

**PORTFOLIO COMMITTEE NO. 4
LEGAL AFFAIRS BUDGET ESTIMATES 2017-2018
HEARING: 9 NOVEMBER 2017
POLICE QUESTIONS TAKEN ON NOTICE**

1: POLICE INVOLVEMENT IN SEARCH OF AWU OFFICES

The Hon. ADAM SEARLE: Which local area command was that?

Mr FULLER: I believe it was Sydney City Local Area Command, but I can take that on notice if it is important.

ANSWER:

I am advised:

Sydney City Local Area Command.

2: AWU SEARCH - REQUEST FOR LAC POLICE

The Hon. ADAM SEARLE: ... Are you able to tell us who made the request for the additional officers from the LAC to become involved? Was it those officers already seconded to the task force, or was it—

Mr FULLER: I would have to take that on notice.

The Hon. ADAM SEARLE: I would like to know at what level the request was made, by whom, to whom and when.

Mr FULLER: It was the detective sergeant who agreed to assist the commission staff with the search warrant, but I am unsure what level made the decision to reach out for local staff to assist. But I can certainly find that out easily.

The Hon. ADAM SEARLE: Just so we are clear, I would like to know when the request was made for the additional officers, who made the request—either the name or the rank—to whom it was made and when the request was made.

ANSWER:

I am advised:

A Commander from the Australian Federal Police contacted a Detective Superintendent at the NSWPF State Crime Command on 24 October 2017 to request the presence of local police officers to assist with any breaches of the peace during the search warrant.

3: AWU SEARCH - REASON FOR ADDITIONAL POLICE

The Hon. ADAM SEARLE: As well as who, when and all of that, I would like to know if there was a stated reason for the additional assistance being sought.

Mr FULLER: Is that in terms of both the officers on the task force and the uniformed police—

The Hon. ADAM SEARLE: No, I think we can assume why the officers were seconded to the task force. It is more the additional officers. I would also like to understand how many New South Wales police officers altogether were involved with the execution of the warrant and the perimeter—how many bodies were on the ground on the day.

Mr FULLER: Details easily obtained.

ANSWER:

I am advised:

Two NSWPF officers attached to the Registered Organisations Task Force were the only NSWPF officers involved in the execution of the warrant.

Four officers from the Sydney City LAC attended to ensure there were no public order issues. The officers from Sydney City LAC took no part in the search warrant process.

4: AWU SEARCH - TASK FORCE SECONDMENT

The Hon. ADAM SEARLE: Again, not a trick question, but I would like to understand the basis upon which the officers seconded to the task force were so seconded, if it is a published document. If it is a confidential document, maybe the Committee could be permitted to see the terms of it, but I will leave that to your discretion.

Mr FULLER: It is history before my time, but certainly it is history that will have been documented.

The Hon. ADAM SEARLE: Thank you. Also, when was that request made, by whom and for what stated purposes?

Mr FULLER: In terms of when those officers were originally seconded to the task force or the commission.

ANSWER:

I am advised:

The Task Force was established following a request from the Royal Commission into Trade Union Governance and Corruption in 2014. The Joint Agency Agreement entered into by the AFP and the NSWPF states that the operational intent of the agreement is to carry out joint operations and investigations referred by, or related to, the Royal Commission.

5: AWU SEARCH - EXECUTION OF WARRANT

The Hon. ADAM SEARLE: When did your office first become aware about the execution of the warrant? Again, if you do not know offhand, please take that on notice.

Mr FULLER: From my perspective, we picked it up in the media in terms of my office, and then I asked my chief of staff to make contact with the Australian Federal Police to ascertain whether there were any other warrants, knowing that it was going to cause some interest. I felt as though it would be important that I was informed. But I would have loose timings - I just do not have them now. It would have been some time after the warrant was executed and there was media in relation to it.

ANSWER:

I am advised:

The Office of the Commissioner became aware of the execution of the warrant at around 5pm on 24 October 2017.

6: AWU SEARCH - POLICE PRESENCE AND ROLE

The Hon. ADAM SEARLE: Are you able to tell us whether any of the New South Wales police officers present on the day enter the offices of the Australian Workers' Union?

Mr FULLER: I would only be guessing. I will double-check, but I would assume the detectives on the task force certainly would have. But I can double-check—that would all be well and truly recorded.

The Hon. ADAM SEARLE: Rather than guess, I invite you to find out just so we are clear. If you can also inform us whether they entered the offices of the union and what role they played in the execution or the support of the execution of the warrant.

Mr FULLER: Again, that will be well documented

ANSWER:

I am advised:

Two members of the NSWPF attached to the Task Force were involved in the execution of the warrant.

7: AWU SEARCH - COST TO NSWPF

The Hon. ADAM SEARLE: Once you ascertain the number of officers involved, we would like to understand what the cost was to the NSW Police Force of participation in that event on 24 October. Please take that on notice.

ANSWER:

I am advised:

The Task Force is funded by the Federal Government.

8: POLICE STRENGTH IN COOTAMUNDRA AND WAGGA WAGGA

The Hon. LYNDA VOLTZ: Would you agree that Cootamundra and Wagga Wagga Local Area Commands are presently operating with an under-strength complement of front-line police officers?

Mr FULLER: I would have to double check but certainly at times there will be commands in the State that will be under authorised strength, that is correct.

The Hon. LYNDA VOLTZ: Can you take that on notice in regards to Cootamundra and Wagga Wagga?

Mr FULLER: Yes, absolutely

ANSWER:

I am advised:

Police strength figures are available on the NSW Police Force website.

9: NSWPF RE-ENGINEERING IN METROPOLITAN SYDNEY

The Hon. LYNDA VOLTZ: You expect to have the commanders in place when, exactly?

Mr FULLER: All the commanders have been selected. I apologise that I do not have the list but if you are interested, I can provide that to you.

The Hon. LYNDA VOLTZ: Take that on notice.

Mr FULLER: Yes.

ANSWER:

I am advised:

Commanders for each of the new Police Area Commands have been selected and appointed, as follows:

- North Shore Police Area Command – Superintendent Alan Sicard
- Eastern Suburbs Police Area Command – Superintendent Jason Box
- Nepean Police Area Command – Superintendent Brett McFadden
- Campbelltown City Police Area Command – Superintendent Wayne Benson
- Fairfield City Police Area Command – Superintendent Peter Lennon
- Inner West Police Area Command – Superintendent Julie Donohue
- Cumberland Police Area Command – Superintendent Matthew Appleton
- Liverpool City Police Area Command – Superintendent Gelina Talbot
- Burwood Police Area Command – Superintendent David Johnson
- Sutherland Shire Police Area Command – Superintendent Julian Griffiths

10: POLICE AREA COMMAND OPERATIONAL STRENGTH

The Hon. LYNDA VOLTZ: Could you take those police area commands on notice, in terms of their operational strength, because you will be given a time period to provide them to the Committee as a question on notice.

ANSWER:

I am advised:

Police strength figures are available on the NSW Police Force website.

Proposed Fairfield PAC – Fairfield LAC and Cabramatta LAC

Proposed Cumberland PAC – Holroyd LAC and Rosehill LAC

Proposed Liverpool PAC – Liverpool LAC and Green Valley LAC

Proposed Burwood PAC – Burwood LAC and Ashfield LAC

Proposed Sutherland Shire PAC – Sutherland LAC and Miranda LAC

Proposed Nepean PAC – Penrith LAC and St Marys LAC

Proposed Inner West PAC – Marrickville LAC and Newtown LAC

Proposed North Shore PAC – Harbourside LAC and North Shore LAC

Proposed Eastern Suburbs PAC – Eastern Suburbs LAC and Rose Bay LAC

Proposed Campbelltown PAC – Campbelltown LAC and Macquarie Fields LAC

11: SUSPECT TARGET MANAGEMENT PLAN (STMP)

Mr DAVID SHOEBRIDGE: Is there a formal document, a policy, which sets out STMP?

Mr FULLER: That is correct.

Mr DAVID SHOEBRIDGE: Are you in a position to provide that to the Committee?

Mr FULLER: In the past we have had legal advice that has been sought through different processes and we have not provided it, but if I could just take that on notice in terms of whether that is something that we would provide or not?

ANSWER:

I am advised:

The NSWPF cannot release the Suspect Target Management Plan (STMP) Framework and related documents because they contain detailed methodology and information police use to identify and engage with repeat offenders.

12: STMP - BAIL CONDITIONS FOR ABORIGINALS

Mr DAVID SHOEBRIDGE: Is that being rolled out across New South Wales or is it just part of the Bourke project?

Mr FULLER: I will give you the locations where we are trialling it. I do not have the locations on me, but I am happy to provide that to you.

ANSWER:

I am advised:

The trial is taking place in Dubbo, referred to as the Aboriginal Bail Project Pilot.

13: POLICE LENGTH OF SERVICE

The Hon. LYNDA VOLTZ: What is the average length of service these days?

Mr FULLER: I apologise, I will have to take that on notice.

ANSWER:

I am advised:

Average administrative officer length of service is 12.5 years.

Average sworn officer length of service is 14 years.

14: DOMESTIC VIOLENCE POSITIONS

The Hon. COURTNEY HOUSSOS: I just wanted to talk a little bit about domestic violence because that is obviously another longstanding problem in rural and regional communities. You talked earlier about the domestic violence high risk squads.

Mr FULLER: Offender teams, yes.

The Hon. COURTNEY HOUSSOS: Offender teams, sorry. Are you able to give us a breakdown— and I am happy if you take this on notice—of how many domestic violence liaison officers have been allocated to affected communities in rural and regional New South Wales?

Mr FULLER: I can get those stats easy for you.

ANSWER:

I am advised:

As at 14 November, the allocation of Domestic Violence Operatives and Domestic Violence & Victim Support Liaison Officers in country regions was:

Region	Authorised	Actual
Northern	32	42
Southern	19	23
Western	19	25
Total	70	90

15: FIXED WING AIRCRAFT - SPEED ENFORCEMENT

A: The Hon. COURTNEY HOUSSOS: I have got a couple of questions on fixed wing police aircraft in New South Wales. How many are there in New South Wales?

Mr FULLER: I would have to take that on notice. I think there are three; they are Caravans that have been recently purchased. It is two or three, but I can let you know.

B: The Hon. COURTNEY HOUSSOS: How many people are employed to pilot those aircraft?

Mr FULLER: Again, I do not have the information, but it would be easily obtained

C: The Hon. COURTNEY HOUSSOS: Can you tell us how many—again, on notice is fine—aerial patrols are conducted on a monthly basis?

Mr FULLER: I would imagine some of them would be national security type patrols. I will take it on notice and I will let you know what I can in terms of that answer

D: The Hon. COURTNEY HOUSSOS: This might be another one you can take on notice: How many fines are issued as a result of the aerial patrols?

Mr FULLER: In terms of road enforcement?

The Hon. COURTNEY HOUSSOS: Yes.

Mr FULLER: All of those questions were in relation to road enforcement?

The Hon. COURTNEY HOUSSOS: Yes.

Mr FULLER: I am sorry.

The Hon. COURTNEY HOUSSOS: We do not need to delve into national issues.

Mr FULLER: I will take all of that on notice, if I could, and come back to you.

ANSWER:

I am advised:

A: There are three fixed wing aircraft owned and operated by the NSW Police Force.

B: There are five full time fixed wing pilot positions.

C: Between 1 July 2016 and 14 November 2017 the NSWPF's aircraft (helicopters and fixed wing) have flown 3951 hours (which includes a combination of operational flying hours, training flying hours, and CASA compliance flying hours).

D: The NSWPF's Aerial Speed Enforcement Program ceased in 2015. The Aviation Support Branch does provide aviation support services for other operational road enforcement matters, such as responding to vehicle pursuits and directing police vehicles to conduct intercepts. This support is primarily provided by helicopters during crime and pro-active patrols.

16: FIREARMS - SILENCERS

The CHAIR: At the last budget estimates hearing on 31 August I asked the Minister for Police a number of questions which were taken on notice. The responses subsequently provided lacked the detail I was seeking so I will ask those questions again today in the hope that the staff of the Firearms Registry may be able to better understand the answers I was trying to get.

Regarding firearm suppressors, in answer to my question No. 76 regarding firearm suppressor guidelines—I have a copy here, which I will hand to you later—which was submitted to the Firearms Registry for consideration and adoption, the Minister advised that it was decided that the Firearms Registry staff would continue to use the current NSW Police Force internal resources, as well as the legislation and court outcomes when making decisions on applications. Do the internal resources show that the use of firearms with a silencer in crime is a rare occurrence—as in the United States, in the published paper by Paul Clark? I can hand you up a copy of that. I do not expect you to answer this off the top of your head but if you can that would be good. Will you provide the Committee with copies of those internal resources on notice?

Mr FULLER: I have to say that last time we spoke I thought internal resources were humans, but it turns out they are not—so it was a learning curve for me! I will answer the question, but I did meet with the commander of the Firearms Registry last week, about providing a quicker and better service around the registry, which was agreed to. We are going to conduct a review in terms of the workload of the unit. I would like to take your question on notice. I will again nail down the answer to the question.

The CHAIR: Thank you. As an addendum to that, you might also take on notice why the impact on shooters' hearing is not taken into account in these decisions, when research—by Dr Matthew Branch in the US—shows that modern muzzle-level suppression is vastly superior to ear-level protection, and the only form of suppression capable of making certain sporting arms safe for hearing. I have that paper; I will hand it up to you.

ANSWER:

I am advised:

The “internal” resources referred to in the question is the *Supplementary Guide for Prohibited Weapon Silencer Permit Applicants for the Genuine Reasons of Either Business / Employment or Recreational / Sporting Purposes* (Supplementary Guide), which is available on the NSWPF website.

The Firearms Registry relies on the Supplementary Guide and decisions made by the NSW Civil and Administrative Tribunal in its adjudication process.

17: FIREARMS LICENCES BY POSTCODE

The CHAIR: At the previous hearing of the Committee on 31 August 2017 I asked the Minister for the number of New South Wales firearms licences by postcode. Unfortunately, the staff at the Firearms Registry misinterpreted my question. I did not receive the information that I was after. Can you provide this Committee with the most

up-to-date number of New South Wales firearm licences for each and every postcode in the State in an excel spreadsheet format?

Mr FULLER: We have that information available, and I will provide it through the chain.

ANSWER:

I am advised:

Refer to **Attachment A**.

18: EXTERNAL ADVISORY UNIT DATABASE

Mr DAVID SHOEBRIDGE: But how far back does the External Advisory Unit database go? Perhaps you could take that question on notice.

Mr FULLER: Again, I could be wrong, but there would be a total record information management [TRIM] system that will be just a very generic system that we have of tracking all of our bits of paper. But I can go back on notice and try to get to the bottom of that question.

Mr DAVID SHOEBRIDGE: I want to be clear: I am talking about the External Advisory Unit database in your office.

Mr FULLER: Yes.

ANSWER:

I am advised:

There is no “External Advisory Unit” within NSWPF. There is an External *Liaison* Unit within the Professional Standards Command, and an *Executive* Advisory Unit within the Office of the Commissioner.

19: MENTAL HEALTH INTERVENTION TEAM

Mr DAVID SHOEBRIDGE: Commissioner, I think it was Deputy Commissioner Dave Owen who set up the mental health intervention team about five or six years ago.

Mr FULLER: That is true, yes—probably a bit longer.

Mr DAVID SHOEBRIDGE: What, if anything, has been the result of that? What has been the expenditure on it?

Mr FULLER: There is still an inspector in charge of that and he has a team with him. I am not sure of the numbers. But one of it was to drive best practice, particularly training. The other was to improve relationships with Health and other agencies. I really feel that we have come a long way in terms of police better understanding mental health. The way we train, there is a short course and a longer version course, and they continue to drive compliance with that. I think from a training and education perspective, they provide information on best practice but they also continue to drive relationships with Health and other agencies.

Mr DAVID SHOEBRIDGE: Commissioner, external observers cannot see any actual achievements and there are no publicly listed achievements from the mental health intervention team. Perhaps they are publicly listed in a place that I could not find.

Mr FULLER: Right.

Mr DAVID SHOEBRIDGE: On notice, can you please give us some details about what the achievements are and what the challenges are, perhaps?

Mr FULLER: Yes, absolutely. We will try to do a time line.

ANSWER:

I am advised:

The NSWPF's Mental Health Intervention Team (MHIT) provides robust policy, strategy, training and advice on operational tactics to police officers in relation to mental health and suicide prevention issues.

In collaboration with clinicians, the MHIT develops and delivers a number of highly successful mandatory and professional development courses, ranging from mental health awareness workshops to longer intensive specialist training courses.

The MHIT's mental health awareness training is mandatory for police officers and is part of the curriculum at the Police Academy. Around 16,160 officers and staff have received this training since 2013.

In addition, the MHIT has developed a more comprehensive mental health professional development course, which it has delivered to around 2,300 police officers and staff.

The work of the MHIT has been recognised through various awards:

- Special Inaugural Sunflower Award by Schizophrenia Fellowship of NSW (2010).
- Judges Award for MHIT training at the Mental Health Services (THEMS) 2011 Australasian Conference in Adelaide.
- The Excellence in Service or Program Delivery category for 2011 Mental Health Matters Awards
- Life Award for Suicide Prevention in the Workplace category - Suicide Prevention Australia Conference, Hobart 2015.

The MHIT presents to various groups across NSW, as well as at specialist forums within Australia and the United States.

20: MOBILE DRUG TESTING - FALSE POSITIVES

A: Mr DAVID SHOEBRIDGE: How many false positives have been detected by the MDT as a result of ritalin use?

Mr FULLER: I will take it on notice; my apologies.

B: Mr DAVID SHOEBRIDGE: Are you aware that the product information on ritalin, which is very commonly used in New South Wales, says in part that "Ritalin 10 may give a false positive result when testing for drug use. This includes testing in sport"?

Mr FULLER: Then again, I would have to take it on notice in terms of the manufacture of the equipment we purchased, but I will come back to you on that.

Mr DAVID SHOEBRIDGE: All right. If you could give us any advice you have on false positives and any numbers, including any advice you got from the Forensic and Analytical Science Service [FASS]?

ANSWER:

I am advised:

A: The NSWPF has no evidence of drivers testing positive to methylamphetamine as a result of using Ritalin or other ADHD medications.

B: Random Drug Testing in NSW involves the use of two oral based screening methods (oral fluid immunoassays). Independent scientific studies published in peer-reviewed journals have reported that drugs such as methylphenidate (Ritalin) were not detected by oral fluid immunoassays. Oral fluid testing cannot be compared to methods used in urine testing.

21: INFORMATION ACCESS UNIT (GIPA)

Mr DAVID SHOEBRIDGE: When requests are made of the Information Access Unit there is a refusal, and a repeated refusal, to provide information in a usable format, which is an Excel spreadsheet format. Could I ask you to review that? The reason cited is apparently some sort of security issue.

Mr FULLER: Okay.

Mr DAVID SHOEBRIDGE: Of course that is a false reason because my office and I am sure others who access the police simply scan the data in and create their own electronic database. We simply say that it has been provided by the police.

Mr FULLER: I will ask the question.

Mr DAVID SHOEBRIDGE: If you could, could you give an undertaking to try to provide information, not just to myself but to our members of the community, in a usable form? Can that be a priority?

Mr FULLER: Yes. Can I say that outside of the Firearm Registry, the GIPA unit provides me the second-largest number of headaches in terms of the amount of work that is generated from the unit. I think we have 30 or 40 staff who work there, which is enormous. I know they are not their only problems but it is not without its challenges. I will find the answer to your question.

ANSWER:

I am advised:

Information released by the NSWPF in accordance with the *Government Information (Public Access) Act 2009* (GIPAA) is reviewed and redacted where there is an overriding public interest against disclosure.

The External Information Access Unit (EIAU) uses a software product called REDAX that has been purchased and licensed for this purpose.

REDAX is an Adobe Acrobat product that automates and enables timely and consistent redaction of information in a high volume transactional environment that would otherwise require manual removal of information using ineffective practices.

The REDAX program requires documents to be in a PDF format. Following the redaction process, the REDAX program allows the information to be stamped as a product of the NSW Police Force.

PDF is the preferred format of release as it maintains the integrity of the information released.

22: GIPA DEADLINES

Mr DAVID SHOEBRIDGE: ... But, are you aware that the Information and Privacy Commission has recently concluded, and I think the police conceded, that they have been inappropriately seeking 15-day extensions for the response to information on Government Information (Public Access) because they had been misreading section 57 (2) of the Government Information (Public Access) Act? The standard policy of getting a 15-day extension to respond to Government Information (Public Access) requests has been unlawful, are you aware of that?

Mr FULLER: No, I am not, I will take it on notice and get to the bottom of it.

ANSWER:

I am advised:

On 20 September 2017, the NSWPF notified the Information Privacy Commissioner (IPC) that the NSWPF had been incorrectly applying section 57(2) of the *Government Information (Public Access) Act 2009*.

On 3 November 2017, the IPC advised the NSWPF that the IPC's guidance document, the *Knowledge Update (published 2012) - Processing Requests for Personal Information*, was incorrect.

The IPC acknowledged that this incorrect information may have contributed to the NSWPF's incorrect application of section 57 (2) of GIPAA. The IPC is revising and will re-issue its guidance information.

Corrective action in the form of verbal and written communication to relevant NSWPF staff has been taken to ensure that the correct interpretation of the section is applied to all future access application requests, and compliance will be monitored.

23: DRUG DOG OPERATIONS

Mr DAVID SHOEBRIDGE: In terms of the lack of information my complaint is not with the Information Access Unit it is with you, Commissioner. On the last occasion I asked questions about the cost of drug dog operations and I pointed out that the standard operating procedures of the NSW police provide that at music festivals a minimum 12 general duties police are to attend every drug dog. You have the handler, the drug dog, and the 12 general duties police.

Mr FULLER: Yes.

Mr DAVID SHOEBRIDGE: I asked you to provide the estimated cost of that and you undertook to do that, but on notice you did not.

Mr FULLER: In preparation for here I looked at the responses. I am happy to go back to that and work out where we went wrong. You are asking the same question, but you are looking for a more detailed response?

Mr DAVID SHOEBRIDGE: My office has done its own costing based upon the information that the NSW police provide about what the cost of providing police officers is per hour. You have a schedule.

Mr FULLER: In terms of user pays.

Mr DAVID SHOEBRIDGE: I assume the user pays reflects the actual cost?

Mr FULLER: In a sense, but it takes into account a residual cost around uniform and boots and petrol and other things, but it would be indicative of the cost.

Mr DAVID SHOEBRIDGE: On that basis a dog is \$23.70 an hour.

Mr FULLER: Sounds cheap.

Mr DAVID SHOEBRIDGE: Twelve general duties police, the handler and the \$23.70 per hour dog, comes out at \$2,002 per hour. That does not include the travel time and the travel allowance you alluded to in your answer. Would that be a best estimate for the public?

Mr FULLER: If you have used the user pays schedule it would be more because again we put in a residual cost, but it would not be 50 per cent more.

Mr DAVID SHOEBRIDGE: I ask you on notice to review those answers and provide further detail.

ANSWER:

I am advised:

Given the rank and grade of officers involved in drug dog operations can and will vary, there is no simple or standardised method to respond to this question.

Further, officers on a user charges arrangement are on overtime salaries, whereas rostered officers usually are not.



PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS
BUDGET ESTIMATES 2017-2018: HEARING ON 9 NOVEMBER 2017
QUESTIONS TAKEN ON NOTICE - NSW RFS

1: HAZARD REDUCTION TARGET

A: The Hon. LYNDA VOLTZ: You will have had a hazardous production target for this year, and the conditions have been somewhat chequered in New South Wales. Firstly, how much of the target has been completed?

Mr FITZSIMMONS: Off the top of my head, it is around the 70 per cent mark, but I think I have got the exact figure from our annual report that has just recently been published. The challenge in the last season, obviously, was really with the weather and we have got a program going of annual works programs as well as a four-year program of delivering works. It might be easier if I get the exact figure on notice for you. I do not have the annual report figure here with me, but I am pretty sure we were up over 70 per cent of the completed program for 2016-17. But I will give you a copy of the annual report and all the compiled figures therein.

B: The Hon. LYNDA VOLTZ: Seventy per cent of the 2016-17 target?

Mr FITZSIMMONS: Of the last annual target, correct.

C: The Hon. LYNDA VOLTZ: What about now, running into summer?

Mr FITZSIMMONS: There has been a fair bit of work that was trying to be achieved, particularly with the dry winter we had, July and August. I have not got the exact figures to date but I will give you them on notice when I get back. It is fair to say brigades, land management agencies, fire agencies were really taking advantage of the dry conditions in winter, particularly July and August. A lot of burns were being suspended around September because it was just getting too dry and too dangerous to conduct those burns and a lot of them were falling out of the desired prescriptions as well. So we have been trying to take advantage during the weekends, whenever the weather permits. I will give you a note on that in terms of how we are tracking for the current year as well.

ANSWER:

I am advised:

This question was answered later in the hearing and can be found on page 21 of the transcript.

2: LEGISLATIVE CHANGES RE BUSHFIRE PRONE LAND

The CHAIR: ...Mr Fitzsimmons, are you aware that the Government's Environmental Planning and Assessment Amendment Bill removes the definitions of "bushfire prone

land" and "bushfire prone land map" from the Environmental Planning and Assessment Act 1979?

Mr FITZSIMMONS: Off the top of my head, no.

The CHAIR: You have not been briefed about this change?

Mr FITZSIMMONS: Not personally; it is not coming to mind.

The CHAIR: Then I cannot ask you the question: do you agree with the legislative change?

Mr FITZSIMMONS: I will take it on notice. If there has been a proposed amendment we should have been given the opportunity to comment on it.

The CHAIR: Could you have a look at that. You might also consider how that affects the role of the New South Wales Fire Service throughout the State.

Mr DAVID SHOEBRIDGE: Particularly in your role—

Mr FITZSIMMONS: It is intriguing me because we still have bushfire prone land maps. They are still current. They are still being updated. Particularly, Mr Shoebridge will recall that we worked to adjust some vegetation classifications with councils in pockets around Sydney for some of the 1,052, it terms of what they were designating as bushfire prone land maps reclassifications.

The CHAIR: I will hand you up those questions and you might care to take those on notice, please.

Mr FITZSIMMONS: I will happily get something back to you.

...

Mr DAVID SHOEBRIDGE: Indeed. In answer to the Chair's question could you consider providing a prompt response because it is likely that that legislation will be debated next week in Parliament.

Mr FITZSIMMONS: I will certainly provide that for you.

ANSWER:

I am advised:

The NSW RFS was consulted by the Drafting Working Group in developing this Bill.

The NSW RFS does not have concerns with 'bush fire prone land' and 'bush fire prone land map' definitions being removed from the Act. While the definitions are being removed, the key provisions under section 79BA have been refined to identify bush fire prone land and section 146 - Bush Fire Prone Land remains.

3: REFERRALS TO RFS RE DEVELOPMENT IN BUSHFIRE PRONE LAND

A: Mr DAVID SHOEBRIDGE: You might also, if you can, indicate the number of occasions upon which referrals have been made to your organisation for advice on conditions in relation to development in bushfire prone land over the last few years.

Mr FITZSIMMONS: I can give you an indication right now. Those figures are up over 4,000 a year, so probably 4,000 to 4,500 a year on average we would be considering development applications in bushfire prone areas.

Mr DAVID SHOEBRIDGE: For myself, the advice of the RFS is one of those key public safety and personal safety issues that is essential in our planning system.

Mr FITZSIMMONS: Correct. And we have been involved in planning legislation reviews and we argue very robustly that the planning and development control matters are focused on life safety particularly. They are one of the things that development is considered in, but certainly bushfire planning and construction is a key from our perspective.

B: Mr DAVID SHOEBRIDGE: Lastly, if you could give, if possible, the average and the median determination times, because often that is a criticism.

Mr FITZSIMMONS: Yes. We do publish them, so there are obligations. It is important to note that there are two different areas, of course. You are probably familiar with them. We have the 100B—integrated development, special care facilities and those sorts of things.

Mr DAVID SHOEBRIDGE: Aged facilities and all that kind of thing.

Mr FITZSIMMONS: Yes. Through to what we call the 79BA—I think it is—developments which are more your infill, your extensions, your residential block and that sort of thing.

Mr DAVID SHOEBRIDGE: Patios.

Mr FITZSIMMONS: Infill development. Yes. Often that might be an advisory to council as opposed to an authority under 100B.

Mr DAVID SHOEBRIDGE: Correct. And you will break that down and give that to us.

Mr FITZSIMMONS: I can give you some figures. Whatever I have got available I am happy to share.

ANSWER:

I am advised:

The number of development applications referred to the NSW RFS for determination in the last three financial years is as follows:

YEAR	S.79BA applications*	S.100B applications*	TOTAL
2014-15	1,912	2,258	4,170
2015-16	2,076	2,241	4,317
2016-17	2,185	2,417	4,602

* Under sections 79BA and 100B of the Environmental Planning and Assessment Act 1979 (NSW)

In the 2016-17 financial year, the average determination time for section 100B applications was 23.75 days and for section 79BA applications this was 13.75 days.

In the 2016-17 financial year, the median determination time for section 100B applications was 20 days and for section 79BA applications this was 12 days.
