record becoming lost. The records can also only be actioned on an individual basis.

### **10.3. Confidentiality of records**

NSWPF personnel must take particular care to ensure that any information that relates to sensitive reports, investigations, or other protected matters, is appropriately classified and managed in terms of the information security classification.

### **10.4. Security of Records**

All members of the NSWPF have a statutory obligation to ensure that any official record that comes into their possession or that they have access to is used only by authorised personnel for official purposes.

NSWPF personnel must make themselves familiar with provisions regarding the secrecy and confidentiality of police business as outlined in Part 4, Clause 75 of the Police Regulation 2008.

Users of RMS have been assigned appropriate levels of security clearance that restrict the information that they can access on a need-to-know basis.

### **10.5. Access to Records**

Records must be available to all authorised staff that require access to them for business purposes. Reasons for restricting access must be justifiable.

Members of the public are entitled to access to records of the NSWPF, subject only to the exemptions and exceptions provided for in the *Government Information (Public Access) Act 2009*.

There are other legislative instruments which allow other agencies or members of the public to access to records held by the NSWPF. NSWPF will assess and make a decision to grant or refuse all requests for access to its records which are properly lodged in accordance with the relevant governing legislation.

### **10.6. Safe Handling**



Only records secured as 'Secret' require safe handling. For information on the management, handling and transmission of Secret information within the NSWPF please refer to Appendix 1 of the NSWPF Information Classification, Protective Marking and Handling Guidelines.

## 11. DESTRUCTION OF RECORDS

The destruction of NSWPF records, whether in hard-copy or electronic format, is regulated by section 21 of the State Records Act 1998. Functional Disposal Authorities are approved by the NSW State Records Authority and specify set retention periods and disposal actions relating to records specific to NSWPF. NSWPF records must be sentenced in accordance with an approved disposal authorities; advice and guidance on the use of the Disposal Authorities used within the NSWPF can be found on the Records Services intranet site.

Commands and Business units that create records are the Owners of the records and as such have responsibility for ensuring that records are appropriately sentenced with an approved Disposal Authority. The ownership of any record is maintained even after records have been transferred to the custody of Records Services.

The Director, Shared Services has delegation to approve the destruction of all records in the custody of Records Services. However, prior to any records being destroyed, commands and business units will be given 4 weeks to reply and request an extension to the retention period for any records that they are responsible for.

Extensions will only be approved if one, or more, of the following conditions are met:

1. The records are required for current or pending legal action.
2. The records may be required as evidence in a court case.
3. The records are the subject of a current or pending access request or application, such as under the Government Information (Public Access) Act (GIPA) or a privacy request.
4. The records are subject of any other statutory access request.
5. The records relate to an unsolved serious crime.

Records that don't provide evidence of a business transaction or a decision can be destroyed without specific reference to a disposal authority, under Normal Administrative Practice (NAP). The destruction of records under NAP is intended to have a narrow use, with most records having to be disposed of in accordance with approved disposal authorities. Under NAP, drafts, working papers, duplicates, computer support records, facilitating instructions and stationery can be destroyed without the need to refer to disposal authorities.

When digital images are managed as records, their disposal must also be authorised. They must be retained for the same retention period that the original paper records were subject to.

Records must not be destroyed if they are subject to a disposal freeze or an embargo.

For audit and reference purposes, the NSWPF Manager, Corporate Records & Logistics should be informed when any official records are destroyed. The advice of the NSWPF Manager, Corporate Records & Logistics should be sought if there is any doubt as to whether records should be destroyed.

## 12. STORAGE & TRANSFER OF INFORMATION AND RECORDS

Active hardcopy records should be stored locally by Commands and Business Units for a minimum of 2 years or until such time as they are no longer frequently accessed. Records held by Commands and Business Units must be appropriately secured.

Inactive records can be transferred into the custody of Corporate Records & Logistics in accordance with established transfer protocols.

For advice and guidance on transferring records, please refer to the Transfers, Storage and Disposal Procedures section of the Records Intranet Site.

Records identified as a State Archive, as detailed in disposal authorities, will be transferred to the State Records Authority of NSW by Corporate Records & Logistics.

## **Appendix A – Relevant legislation, standards, procedures and disposal authorities**

### **Legislation**

- State Records Act, 1998
- Government Information (Public Access) Act, 2009
- Privacy and Protection of Personal Information Act, 1998

### **Standards**

AS ISO 15489 (International Standard on Records Management)

Government Recordkeeping Manual, 1999 – prepared by State Records Authority of NSW. Includes the following standards:

- Standard on the physical storage of State records
- Standard on records management

### **Disposal Authorities:**

- DA220 – NSW Police Force Functional Retention and Disposal Authority
- DA221 – NSW Police Force Investigation Case File Disposal Authority
- GA28 – General Retention & Disposal Authority
- GA45 – Original or source records that have been copied
- State Records Guideline No 8 – Normal Administrative Practice

### **Procedural Guides**

- Records Services Intranet site – Policies and Procedures
- Information Security Classification



**NSW Police Force**

Our Ref: D/2016/520965  
Your Ref: D16/34291

27 October 2016

Ms Rebecca Main  
Director – Committees  
Parliament House  
Macquarie Street  
Sydney NSW 2000

By email: [budget.estimatedes@parliament.nsw.gov.au](mailto:budget.estimatedes@parliament.nsw.gov.au)

Dear Ms Main

**Budget Estimates 2016-2017, GPSC No. 4**

1. I have provided advice in conference to the Commissioner regarding obligations under the *State Records Act 1998* as well as the terms of NSWPF's Records Management Policy. I advised the Commissioner that regardless of the format, ephemeral records can be destroyed under normal administrative practice.
2. In September 2016 NSWPF addressed Budget Estimates Questions regarding compliance with the *State Records Act 1998*. NSWPF's responses demonstrated that NSWPF has a records management policy that complies with the requirements of the *State Records Act 1998*.

Yours sincerely

**Sally Webb**  
**General Counsel**

OFFICE OF THE GENERAL COUNSEL

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