

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

Questions from the Hon Robert Borsak MLC

Firearm “Silencers” (Suppressors)

1. The NSW Firearms Registry’s Supplementary Guide for Prohibited Weapon Silencer Permit Applicants for the Genuine Reasons of Either Business / Employment or Recreational / Sporting Purposes (Supplementary Guide) states:

“You must nominate the range on which you will be shooting and the range must be approved for the use of silencers and the associated prohibited firearms for noise abatement purposes. Please note the Firearms Registry will be undertaking consultations with Ranges in this matter.”

(a) Given the Supplementary Guide is just that - a “guide” - there is no legal requirement for shooting ranges to be “approved” for use of silencers, is there?

(b) How many shooting ranges in NSW are currently “approved” for the use of silencers; which ranges are they?

ANSWER:

I am advised:

(a) Clause 93(1) of the *Firearms Regulation 2017* provides for the Commissioner to approve shooting ranges and impose conditions on those ranges. Range approvals specify the types of firearms and weapons suitable for use on ranges.

(b) The NSWPF has not been approached by an approved range to consider silencer use on the range for recreational purposes by civilians.

2. The Supplementary Guide also states that the Firearms Registry will be undertaking consultations with Ranges and Hunting Clubs on this matter.

(a) Which Clubs and which Ranges has the Firearms Registry consulted and on what dates did those consultations take place.

(b) Please provide the feedback from Clubs and Ranges on the consultations.

ANSWER:

I am advised:

The Firearms Registry is yet to receive any formal representations from clubs or ranges on silencer use. Accordingly, no formal consultations have taken place at this stage.

Questions from Mr David Shoebridge MLC

Mental Health Intervention Team

3. What is the total annual cost of the NSW Police Force Mental Health Intervention Team?

ANSWER:

I am advised:

The direct cost of the Mental health Intervention Team in 2016/17 was \$656,212.

4. Has there been a decrease in the number of police fatal and non-fatal shootings since the establishment of this team?

ANSWER:

I am advised:

It cannot be reasonably or reliably implied or concluded that the Mental Health Intervention Team or mental health causation are associated with the occurrence of shooting incidents. To do so fundamentally misunderstands the complex nature of dealing with suspected offenders in diverse circumstances.

Injuries resulting from the discharge of a police firearm are the subject of critical incident investigations, which are monitored by the Law Enforcement Conduct Commission, and the NSW Coroner reports every year on deaths in custody or during a police operation, providing for scrutiny and transparency in such cases.

Suspect Management Target Program

5. Is the Commissioner concerned about the findings of the Youth Justice Coalition's report about the use of the STMP against young people? How will the Commissioner respond to the recommendations of the report?

ANSWER:

I am advised:

The NSWPF will carefully consider the report and its findings in full.

6. Can the Commissioner provide advice on the total numbers of people on the STMP, and the numbers of young people on the STMP?

ANSWER:

I am advised:

The number of people on the STMP is dynamic and may vary from day to day due to the regular review of individual cases.

On 31 October 2017, there were 551 people with an open STMP case.

Of these, 99 individuals were between the ages of 12 and 17.

Roadside drug testing

7. Do the roadside tests for mobile drug tests record a positive result if a person is prescribed Ritalin? The consumer medical information for Ritalin confirms that it may give a false positive in drug tests.

ANSWER:

I am advised:

It is highly unlikely that someone using Ritalin would test positive to a roadside oral sample test. The NSWPF has no evidence of drivers testing positive to methylamphetamine as a result of using Ritalin or other ADHD medications.

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.

8. Has FASS advised the NSWPF on each occasion when Ritalin has been detected in a laboratory sample that follows MDT?

ANSWER:

I am advised:

No. FASS only tests for the presence of the three “prescribed illicit drugs” as per the *Road Transport Act 2013*.

GIPA Act

Following a complaint to the Information and Privacy Commission, the NSWPF have acknowledged that they have until recently been misinterpreting section 57(2) of the

Government Information Public Access Act with regards to the permitted statutory timeframes when determining access applications.

The Information Commissioner recommended that the NSWPF refund the applicant's application fee in this matter. The NSWPF have stated to the Information and Privacy Commission that it will now ensure the correct interpretation of section 57(2) of the Act when determining future access applications:

9. Since the introduction of the Government Information Public Access Act in 2009 how many access applications have been effected by the misinterpretation of section 57(2) by the NSWPF?

ANSWER:

I am advised:

It is not possible to accurately answer this question while examination of the issue is still being undertaken.

10. Will you ensure that all access applicants who have been affected by the misinterpreting of section 57(2) are provided a refund of any application fee and processing fees that they would have been entitled to had the misinterpretation not occurred?

ANSWER:

I am advised:

The NSWPF is currently considering all issues arising from this matter.

General duties police officers

11. What was the average age of NSW Police officers on general duties in the following financial years:

- (a) 2007/8?
- (b) 2008/9?
- (c) 2009/10?
- (d) 2010/11?
- (e) 2011/12?
- (f) 2012/13?
- (g) 2014/15?
- (h) 2016/17?
- (i) 2017 to date?

ANSWER:

I am advised:

Year	Average Age
2007	33.5
2008	33.8
2009	33.8
2010	34.2
2011	34
2012	34
2013	34.1
2014	34.8
2015	35.3
2016	36.1
2017 to date	36.5