

# **PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS**

**Thursday, 30 August 2018**

**Examination of proposed expenditure for the portfolio area**

## **POLICE, EMERGENCY SERVICES**

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**The Committee met at 2.00 p.m.**

### **MEMBERS**

Mr David Shoebridge (Acting Chair)

The Hon. Catherine Cusack  
The Hon. Wes Fang  
The Hon. Ben Franklin  
The Hon. Shaoquett Moselmane  
The Hon. Adam Searle  
The Hon. Lynda Voltz

### **PRESENT**

**The Hon. Troy Grant**, *Minister for Police, and Minister for Emergency Services*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

**Corrections should be marked on a photocopy of the proof and forwarded to:**

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**



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**The ACTING CHAIR:** Welcome to the public hearing for the inquiry into Budget Estimates 2018-2019. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of the land, and I pay my respects and those of this Committee to the elders past, present and emerging of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Grant and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Police and Emergency Services.

Before we commence, I will make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses might say outside their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be questions that a witness could only answer if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or the Minister's staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. A transcript of this hearing will be available on the website tomorrow. To aid the audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loud speakers for persons in the public gallery who have hearing difficulties. Finally, I ask everyone to please turn their mobile phones to silent or off for the duration of the hearing.

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**PAUL BAXTER**, Commissioner, Fire and Rescue NSW, sworn and examined

**SHANE FITZSIMMONS**, Commissioner, NSW Rural Fire Service, sworn and examined

**MARK SMETHURST**, Commissioner, NSW State Emergency Service, sworn and examined

**ROSEMARY MILKINS**, Deputy Commissioner, Corporate Services, NSW Police Force, affirmed and examined

**MICHAEL FULLER**, Commissioner, NSW Police Force, sworn and examined

**ANDREW CAPPIE-WOOD**, Secretary, NSW Department of Justice, affirmed and examined

**ADRIAN MCKENNA**, Executive Director, Office for Police, NSW Department of Justice, sworn and examined

**FEARGUS O'CONNOR**, Executive Director, Office of Emergency Management, NSW Department of Justice, affirmed and examined

**ANDREW SIMPSON**, Acting Chief Financial Officer, NSW Department of Justice, affirmed and examined

**MICHAEL ADAMS**, Chief Commissioner, Law Enforcement Conduct Commission, affirmed and examined

**The ACTING CHAIR:** I declare the proposed expenditure for the portfolio of Police and Emergency Services open for examination. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. SHAOQUETT MOSELMANE:** Thank you, Minister and officers, for coming today. My first question is in regard to the re-engineering. Following the re-engineering of the NSW Police Force, many middle to senior management positions were made redundant. What was the total cost of the redundancy and remuneration severance packages paid to the police officers?

**Mr TROY GRANT:** Thank you for the question. I will make some opening remarks and then invite Commissioner Fuller to add to my remarks. The re-engineering of the NSW Police Force was the most significant change in the organisation's structure for the past 20 years, with a purpose to ensure that the organisational structure, particularly with the differences between metropolitan policing and regional policing, was established and constructed in a way to address, resource, and deploy police in line with community need to ensure community safety.

The construction of the new commands resulted with the creation of police districts in the metropolitan area and in the regional part of New South Wales the creation of regional districts. The secondary component was that in regional New South Wales it was important, after assessment, that country communities clearly had an officer in charge of a station, area or sector within that police district. Consultation occurred in relation to the best governance models and staffing for that restructure and re-engineering process, at which time the commissioner has then—

**The Hon. SHAOQUETT MOSELMANE:** Minister, my question goes to the cost of redundancies.

**Mr TROY GRANT:** I am answering your question. I have to explain the structure in order to provide the answer.

**The Hon. LYNDA VOLTZ:** No, we covered the structure last year

**The ACTING CHAIR:** The Minister is entitled to answer the question as he sees fit but he does have to answer the question. The question was about cost. Could you address the question please, Minister?

**The Hon. SHAOQUETT MOSELMANE:** Our time is limited.

**The ACTING CHAIR:** The question was about the cost. Please address the cost.

**Mr TROY GRANT:** In relation to those positions, the changing of the positions to create those two types of commands—metropolitan and regional—was different. After a three-month period each of the commands was to do a review in relation to the actual positions before they were locked down, and an opportunity was given to continue to report back to the commissioner for additional resources.

**The Hon. SHAOQUETT MOSELMANE:** What was the redundancy cost?

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**Mr TROY GRANT:** Redundancy wise, I will defer to the commissioner.

**Mr FULLER:** Good afternoon. New South Wales police officers are not currently entitled to redundancy payouts.

**The Hon. SHAOQUETT MOSELMANE:** My question relates to the number of senior management positions that were made redundant.

**Mr FULLER:** Are you talking about police positions, sir?

**The Hon. SHAOQUETT MOSELMANE:** Police positions.

**Mr FULLER:** New South Wales sworn officers are not entitled to be paid a redundancy.

**The Hon. SHAOQUETT MOSELMANE:** So the answer is nil?

**The Hon. LYNDA VOLTZ:** Are you saying that no-one lost their position?

**Mr FULLER:** Every officer who wanted to remain with the NSW Police Force is still with the NSW Police Force. Police officers are not legally entitled to a redundancy.

**The Hon. LYNDA VOLTZ:** A number of senior management positions were made redundant, so obviously those people would not have been able to go into positions at that senior level. How many people were offered jobs at a lower level?

**Mr FULLER:** No police officers were demoted or financially impacted due to re-engineering. Some officers may have had to move towns or perhaps move back to the city and those costs would be covered by the NSW Police Force.

**The Hon. SHAOQUETT MOSELMANE:** How many of those officers were made redundant?

**The Hon. LYNDA VOLTZ:** How many were moved?

**Mr FULLER:** There were just over 100 commissioned officer positions that were downgraded to constable positions, so there was not a net loss in overall police, and all of those people are gainfully employed within the NSW Police Force.

**The Hon. LYNDA VOLTZ:** Those 100 that have been downgraded are still being paid at the senior management rate.

**Mr FULLER:** The individuals were not downgraded; the positions were.

**The Hon. LYNDA VOLTZ:** That is right, but they are still getting paid at the effective rate of the previous positions they were in.

**Mr FULLER:** Absolutely.

**The Hon. LYNDA VOLTZ:** How much was the cost of moving those 100 officers?

**Mr FULLER:** I would have to take that on notice but I can say that we estimated a savings of \$14.4 million through re-engineering and we have realised that.

**The Hon. SHAOQUETT MOSELMANE:** What was the total number of full-time equivalent [FTE] and part-time equivalent [PTE] staff employed in the commissioner's office prior to the re-engineering process commencing?

**Mr FULLER:** I would have to take that on notice but at the end of the day I took responsibility for youth as an issue and I established a new youth command, so it will certainly have dramatically increased because I have taken responsibility for an operational part of the organisation. But in regard to personal staff working for me, I have reduced that.

**The Hon. SHAOQUETT MOSELMANE:** What is the total number now in your office?

**Mr FULLER:** I would have to take that on notice but there is a difference between staff that sit under the commissioner's office because of the youth command situation and staff that work directly for me. I will take that on notice and will be able to answer that question.

**The Hon. SHAOQUETT MOSELMANE:** Minister, in light of what the commissioner has just said that \$14.4 million will be saved year on year as a result of the re-engineering process, have you spoken to the

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Treasurer to exempt the NSW Police Force from the 3 per cent efficiency dividends it must find in each recurring year over the forward estimates? Have you asked the Treasurer to exempt the police from the 3 per cent efficiency dividend?

**Mr TROY GRANT:** The NSW Police Force officers—

**The Hon. SHAOQUETT MOSELMANE:** The question goes more to whether the commissioner has asked you or the Premier to exempt the Police Force from the 3 per cent efficiency dividend.

**Mr TROY GRANT:** Treasury has already defined the exemptions and they have been applied to the New South Wales police front line.

**The Hon. SHAOQUETT MOSELMANE:** What are those exemptions?

**Mr TROY GRANT:** I will defer to the secretary to help explain.

**Mr CAPPIE-WOOD:** In regard to exemptions in the efficiency dividend in 2018-19 and in forward years, Treasury has provisionally indicated the allocation of those across all portfolios and departments and agencies. For the police, the exemption applies to all uniformed police. Non-frontline staff, however, would be subject to that on an FTE basis.

**The Hon. SHAOQUETT MOSELMANE:** Commissioner, have you made any formal or informal requests to the Minister for Police or to the Premier for an additional complement of police officers? If so, when were the requests made and how many officers were requested?

**Mr TROY GRANT:** I can start answering and then I will defer to the commissioner. There was a budget process where additional police were allocated and, as we have stated on the public record, the commissioner is currently undertaking an assessment and proposing a number of police for Government to consider. He is doing that work with the Executive currently.

**Mr FULLER:** This year we received an additional 100 police positions and in around October I hope to submit to the Government what I believe is the amount of officers that we need to continue to futureproof public safety in New South Wales. That will be underpinned with a capability framework to make sure that we are not just addressing current crime issues but future crime issues as well in the next four years. I have asked for my deputies to go back and consult. I will be using current workforce allocation models such as the Workforce Optimisation Solution for Policing [WOSP] and computer aided dispatch [CAD] data, which is calls for service data, to look at response, to look at our methods of disrupting crime such as Raptor and those strategies used by the State Crime Command and then to look into the prevention world to see how we can better prevent crime.

**The Hon. LYNDA VOLTZ:** When did you receive the 100 police officers?

**Mr FULLER:** On 1 July this year that funding became available from Government for those positions.

**The Hon. LYNDA VOLTZ:** You put that request in when?

**Mr FULLER:** The request for those officers?

**The Hon. LYNDA VOLTZ:** Yes.

**Mr FULLER:** Those requests were part of a mixed request from the Traffic and Highway Patrol Command for 50 additional highway patrol officers. There were 35 positions for a new terrorism response unit as a result of some changes in legislation and the need to monitor those coming out of prison who would be considered a risk to the community and 15 positions, I believe, were for the Minister's biometric facial recognition unit.

**Mr TROY GRANT:** Just to assist, in the budget process leading up to June, those sorts of submissions into the Cabinet Standing Committee on Expenditure Review [ERC] would have first got line of sight around about March, in answer to your timing question.

**The Hon. LYNDA VOLTZ:** You will have noticed that the Police Association has indicated that 500 additional police officers will be required year on year in the forward estimates. Do you agree with that assessment by the Police Association?

**Mr TROY GRANT:** I am in continual discussions with the Police Association of NSW, the NSW Police Force commissioner and the executive regarding what is needed. They agree and are assisting with the process that the commissioner has outlined he is undertaking to do the assessment of the numbers of police that are

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required. But more than just a numbers question, it is important to note—and the association agrees—that it is not just about numbers. It is also about duty type and what type of policing roles are required in the future and also the placement or the locations of any additional police and what duties they will be performing.

**The Hon. LYNDA VOLTZ:** But they are looking at them based on projected population growth. Half of the 100 that you have just noted are highway patrol officers.

**Mr TROY GRANT:** Yes, and with the road toll where it stands that is a great investment and there may well be more requirements for traffic-related police positions. That will be a matter for consideration by the Government. The 2,500 proposed by the Police Association of NSW clearly supports what I have just given evidence on, that it is just on population as you have said, whereas the considerations being given by the Commissioner of Police are rightly making sure that the duty type, the locations and the volume of police are factored into the decisions that the Government will make.

**The Hon. LYNDA VOLTZ:** But surely you are factoring that into your planning. Your Government has announced some rather significant growth areas. You must have some projections for the year coming that look at the 500 that the Police Association has put forward based on growth and density and marrying that up to Bureau of Crime Statistics and Research [BOCSAR] figures. You must have some projections.

**Mr TROY GRANT:** Population growth is a factor that is considered in any resource allocation, whether it be human, capital, or any type of response, or funding or investment. That is a factor but, in addition to that, the work that the commissioner is undertaking and which the Police Association is helping me and him with is also taking into consideration duty type and what sorts of roles they need to be performing because of crime trends, the changing landscape of communities, demographic issues for regional communities and population movements as well. A whole lot of factors go into resource allocation. The tool used by the Police Force is the workforce optimisation model. That is a significant dataset and a significant aid in helping to inform those decisions in addition to the CAD data, the BOCSAR crime statistics and the population growth figures. A whole mix of information needs to be factored in to make those decisions.

**The Hon. LYNDA VOLTZ:** Mr Fuller, the re-engineering process that is looking to futureproof the Police Force has been going on for some time. You must have made some submissions or assessments based on that re-engineering process.

**Mr TROY GRANT:** Obviously I will let Commissioner Fuller answer, but as to re-engineering the commissioner was asked to look at the models for the governance and management of police resources not in relation to the quantum that would fill those organisational structures at this point. The body of work he is doing now is doing that so—

**The Hon. LYNDA VOLTZ:** You may say that but Commissioner Fuller said, "From my perspective, when the re-engineering is over I do believe we will need additional police resources; I just think we need some science behind it."

**Mr TROY GRANT:** I agree with those sentiments.

**The Hon. LYNDA VOLTZ:** Re-engineering was putting that science behind it?

**Mr FULLER:** That is not entirely correct. Re-engineering was about the NSW Police Force restructuring, meeting 50 Cabinet recommendations that covered a number of things such as setting up a new rural crime unit, a fixated persons unit—I will not go through the 50 recommendations. What I am saying is that we have reinvigorated the structure of the organisation, returned 100 positions back into working police positions, we have done an enormous amount of work but there is no fat left in the NSW Police Force. If we want to keep crime stable or falling, even though we are growing as a community and the economy is growing, I will need more police. I am on the record as saying that a number of times and I am not hiding from that.

But I have to walk into the expenditure review committee [ERC] and justify whether that is 10 or whether that is 2,500 and I need to have more than just data around population growth. We have good crime data and we have good international information in terms of—there is no point waiting until we have a crime problem to try and recruit police because there is a lag in that. As the commissioner I need to put a sound argument together about why I need this many police, and as a result we can deal better with elder abuse, we can deal better with cybercrime, we can deal better with terrorism and what the outcome will be for the people of New South Wales. We are on the cusp of delivering that.



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**The Hon. LYNDA VOLTZ:** I am not asking you about Cabinet-in-confidence but when were you made aware of those 50 Cabinet recommendations?

**Mr FULLER:** The first day I got in the job—and they existed before I became the Commissioner of Police—it was essentially around the roadmap for re-engineering.

**The Hon. LYNDA VOLTZ:** So they have been around for some time?

**Mr FULLER:** Absolutely.

**The Hon. LYNDA VOLTZ:** And they set up new organisations such as the rural crime squad. Were no funding requests made regarding those recommendations, given the nature of the new organisations they were putting in place?

**Mr FULLER:** The mapping of re-engineering and the flattening of the structure was always going to present opportunities for New South Wales Police to find additional funding, and we did that; we found the \$14.4 million additional funding. Through the ERC process I successfully argued to have that money returned back into the budget. Therefore, coming into the role I had \$141 million owing in efficiency-saving dividends and I was able to argue successfully that not only did I not have \$141 million but I also needed an additional \$100 million to properly fund the cost of services for the organisation.

**The Hon. LYNDA VOLTZ:** How much was taken out in non-frontline staff from your budget? If it was not \$141 million, how much was it in the efficiency dividend?

**Mr FULLER:** There was none for that year. I was successful in arguing the fact that we needed a certain amount of money to run the NSW Police Force and that unless numbers would be reduced then I could not pay \$141 million. That was in the March ERC and, of course, I need to go back next year and successfully bid for additional police resources to futureproof New South Wales and the community.

**Mr TROY GRANT:** In the budget this year there was a 3.2 per cent increase following re-engineering to the Police budget, so there was more money.

**The Hon. LYNDA VOLTZ:** And a 3 per cent efficiency dividend on non-frontline staff, is that correct?

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

**The Hon. LYNDA VOLTZ:** How much was raised in that efficiency dividend and where did it come from?

**Mr FULLER:** In terms of non-frontline staff, it makes up a small percentage of the organisation. Again I will take it on notice, but it is around 3,000 of the 21,000 men and women who work for the NSW Police Force.

**The Hon. LYNDA VOLTZ:** It could be sections as crucial as the call centres, could it not?

**Mr FULLER:** Again from my perspective, the efficiency savings dividends have certainly been alive in the NSW Police Force since 2012. But coming into the ERC process this March we were successful in arguing the fact that we need more funding, not less funding.

**The Hon. LYNDA VOLTZ:** Your submission will be put in next October. Minister, when will you respond to it?

**Mr TROY GRANT:** That will be a determination made by the Cabinet.

**The Hon. LYNDA VOLTZ:** So it will not be until the budget next year, is that what you are saying?

**Mr TROY GRANT:** No. That will be a decision for the Premier and the Cabinet. I do not speak for the Premier on the timing.

**Mr FULLER:** I would be, as the commissioner, hoping for some certainty this year if I had any influence.

**Mr TROY GRANT:** As would I.

**The Hon. LYNDA VOLTZ:** I return to the efficiency dividend. It will not affect frontline policing but will it affect the provision of new equipment and support services—equipment in particular?

**Mr FULLER:** From my perspective, absolutely not.

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**Mr TROY GRANT:** No.

**The Hon. LYNDA VOLTZ:** So you will not have to find it anywhere within the capital budget?

**Mr TROY GRANT:** Capital is not affected by this dividend.

**The ACTING CHAIR:** When it comes to the efficiency dividend, what proportion of the Firearms Registry is non-uniformed and what impact will the efficiency dividend have on the Firearms Registry?

**Mr TROY GRANT:** Ninety staff within the Firearms Registry located at Murwillumbah, four of those are uniformed staff.

**The ACTING CHAIR:** So over 90 per cent of the staff in the Firearms Registry are non-uniformed and they are going to have to soak up the efficiency dividend? Is that what is happening?

**Mr FULLER:** In terms of efficiency dividends, from my perspective I am going to go back next March asking for more money. So no matter how we cut the pie in terms of what notionally I will have to give back, I am still talking to the Secretary of Treasury, the head of the Department of Premier and Cabinet [DPC] and the head of Justice in terms of I will be arguing that the NSW Police Force again needs more money to pay for cost of services.

**The ACTING CHAIR:** Commissioner, you know that I am asking about this year's budget and the Firearms Registry is going to take an efficiency hit. What is the impact going to be on staffing numbers and resources to the Firearms Registry?

**Mr FULLER:** There will not be any impact on staffing numbers and resources at the Firearms Registry. Can I say that that fall will increase I am assuming. I have just put a police commander in charge of the Firearms Registry, Superintendent Tony Bell, who will start there just after a short amount of leave. His job is to review and make an assessment of the efficiency and effectiveness of the Firearms Registry. That could mean I need to find more money.

**The ACTING CHAIR:** Did you ask Deputy Commissioner Milkins to do a review of the Firearms Registry?

**Mr FULLER:** Yes, I did.

**The ACTING CHAIR:** Is it true that Deputy Commissioner Milkins physically only spent half a day at the registry in the course of undertaking that review?

**Mr FULLER:** It was not Deputy Milkins' job to conduct the review; it was her job to get the then commander to do the review.

**The ACTING CHAIR:** Is it true that only half a day was spent by the deputy commissioner at the registry for the purposes of undertaking that review?

**Mr FULLER:** I would have to defer to her—

**The ACTING CHAIR:** She is right next to you.

**Mr FULLER:** —but, again, I did not ask Deputy Commissioner Milkins to do the review. I asked the current then commander to do the review.

**The ACTING CHAIR:** Deputy Commissioner Milkins?

**Ms MILKINS:** I have visited the Firearms Registry and I would have discussions with them every day of the week. The review was asked by me to be done by the then commander of the Firearms Registry.

**The ACTING CHAIR:** My question was quite specific: Is it true that you only spent half a day there?

**Ms MILKINS:** I have visited the Firearms Registry at Murwillumbah, yes.

**The ACTING CHAIR:** I take it that is a yes, you only spent half a day there for the purposes of your review? That is the question.

**Ms MILKINS:** Not for the purposes of the review. I went up to visit the Firearms Registry to understand how it functioned, to meet with the staff, to actually engage with them and to have a discussion with the senior executive about developing a plan, a review, looking at improvements in the registry et cetera.

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**The ACTING CHAIR:** Have there been any reductions in staff numbers or resources to the Firearms Registry in the past two years?

**Mr FULLER:** Outside of normal attrition of people coming and going, there has not been any direction from me to reduce numbers at the registry.

**The ACTING CHAIR:** Putting to one side a direction, has there been a reduction in resources or any loss of staff at the Firearms Registry?

**Mr TROY GRANT:** We will take that specifically on notice to give you any facts, but we do not believe so.

**The ACTING CHAIR:** Is it true that references to the commissioner have been asked to be removed from documentation relating to the Firearms Registry?

**Mr FULLER:** I directed them to be removed.

**The ACTING CHAIR:** Why did you direct that references to you be removed from documentation from the Firearms Registry?

**Mr FULLER:** Because I did not approve for it to go on and it is not recognised in the Act as a commissioner's permit. Someone had made a decision locally to call it that, which is not accurate.

**The ACTING CHAIR:** When did you make this direction?

**Mr FULLER:** I would have to take it on notice but it would have been in the last couple of months.

**The ACTING CHAIR:** Are you sure you did not make that direction simply to protect your reputation, given the criticism that had been mounting regarding the commissioner's permits that have been issued?

**Mr FULLER:** No, my opinion was if something is going to be called a commissioner's permit then I am going to adjudicate it, and given the fact that there are 240,000 registered shooters and 990 firearms out there, of course I cannot do that. The entire Act is administered on my behalf for the Firearms Registry. By that nature every licence and every permit should be called a commissioner's permit or a commissioner's licence, under that logic, sir.

**The ACTING CHAIR:** But these permits that were issued as commissioner's permits were issued under a direct delegation from you as the commissioner.

**Mr FULLER:** The entire Act is delegated by me, Mr Shoebridge. Every licence and every permit by that assertion should be called a commissioner's permit or a commissioner's licence.

**The ACTING CHAIR:** But these are discretionary permits for people who otherwise are not entitled to a firearms licence or a permit under the law, and they are issued under a direct delegation from you.

**Mr FULLER:** The entire Act is a direct delegation from me, Mr Shoebridge.

**The ACTING CHAIR:** Do you not accept the criticism that, by removing your name from these special permits issued under direct delegation from you, you are seeking to protect your reputation rather than responding to the issue?

**Mr TROY GRANT:** Mr Shoebridge, I believe the commissioner's direction on this is accurate. If I could explain the permit scheme, as you put it. It recognises there are valid reasons for possessing and using firearms outside the licensing scheme. Under section 28 of the Firearms Act 1996 a commissioner may issue permits for the following reasons: The commissioner's delegation is to authorise a person to acquire a firearm under section 28 (a), complementing section 31, which concerns the issuing of permits to acquire a firearm. Secondly, to authorise the possession or use of firearms by minors in accordance with the Act under section 28 (b); to authorise the possession, use, acquisition or supply of firearms in circumstances set out in regulation 28 (c) and (d)—those examples are for film or theatrical productions or other artistic purposes. Section 28 permits also relate to sections 62 and 63 of the Act, which prohibit the shortening and converting of firearms respectively unless the person is authorised to do so by a permit. In addition, use of a firearm authorisation is part of a firearms collection in order to test it or on a special occasion as specified in that permit.

**The ACTING CHAIR:** Minister, sorry to interrupt you but rather than simply reading from the Act, you know it is about section 28 (g) and you are reading a bunch of unrelated provisions.

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**Mr TROY GRANT:** Your question was in relation to the name of a permit, which is a commissioner's permit.

**The ACTING CHAIR:** Which is section 28 (g).

**Mr TROY GRANT:** Which has a whole lot of functions relevant to the Act. As the commissioner has explained to you, which I think has been a reasonable answer, it is a delegated permit, as the whole Act is delegated. It is a title that is not one that he owns or created; it was created in that format. He has made that direction and I believe it is appropriate.

**The ACTING CHAIR:** Commissioner, what have you done to ensure that the delegation of your power to issue these permits is properly delegated with proper controls so that people such as John Edwards do not get access to firearms using this method?

**Mr FULLER:** Unfortunately, you can be happy or unhappy, but the history that the NSW Police Force had on Mr Edwards was that he had 10 clear years from an apprehended domestic violence order, no criminal history and there was no intelligence there to assess him as someone who was inappropriate to have a firearm. He is the last person I wish had got a firearm, Mr Shoebridge. I would say that on one hand the Coroner needs to examine this matter appropriately. I am not trying to forecast what the Coroner may or may not say about this matter but we have reviewed the Edwards matter back to front.

One of the great challenges in this matter is that a Family Court of Australia matter was happening. There was information that after the event has come out that may have been helpful to the Firearms Registry in not issuing a firearms licence, or indeed a permit, to Edwards. But the reality is that on assessment we did not have the information we needed. One thing we have done is that we have written and created a campaign, if you like, to send posters out to all the gun clubs and the shooters clubs explaining the importance of people to contact the registry and/or Crime Stoppers and police to give us any information they have about someone who is not fit to hold a permit or a firearms licence, hoping to close the gap so we have all the information possible to make the best decision.

**The ACTING CHAIR:** I see the Minister has the notice. I am happy for that to be tendered.

**Mr TROY GRANT:** I am happy to provide it for your information.

**The ACTING CHAIR:** Commissioner, you knew in Mr Edwards' case that there had been a history of domestic violence. What checks were undertaken to ensure there were no current concerns about domestic violence before a commissioner's permit was issued to Mr Edwards?

**Mr FULLER:** The registry by its nature will conduct a check on the computer systems, the police systems, to check to see whether there is a criminal history, to check to see whether there is intelligence that means he fails to meet the criteria of a reasonable person and to check to see whether or not there is an active apprehended domestic violence order, or in fact if there has been one in the past 10 years, which is double the Australian Standard around the gap between apprehended domestic violence orders and someone being eligible for a firearms licence.

**The ACTING CHAIR:** Apart from police database checks, there were no checks of Mr Edwards' family and no checks of other gun clubs. None of those checks were made before a rare and special permit was given so this man had access to guns to which he was not entitled under the Act.

**Mr TROY GRANT:** I will address this issue and then I will hand back to the commissioner. We all know that the shooting at West Pennant Hills was tragic. The death of Jack Edwards and his sister, Jennifer Edwards, killed by their father on 5 July was a horrific crime. I am sure I speak on behalf of this entire room when I say that our hearts go out to that family.

**The ACTING CHAIR:** It certainly does.

**Mr TROY GRANT:** This matter is still subject to a coronial hearing which no doubt will have a lot of findings attached to it. We will welcome those findings in order to help the Government and/or the police or the Firearms Registry address any shortfalls or shortcomings, and to understand how this occurred. I am happy to place on record what we know now to inform you that does not compromise the coronial investigation so you understand the facts, how this incident occurred and how Mr Edwards was in possession of firearms within the current arrangements.

**UNCORRECTED**

Mr Edwards was the subject of an apprehended violence order [AVO] from August 2000 to August 2003. On 27 September Mr Edwards was refused a firearms licence due to that apprehended violence order. Mr Edwards applied for and was granted a firearms licence category AB under the justification for recreational hunting and vermin control in May 2017. Mr Edwards applied for and was granted a probationary pistol licence, known as a category H, for the purposes of sport or target shooting in July 2017. In New South Wales a firearms licence cannot be issued to a person who is subject to an apprehended violence order or who has at any time within a 10-year period before the application for the licence is made been subjected to an AVO other than an order that has been revoked. Because the 10-year period had expired, Mr Edwards previous AVO did not prevent him from obtaining a firearms licence.

The Government is currently reviewing the law in this area, as it should, to determine what changes may be necessary to improve family and community safety. In doing so I have met with the Attorney General and the Minister for Family and Community Services over this issue. The commissioner has already alluded to the appointment of Superintendent Anthony Bell who will do a review from the Firearms Registry end, and we support that review. It is important to know that although Mr Edwards was involved in acrimonious Family Court of Australia proceedings the Firearms Registry did not have access to any details associated with those proceedings and it cannot act on information it does not have. This is—and I am sure you agree—a clear deficiency that needs to be rectified.

In order to do that, on 10 July I wrote to Federal Attorney-General Christian Porter to raise the issue of information sharing between the Family Court of Australia and the Firearms Registry. Mr Porter responded to my letter on 13 July this year and the New South Wales Attorney General and I were due to meet with him just last Thursday 23 August. However, due to recent events in Canberra I was present in Canberra but unable to meet him. I have requested that meeting be re-established. I have also requested that the issue of information sharing be listed on the agenda of the next Ministerial Council for Police and Emergency Management so that each Australian jurisdiction can suggest and benefit from reforms that need to be made in this area.

Without in any way trying to avoid any due responsibility, I would like to note that the problems associated with the Edwards family are very complex and cannot be solved by the Firearms Registry alone or other parts of NSW Police Force alone. Police are often involved at the end stage of long-developing domestic and family breakdowns which develop into violence and sometimes may involve mental illness. We obviously need to do better to address the issues that lead to domestic and family violence so that we can prevent matters escalating to violent crimes. I am determined to make sure that the Firearms Registry has all the right policy settings and available information so that it can make the best possible decisions in the interests of community safety. In examining all these matters the Government will be mindful to respect the fact that the Coroner will also be conducting his hearing, and I applaud and thank the commissioner for taking the first step, as he has articulated to you, in improving communication flows between those entities involved in this matter and the Firearms Registry in the interim.

**The ACTING CHAIR:** Last week the *Daily Telegraph* reported, allegedly from information given to them by NSW Police, that there are only 21 so-called commissioner's permits out of 52,042 firearms licences issued in New South Wales that year. But, Commissioner, data provided to my office shows that there were not 21 of these so-called commissioner's permits but 140 issued last year. Why did you not correct the record on how many of these commissioner's permits were issued last year?

**Mr FULLER:** I will take it on notice, but I have got that in 2017 there were 94 permits issued and in 2018 there have been 80. But, nevertheless, there—

**The ACTING CHAIR:** I have had information probably not dissimilar to you, that there were 94 issued to individuals in 2017 and 47 issued to business and club applicants in the same year—not 21, but together 140.

**Mr FULLER:** Yes.

**The ACTING CHAIR:** Why did the police not correct the record on that?

**Mr FULLER:** I would have to check with our media unit. Obviously, there was not an intent by me to hide anything in terms of that. So if we have got it wrong I am happy to correct it.

**The ACTING CHAIR:** You say at least 94; the *Daily Telegraph* reported 21. Surely you have got a media monitoring unit. Why did you not correct that?

**Mr FULLER:** I will take that on notice and I will answer that question for you.

**UNCORRECTED**

**The ACTING CHAIR:** The report also said:

The controversial permits, which are signed off by the NSW Firearms registry and not the police commissioner, are usually only issued in exceptional cases such as security for visiting dignitaries or FBI officers.

**Mr FULLER:** I do not know where they got that information from.

**Mr TROY GRANT:** I can assist, Mr Shoebridge.

**The ACTING CHAIR:** "A police source", it says.

**Mr TROY GRANT:** I might be able to assist you.

**The ACTING CHAIR:** Was it you, Minister?

**Mr TROY GRANT:** No. It is my understanding that the *Daily Telegraph* application under the Government Information (Public Access) Act [GIPAA] was specific to the question about permits relating to P650 forms. That 21, I suggest, was in relation to that component.

**Mr FULLER:** The section 650—just to put it on the record—if someone wants to take up shooting as a hobby or if they want to do training in relation to hopefully getting a firearm licence, you have got to fill this form out.

**The ACTING CHAIR:** I know the form, Commissioner.

**Mr FULLER:** So if you tick "Yes" to any of the boxes of the form, you either give up your hope of shooting as a hobby or as a sport and/or hope of doing the firearm course or else you apply to the Firearms Registry for a special permit.

**The ACTING CHAIR:** And 21 people got a special permit through a commissioner's permit just in 2017.

**Mr FULLER:** A section 28 permit.

**The ACTING CHAIR:** Fourteen security firm employees got it last year and 94 people in total got special commissioner's permits, not 21. Do you understand the substantial difference?

**Mr FULLER:** There are section 28 permits as per the legislation.

**The ACTING CHAIR:** All under the same provision of the Act.

**Mr FULLER:** Section 28 permits, yes.

**The ACTING CHAIR:** Are you aware, Minister, that 22 of these permits were refused in 2017 but in this calendar year not a single request for a special commissioner's permit has been refused?

**Mr TROY GRANT:** I will have to take that on notice.

**The ACTING CHAIR:** Commissioner, are you aware of the fact that there has not been a single request for a special permit refused this year?

**Mr FULLER:** I would have to, again, double-check it. But I would say—and the Minister raises a good point—that people ask different questions and expect to get the same answer. Again, you mentioned the *Daily Telegraph* and the source. We will get our media people to check exactly what was asked by the *Daily Telegraph* and exactly what we provided to them.

**The ACTING CHAIR:** You might check why 22 private security officers have been given these special permits when they are not otherwise lawfully entitled to a firearm, just in 2018, using a commissioner's permit.

**Mr FULLER:** You cannot get a permit unless you meet the same threshold to get a firearm: fit and proper person, criminal history, intelligence. The permit is not a lower standard; it is just a longer journey that you have to go through because you have answered "Yes" honestly on a form.

**The ACTING CHAIR:** Commissioner, the permit is only required because you are not otherwise lawfully entitled to a firearm. That is why they are issued.

**Mr FULLER:** That is not correct. It is that you have answered "Yes" on the section 650, which triggers a more intrusive process by the Firearms Registry. You still have to, under the Act, be a fit and proper person to

**UNCORRECTED**

progress. We can argue Edwards was a horrible, horrible human being, but the reality is we can only assess on the information that we have available.

**The ACTING CHAIR:** The argument is he should not have had a gun, and a special commissioner's permit gave him a gun and a tragedy followed. That is the argument.

**Mr FULLER:** That is incorrect. It is factually incorrect.

**The ACTING CHAIR:** The Opposition?

**The Hon. ADAM SEARLE:** Minister, through you I would like to ask some questions of the Chief Commissioner of the Law Enforcement Conduct Commission [LECC]. At any time since you took up your role as Chief Commissioner did the Minister ever seek to influence your conduct or that of the LECC concerning any matter, including the engagement of any person to work in any position inside the LECC?

**Mr ADAMS:** Yes.

**The Hon. ADAM SEARLE:** Can you inform the Committee about the details of that circumstance?

**Mr ADAMS:** Shortly after my appointment the LECC was continuing its recruitment of staff, having taken over responsibilities from the Police Integrity Commission [PIC]. The Minister said to me that I should not employ in any senior executive position any person from PIC because the association had taken exception to PIC officers and it would not be good for the PIC. I told him that I did not think that was a proper position to adopt and I later wrote to him and explained why such a decision would have been improper. I did not get any response from the Minister but I assumed from his silence that he agreed.

The process, though, had by this stage involved the proposed appointment of two positions—essentially the Director of Investigations and Director of Oversight—and I was asked by Mr McKenna, from his office, to re-advertise those positions because the Minister thought that the responses had not come from a wide enough group and consequently they needed to be re-advertised, and he told me also that the Minister took the view that PIC employees should not be employed in the LECC. The same request was, I am informed—I do not have this directly—made by Mr McKenna to the leader of the transition team within the Department of Justice, who later became an applicant for the position of chief executive officer of the LECC. She found that an embarrassing request and she did her best to avoid complying, not altogether successfully.

When the appointment of the chief executive officer arose, and following the commencement of the LECC Act, I was required to consult with the Minister concerning the appointment of the chief executive officer under the provisions of that legislation. A completely independent appointment process was undertaken. That person was the recommended candidate and I proposed to appoint her. The consultation with the Minister was brief. I was informed that he did not regard her as competent, and the reason given to me was that she had proposed to issue a press report about my appointment as chief commissioner when a competent officer would have known that that was a task to be managed within the commissioner's office.

My response to the Minister—how should I put it?—was firm. I then asked him whether our consultation was complete. He said it was, and I informed him that I proposed to appoint her. It was only later that I discovered she had been requested to avoid employment of Police Integrity Commission staff. I drew a conclusion, fairly or otherwise—I have been drawing conclusions from evidence for a very long time in my professional life—that the reason for asserting her competence was that she declined to follow the suggestion about employment.

**The Hon. BEN FRANKLIN:** Point of order: Justice Adams has made a number of suggestions of things the Minister had said, including using the words, "the Minister said to me". I am not trying to shut down this line of questioning; I merely think it would be appropriate for the Minister to be able to respond.

**The ACTING CHAIR:** I feel certain that we will get there in due course and that the Minister will have an opportunity to put his position on the record. I will leave Mr Searle to do the questioning at this point.

**The Hon. BEN FRANKLIN:** As long as we have that assurance.

**The Hon. ADAM SEARLE:** Thank you, Mr Acting Chair. Mr Adams, you said you regarded the approach by the Minister to be improper. Can you tell the Committee why you regard those approaches to be improper?

**Mr ADAMS:** Because it is a fundamental point of employment in the public service that it is done on merit and merit alone. I regard a blanket assertion of an inappropriate appointment because someone happens to

**UNCORRECTED**

have done their duties in another institution of government as a way of bypassing the legislative safeguards for an independent public service.

**The Hon. ADAM SEARLE:** And the LECC is an independent statutory body and you are an independent statutory officer?

**Mr ADAMS:** That is so.

**The Hon. ADAM SEARLE:** And under the legislation these were matters entirely for LECC and yourself, subject to the consultation required?

**Mr ADAMS:** They were. I might say that the Minister did not attempt to give me a direction.

**The ACTING CHAIR:** Indeed, the Act expressly provides that the Minister is not entitled to issue a direction.

**Mr ADAMS:** Quite.

**The Hon. ADAM SEARLE:** You mentioned the Minister and you mentioned Mr McKenna. Did any other person to your knowledge make attempts to direct the transition team in the way you have described?

**Mr ADAMS:** Not that I am aware.

**The Hon. ADAM SEARLE:** Minister, what do you say to these matters?

**Mr TROY GRANT:** Completely untrue. As you well know as a member of the oversight committee, I have already addressed this issue. My submission to that committee was confidential, so I am unfortunately unable to elaborate further, other than to say—

**The Hon. ADAM SEARLE:** Let us leave that committee aside.

**Mr TROY GRANT:** I would like to finish my answer addressing an untrue allegation made about me. People in this room and members of this Parliament know that I hold my integrity, honesty and hard work at the highest levels. To have that accusation levelled at me is offensive and disappointing. For the record, I did discuss with the chief commissioner the employment of people more generally in the LECC and the employment of those people being appointed to statutory offices. I will go through that in detail.

I did have a discussion in relation to the employment of people in the LECC in regard to the position and the attitude that the Police Association of New South Wales held. The association was very clear and said that it did not believe anyone employed in PIC should be employed in the LECC. I did not support that position. I was aware of that position and I informed the chief commissioner of it. But at no stage—I repeat: at no stage—did I ever endorse it. I do not support it and such a stance is not consistent with the relevant statutory obligations, as you have outlined, in New South Wales.

**The Hon. ADAM SEARLE:** Have you finished?

**Mr TROY GRANT:** That component?

**The Hon. ADAM SEARLE:** Yes.

**Mr TROY GRANT:** I did have discussions in relation to the other two positions—the Commissioner for Integrity and the Commissioner for Oversight—as is required. In addition, pursuant to schedule 1 of the Government Sector Employment Act, the Chief Commissioner of the Law Enforcement Conduct Commission is to exercise the employer functions of the Government in relation to the chief executive officer, and is to exercise the function of appointing or terminating the employment of the chief executive officer in consultation with the Minister. Those consultations occurred, and at no point did I give any direction, other than to suggest that he should readvertise those positions because he was of a mind simply to appoint two people to those roles. I believed a proper and due advertising process should have occurred and a selection panel formed to choose those two people. They were subsequently appointed as Commissioner for Integrity, the Hon. Lea Drake, and Commissioner for Oversight, Mr Patrick Saidi. The chief executive officer is Ms Amber Williams and the solicitor to the commissioner is Ms Michelle O'Brien.

**The Hon. ADAM SEARLE:** Minister, I know you challenge Justice Adams' version of events. However, do you accept that those events, if they did occur in the way described, would constitute seriously improper conduct by you?



**UNCORRECTED**

**Mr TROY GRANT:** Absolutely, and they did not happen. I believe that the allegations made by Justice Adams are vexatious.

**The Hon. ADAM SEARLE:** I will come to that in a minute. Why do you say they are vexatious?

**Mr TROY GRANT:** Unfortunately, as I said earlier, I have already made the oversight committee aware of my reasoning for that determination.

**The Hon. ADAM SEARLE:** Leaving that aside, what is your reasoning? Why do you make that claim? Just because you do not agree with his recollection or what he said, why do you say it is vexatious?

**Mr TROY GRANT:** I know what I said and what I did not say. I would like to seek advice.

**The Hon. ADAM SEARLE:** Mr McKenna, what do you have to say about these matters?

**Mr TROY GRANT:** I am seeking advice. The reason I believe he is making these vexatious allegations is that I refused a request by Justice Adams for one of his staff to travel overseas, to which he took great umbrage.

**The Hon. ADAM SEARLE:** Minister, Justice Adams was a judge of the Supreme Court and before that a very senior Queen's counsel. Your Government appointed him to this very senior statutory officer position. The basis you have advanced makes absolutely no sense whatsoever.

**Mr TROY GRANT:** I reject your assertion.

**The Hon. ADAM SEARLE:** Justice Adams, what do you have to say about the Minister's response?

**Mr ADAMS:** First of all, so far as the overseas trip for the member of my staff, that member was director of covert services who was invited to a very high-ranking meeting of various security forces, which I do not think it necessary to identify, in Washington. The subject matter of that meeting, which he had attended on a number of occasions before and was to be attended by both the Australian Federal Police and the NSW Police Force, considered modern changes in security arrangements, oversight, surveillance and things of that kind vital to our work. It was entirely work related. The cost was trivial, \$7,000.

It was refused on the basis—this is in September-October last year—that the commission had only just started and needed to concentrate on getting its house in order. That observation was made without a single communication with me, with any of the executive staff, or with any relevant person in the Law Enforcement Conduct Commission [LECC]. He was not in a position to assess whether it was appropriate for the director to go or otherwise. As it happened it was entirely appropriate because, naturally, I looked at our work in progress and the obligations at the time and I regarded his refusal as being a breach of the independence of the LECC because this was plainly related to functions and training in a highly specialised area directly related to the work we do continuously in relation to oversight.

Indeed, I paid for the fare myself and only much later did I, having formed a view about the legalities, obtain a refund of the amount that I had paid. First of all, the notion that I would invent any account with the Minister is simply preposterous, but that I would do it motivated by a debate about a \$9,000 trip by a director in my institution to go to Washington for a self-evidently important meeting—by the way the Minister having approved a NSW Police Force officer to go—one simply has to state it to state its own refutation. It is absurd.

**The Hon. ADAM SEARLE:** I will come back to you, Justice Adams. Mr McKenna.

**Mr TROY GRANT:** Mr Searle, I would like to address some issues from the chief commissioner. It is important that this Committee knows that in accordance with the financial delegations established under section 12A of the Public Finance and Audit Act 1983 and effective from 24 April 2017 the Minister for Police is required to approve overseas travel for the LECC. That is, the LECC cannot expend taxpayers' money on overseas travel without my approval. The LECC requested approval for overseas travel expenditure on two occasions.

The first occasion was in August 2017 and concerned travel by a LECC employee to the 2017 International Surveillance Group conference held in Washington DC from 16 to 20 October. I declined this request, as outlined by the chief commissioner. The second occasion was in July 2018 and concerned the same conference, which is to be held in London from 8 to 12 October 2018. I approved that request. I note the chief commissioner travelled to Seychelles in order to preside as the president of a tribunal of inquiry in June 2018. However, the Republic of Seychelles paid for his travel and accommodation and for an honorarium. I approved this work as secondary employment.

**UNCORRECTED**

On 15 August 2017 I indicated in writing to the chief commissioner that I did not approve the expenditure of taxpayers' funds for travel for a LECC employee to attend the 2017 International Surveillance Group conference hosted by the *[redacted by resolution of the committee]* in Washington from 16 to 20 October 2017. It was not appropriate, in my view, for the LECC to commence operations on 1 July 2017 and then seek approval to travel overseas at taxpayers' expense on 10 August 2017. I make no apologies for safeguarding taxpayers' funds when it comes to overseas travel by public servants. I understand that this issue, as I alluded, was canvassed during an in camera session by another parliamentary committee.

**The Hon. ADAM SEARLE:** Minister, I invite you not to talk about in camera proceedings.

**Mr TROY GRANT:** I will not. I understand that this issue was canvassed during an in camera session by another parliamentary committee inquiry and therefore any such information is confidential. All I can say is that I never provided ministerial approval for any overseas travel for any LECC employee to any conference that occurred in 2017 and ministerial approval is required for such expenditure. That is, the LECC cannot legally expend money on overseas travel without the approval of the Minister for Police. You need to listen to this very carefully, from what I have just heard from the chief commissioner, and I have listened very carefully to what he just said, and he has indicated that after I declined to provide authority for the use of taxpayer funds for overseas travel for an LECC employee he personally paid for the travel. Is that correct?

**Mr ADAMS:** Yes.

**Mr TROY GRANT:** And subsequently obtained a reimbursement from the LECC?

**Mr ADAMS:** That is true.

**Mr TROY GRANT:** Mr Deputy Chair, I have very serious concerns about the legality of such a reimbursement. The Minister for Police must approve such expenditure and I did not approve it. I will have to refer this matter to the inspector of the LECC, the Hon. Terry Buddin, SC, for his consideration.

**Mr ADAMS:** Can I make a remark about that?

**The Hon. BEN FRANKLIN:** Mr Chair.

**The ACTING CHAIR:** The Opposition's time has expired but as it is my time I will allow Justice Adams to respond.

**Mr ADAMS:** I disclosed this matter to the audit committee. I formed a view about the limits of the authority of the Minister and I considered in the result that the Minister in the circumstances was not legally able to refuse, under his delegation in these circumstances—

**Mr TROY GRANT:** Point of order—

**The ACTING CHAIR:** As a witness you are not entitled take a point of order. We will allow Justice Adams to finish.

**Mr TROY GRANT:** I would like to reply.

**Mr ADAMS:** I took the view that because he was not entitled to interfere or give direction about the functions of the commission and that attending such a conference was squarely within the functions of the commission and the failure to make any inquiries his decision was invalid. I also know that the Solicitor General agrees with the Minister's view, for reasons which I have not troubled myself with, but in due course will need to be replied to. Because I have a process with my audit committee to follow through, I will respond to the Solicitor General's opinion. I paid for it. I fully disclosed that. I directed some months later a refund when I had a better chance to have a look at the legalities of the matter. I was satisfied that I acted legally. I am perfectly happy for the Government to sue me if they wish and we shall have a legal discussion about the matter. That is my response to the Minister's canard.

**The ACTING CHAIR:** Minister, I listened carefully to your evidence. You described Justice Adams' evidence as vexatious. Do you know what "vexatious" means?

**Mr TROY GRANT:** Yes.

**The ACTING CHAIR:** What does it mean?

**Mr TROY GRANT:** I do not have an Oxford dictionary definition in front of me.

**UNCORRECTED**

**The ACTING CHAIR:** What do you think it means?

**Mr TROY GRANT:** A false complaint with a motive for doing so.

**The ACTING CHAIR:** Well, no. It is "tending to cause annoyance, frustration or worry". Do you really think Justice Adams would be putting a proposition of this seriousness for vexatious reasons or do you want to change your characterisation of it?

**Mr TROY GRANT:** I am not an English scholar, Mr Shoebridge, so whatever the appropriate wording is for—and you have heard this evidence—the tone and his attitude in giving his evidence to a decision that I made that he did not like. I add: Following my decision to deny overseas travel for the commissioner's request the chief commissioner attempted to convince me to overturn the decision as he has outlined by emphasising the claimed merits of the travel and arguing that my decision to decline the approval for the request expense contravened the statutory independence of the LECC pursuant to section 22 of the Law Enforcement Conduct Commission Act 2016.

I sought legal advice in relation to my decision and his representations to me in relation to his interpretation of section 22 of the Law Enforcement Conduct Commission Act, for which he is making accusations against me today, from both the Crown Solicitor and the Solicitor General. Both the Crown Solicitor and the Solicitor General have unequivocally advised that my authority to determine whether or not to approve a particular expenditure from the amount appropriated from the Consolidated Fund for the purpose of LECC under the Constitution Act 1902 and the Public Finance and Audit Act 1983 is not affected by section 22 of the Law Enforcement Conduct Commission Act. These have different spheres of operation.

The advice also indicates that it is not unusual for other independent bodies to be subject to restrictions with respect to the use of public moneys. The relevant safeguard is that the Minister is ultimately responsible to Parliament for the expenditure of the amount appropriated from the Consolidated Fund for the purpose of the LECC. The chief commissioner's interpretation of the Solicitor General's advice that it would be open to the Minister to interfere with the means of conducting investigations and oversight despite section 22 cannot be accepted. In his advice the Solicitor General clearly differentiates between functions such as investigations and approval for expenditure for overseas travel. He states the following, importantly, in his advice:

If the Minister attempted to control or direct LECC in relation to the exercise of functions conferred or imposed on LECC by the LECC Act or any other Act, a question would obviously arise under section 22 of that Act, but this is very different in my view from the Minister, who has the responsibility of authorising the expenditure from the appropriation to LECC, retaining a discretion under the relevant financial delegation in relation to one or more categories of expenditure—in this case, overseas travel.

The Crown Solicitor advised, and the Solicitor General agreed, that it is not a function of the commission under the Law Enforcement Conduct Commission Act or any other Act, or the commissioner's, to deal directly with money appropriated to the Minister out of the Consolidated Fund for the use or purpose for which it is appropriated. This is a function for the Minister to exercise. The Solicitor General concluded by stating, "I agree with the advice of the Crown Solicitor that the Minister's authority to determine whether or not to approve the particular expenditure was not affected by section 22 of the Law Enforcement Conduct Commission Act." The chief commissioner clearly does not agree, and I believe that his allegations relate to his attitude in relation to that decision—why he is making these false and untrue claims.

**The ACTING CHAIR:** Minister, I invite you to provide the Committee with the full advice and not the edited provisions that you have been providing.

**Mr TROY GRANT:** I am more than happy to do so.

**The ACTING CHAIR:** Minister, the nub of the concern raised was that you, in a meeting with the chief commissioner, put to the chief commissioner the view of the Police Association that nobody who had been employed by the Police Integrity Commission [PIC] should be employed by the new oversight body. Do you agree you did that?

**Mr TROY GRANT:** I made him aware of their position; that is exactly right.

**The ACTING CHAIR:** Is it your evidence that you then said, "But I do not support that; I reject that", or is your evidence that you simply put it before the commissioner with no commentary?

**Mr TROY GRANT:** I had general conversations with the chief commissioner—I think I met him on three occasions—about his going into the role, in an interview form, and then two other occasions where we discussed the LECC in general terms. As part of those discussions I made him aware—as I believe as the Minister

**UNCORRECTED**

I should for a new chief commissioner coming in to head a brand-new organisation—of the views and sentiments surrounding the construct and the establishment of that body. Part of that discussion, the words of which I cannot exactly recall, was that was the Police Association's position.

**The ACTING CHAIR:** Are you saying you then said, "But I reject that and I do not want you to apply any weight to that?" Is that your evidence?

**Mr TROY GRANT:** I do not recall the exact conversation. I know that I did not tell him or direct him—as he accuses me of—to not employ people from the PIC. It is against the Government Sector Employment Act. It is against, as he rightly articulated, how people are employed in New South Wales under a merit-based system. I did not do that.

**The ACTING CHAIR:** What other purpose could you have in a private meeting with the chief commissioner to put such an inflammatory position as that coming from the Police Association other than to influence his decision-making?

**The Hon. CATHERINE CUSACK:** Point of order: That question has already been answered.

**Mr TROY GRANT:** The Hon. Catherine Cusack, I am happy to answer the question.

**The ACTING CHAIR:** What other reason, other than to influence the chief commissioner, could you have for putting such an explosive and inflammatory proposition at a key point of recruitment?

**Mr TROY GRANT:** My conversation with him was not explosive or inflammatory and it was part of broader conversations in relation to the landscape and the environment that he was establishing the LECC within. He had expressed to me his keenness and desire to go out and consult with a whole range of stakeholders, which included every police command in New South Wales. Part of that conversation was I made him aware at that stage there were over 80 local area commands and that may be a difficult thing to do in relation to his time management, that there may be other opportunities. I told him the views of the Police Association, who are a stakeholder in this space. I had conversations about his interaction with the New South Wales police. I was being helpful to him, providing him with situational awareness of the environment. I did not give him any direction and did not influence him any way in relation to any recruitment, and I reject his assertions outright.

**The ACTING CHAIR:** I am sure we will return to this perhaps later in these hearings. Minister and Commissioner, in 2016 as a result of police drug dog indications there were 590 strip searches but in 2017 as a result of police drug dog indications there were 1,124 strip searches. Why did the number of strip searches double, and is this at a direction from your office, Commissioner, or a change in policy?

**Mr FULLER:** Mr Chair, there has not been a change in policy in relation to strip searches. The Law Enforcement (Powers and Responsibilities) Act applies equally today as it did back in 2016. I would have to overlay the number of detections with the number of dance type parties to which we have been to see if there is a change in activity, but there has certainly been no direction nor would there be a direction from me in relation to do this other than applying the Law Enforcement (Powers and Responsibilities) Act appropriately.

**The ACTING CHAIR:** Commissioner, do you find the figure of 1,124 strip searches as a result of a drug dog indication surprisingly high?

**Mr FULLER:** Not if they have applied the Law Enforcement (Powers and Responsibilities) Act and their training appropriately.

**The ACTING CHAIR:** Do you know what proportion of those searches actually found drugs?

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

**The ACTING CHAIR:** What if I was to tell you that answers given on notice to Parliament through the Minister showed that in almost two-thirds of those occasions no drugs were found?

**Mr FULLER:** We also know that in a high percentage of those cases people admit to having had drugs on their person at some stage.

**The ACTING CHAIR:** Commissioner, what do you say to the more than 700 mainly young people that were taken aside, stripped down, strip searched, humiliated and degraded—often as they are entering a music festival—and then had no drugs found on them in 2017? What do you say to those 700 people and what do you think their attitude should be to the police?

**UNCORRECTED**

**Mr FULLER:** To their parents, it is the fact that they are still alive. I hope their parents are happy, because lots of young people overdose and die every year because of drugs. From my perspective, public safety is number one. We do have strong powers at times that allow us to strip search. What I want is those powers applied appropriately.

**The ACTING CHAIR:** How can you be satisfied that they are applied appropriately when we saw almost a doubling of strip searches in just one year? There must be an explanation for it, Commissioner. What is it?

**Mr FULLER:** I will have to take it on notice, in terms of having a deeper dive into the reasons why. I would have to look at the amount of searches to see if there was increased activity at dance parties because of overdoses and the terrible things that happen when young people take illegal drugs.

**The ACTING CHAIR:** Commissioner, if you are concerned about overdoses and drug dog operations, why do you not work with the Minister and provide amnesty bins at festivals so that—

**Mr FULLER:** It just sends a bad message, Mr Shoebridge.

**The ACTING CHAIR:** —particularly young, inexperienced drug users do not have panicked ingestion but can safely dispose of the drugs? Why do you not use that harm minimisation measure?

**Mr FULLER:** Parents and families and friends talk to their kids. Drugs are dangerous. Government taking a soft approach only green-lights people for the use of drugs. The language that comes out of Parliament House, out of police, out of community leaders in this space is very important.

**The ACTING CHAIR:** Commissioner or Minister, how do you justify a police program that gets it wrong 64 per cent of the time?

**Mr FULLER:** Sorry, which program are we talking about?

**The ACTING CHAIR:** These are the drug dog strip searches where, on 64 per cent of occasions, no drugs were found after a degrading and humiliating strip search.

**Mr FULLER:** Again, Mr Shoebridge, in a high percentage of cases, people make admissions that they had drugs on them at some stage. It is about harm minimisation. It is about what message are we sending to young people that we will accept as a society. That is: Do not use drugs. We know they are dangerous. We know kids—

**The ACTING CHAIR:** Are you saying the drug dog program reduces drug use? Do you have any evidence for that?

**Mr FULLER:** It is one of many strategies that we have, trying to have a positive influence on drug use in our community. When you look at the wastewater testing, the amount of cocaine that is used in the east and, as we drift out further west, the ice use, perhaps I need to do more in this space, Mr Shoebridge.

**The ACTING CHAIR:** How many strip searches were performed in Wentworth—the former Prime Minister's electorate—given that the analysis of wastewater from that electorate shows the highest level of drug use pretty much anywhere in the country?

**Mr FULLER:** Well, it comes back to the location of the dance parties and obviously it comes back to the location of—

**The ACTING CHAIR:** Would the answer be none?

**Mr FULLER:** —where we can use drug dogs. If they are having dance parties at Wentworth and no-one is being strip searched, then I have a problem. But dance parties do not happen in those locations. As you know, we are restricted to train stations and certain locations.

**The ACTING CHAIR:** Or where you get a warrant?

**Mr FULLER:** That is right.

**The ACTING CHAIR:** Have you sought a warrant to undertake strip searches in wealthy parts of Sydney, like Wentworth or the North Shore, or do you just focus on Western Sydney?

**Mr FULLER:** When we start testing for cocaine with drivers shortly, we will be everywhere. We will not be west; we will be east, we will be north, we will be south. If people out there think they can take cocaine and escape the law, then they have a real problem coming, particularly if you have a driver licence.

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**The ACTING CHAIR:** You know we are not dealing with roadside drug testing.

**Mr FULLER:** Yes. But, again, it is about strategies—

**The ACTING CHAIR:** We are dealing with strip searches, Commissioner, and I am sure we can—

**Mr FULLER:** —on do we minimise the use of drugs in our community, Mr Chair.

**The ACTING CHAIR:** I was asking you about strip searches. You are not going to start strip searching drivers, are you, as a result of roadside drug testing?

**Mr FULLER:** We will not have to because we have this wonderful test that you blow into, and that is definitive, is it not?

**The ACTING CHAIR:** Are you saying you are going to have a blow-into test for roadside drug testing?

**Mr FULLER:** Well, in the sense that you will be tested and there is a DNA-type swab in relation to it.

**The ACTING CHAIR:** Are you saying there is a DNA swab?

**Mr FULLER:** No, sorry, like a buccal swab.

**The ACTING CHAIR:** So it is not blow in, it is not DNA. What is it?

**Mr FULLER:** It is a buccal swab. If you want me to give you the technical answer, I will provide that on notice to you. But, nevertheless, cocaine testing is coming and I am excited about it.

**The ACTING CHAIR:** Well, finally someone other than low socio-economic people will be roped into roadside drug testing. Is that what you are excited about, Commissioner?

**Mr FULLER:** I am excited about the fact that we will be testing right across the State.

**The ACTING CHAIR:** Given the legislation for this was passed almost a year ago, what has been the delay in testing cashed-up cocaine drivers in roadside drug testing?

**Mr FULLER:** I would have to defer to the Minister, but I do not think your time frame is correct in terms of when the legislation was—

**The ACTING CHAIR:** What has been the delay, Minister?

**Mr TROY GRANT:** I am not sure there has been a delay, Mr Shoebridge. I agree, I am not sure that 12 months is accurate. As you know, I am the one who made representations to include cocaine as part of the drug—

**The ACTING CHAIR:** After we forced you.

**Mr TROY GRANT:** I beg your pardon?

**The ACTING CHAIR:** After we forced you.

**Mr TROY GRANT:** I do not recall you forcing me to do anything. I took a view on my own of the evidence and I represented to the Minister for Roads to include cocaine in the testing regime. In relation to the drug dog issue, I know you have a very passionate and personal view about drug consumption in New South Wales and you are entitled to that, but can I just make the point that the drugs that you want to be tested or you want to be not addressed in a certain policing tactic by the use of police dogs, Mr Shoebridge, are illegal drugs. They are illegal to possess, they are illegal to supply and they are illegal to manufacture.

**The ACTING CHAIR:** And 64 per cent of the people strip searched had none on them.

**Mr TROY GRANT:** The police—

**The ACTING CHAIR:** That is the problem, Minister, which you are refusing to address.

**Mr TROY GRANT:** Police will use different police tactics to protect life from harm. One of those is the use of police dogs, which have levels of detection that you are well aware of, that the Commissioner has rightly referred to. During that process, there is also a level of disclosure from those tests that whilst they may not be currently in possession, that they had been in possession.

**The ACTING CHAIR:** I am sorry?

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**Mr TROY GRANT:** The Commissioner has just answered your question in relation to—

**The ACTING CHAIR:** Is this like a known unknown answer?

**Mr TROY GRANT:** In addition to the ones who are detected by drug dogs, there are those who are assessed by the dog and then they make admissions that, whilst they do not have drugs on them, they have recently had drugs in their possession. I encourage and support the use of police drug dogs as one of many tactical options by the NSW Police to reduce harm in our community from the use of illegal drugs.

**The ACTING CHAIR:** Apart from the Ombudsman's scathing review, which is almost a decade old, has there been a single evidence-based review of the New South Wales drug dog operations?

**Mr TROY GRANT:** I would have to take that on notice.

**Mr FULLER:** As would I, Mr Shoebridge. I have not asked for one in the past 18 months being Commissioner, but there could well have been one conducted.

**The ACTING CHAIR:** Is it true that the expenditure for the Drug Dog Unit is still in the order of about \$9 million a year, or has it increased?

**Mr FULLER:** I would have to take it on notice.

**The ACTING CHAIR:** Is it true that the standard operating procedures for drug dogs states that when you have one drug dog handler and a drug dog, up to 12 general duties police are taken from other duties in the local area command to attend?

**Mr FULLER:** They are not taken from other duties. They are working in commands, working on drugs, which has an impact on crime. I do not see how an officer would—

**The ACTING CHAIR:** They are taken off other duties to accompany a dog.

**Mr FULLER:** But how an officer would assume they have been taken away from duty when drugs drive most crime types, particularly property crime—if a police officer said to you they are taken away from their duties—

**The ACTING CHAIR:** Other duties.

**Mr FULLER:** Well, drugs is one of the biggest problems we have in our community—

**The ACTING CHAIR:** By definition they are taken from other duties, Commissioner.

**Mr FULLER:** If someone is telling you that there are other duties that are more important than fighting the drug problem in our State—

**The ACTING CHAIR:** Like domestic violence, murder, violent crime?

**Mr FULLER:** Yes, drugs link back to mental health issues and murders and all these other things. And people rob stores to get money to pay for drugs.

**The ACTING CHAIR:** But you have done no evidence-based review of the drug dog program?

**Mr FULLER:** In my time; I am not suggesting it has not been done.

**The ACTING CHAIR:** The Committee has resolved to take a 20-minute break at this stage.

**(Short adjournment)**

**The ACTING CHAIR:** We will resume the second half of the budget estimates hearing with questions from the Opposition.

**The Hon. ADAM SEARLE:** Chief Commissioner, you heard what the police Minister has had to say about your interaction, which you viewed as an effort to influence you. Is it possible that you were mistaken about what the Minister was attempting to do in that meeting with you, given your stature and your experience?

**Mr ADAMS:** One is always tempted to give a convenient answer when you have a contemplation of this kind, but I am afraid no. As I said, he did not give me a direction but he gave me clearly to understand that I should do my best to achieve the end of the Police Association. I agree that he did mention the Police Association, that is true.

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**The Hon. ADAM SEARLE:** I am more interested in what you said were the efforts to influence you.

**Mr ADAMS:** No.

**The Hon. ADAM SEARLE:** You are clear in your own mind and in your recollection both at the time and subsequently—and even today reflecting back—about what you believe the Minister was attempting to do?

**Mr ADAMS:** Indeed.

**The Hon. ADAM SEARLE:** Did you comply with what you perceived as those efforts to influence you?

**Mr ADAMS:** No, I completely disregarded it. I wrote a letter to the Minister and explained why it was not appropriate.

**The Hon. ADAM SEARLE:** Mr Acting Chair, as a matter of fairness, I was asking Mr McKenna in the last round what his response is to the Chief Commissioner's recollection of events.

**Mr MCKENNA:** Which element?

**The Hon. ADAM SEARLE:** You have heard everything that the Chief Commissioner has had to say. You have heard him mention your name. It is up to you whether you wish to say anything about those matters.

**Mr MCKENNA:** There was discussion. I had a discussion with Mr Adams. There was a lot of discussion about the filling of positions. There were selection panels convened. There were a large number of people selected from the Police Integrity Commission [PIC] and the NSW Ombudsman into those positions. I have nothing further to say.

**The Hon. LYNDA VOLTZ:** I will go back to the Firearms Registry. Commissioner, at the last budget estimates hearing you said that the Firearms Licensing and Lifecycle Management System [FLIMS] would be in by June or July this year at the latest. What is the status of that system?

**Mr FULLER:** I have learned a valuable lesson about technology. Finding someone who can deliver technology on time and on budget is a difficult task. I am still committed to delivering what we call the FLIMS system, which is an automation through Service NSW of the paperwork around applications. It does not in any way change the assessment of the individual applications but I am still committed to delivering this computer system through Service NSW. However, finding an individual to write the program and deliver this on time and on budget has been a challenge.

**The Hon. LYNDA VOLTZ:** Ms Milkins, you said that there was a review by the former commander at the Firearms Registry when you went there. Commissioner, you said that Commander Bell was now currently undertaking a review. What happened to the review by the former commander?

**Mr FULLER:** To clarify, Superintendent Bell has been recently promoted as a senior police officer into that position. He has not taken up the position but he has been tasked from day one to start an end-to-end review about the efficiency and effectiveness of the Firearms Registry. I will divert to Deputy Milkins. I think I know the answer to the question but I think it is appropriate that the deputy answers it.

**Ms MILKINS:** Clearly, as we put in an online system—the FLIMS system—that would have impact on the registry. I had asked the commander to give me a plan about how he would proceed forward with running the registry once that online system went in.

**The Hon. LYNDA VOLTZ:** Was that plan completed?

**Ms MILKINS:** It has never been signed off because FLIMS has still not been completed. But, yes, he provided some advice to me on that.

**The Hon. LYNDA VOLTZ:** You say that the constraints on FLIMS are budgetary, so it is a cost issue. What would be the cost—

**Mr FULLER:** It is a technical issue more than a cost issue. Again, it is just getting the right programmers to be able to build the technology to interface with our systems and Service NSW systems.

**The Hon. LYNDA VOLTZ:** And Service NSW systems.

**Mr FULLER:** That is right.



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**The Hon. LYNDA VOLTZ:** I understand that the system is currently being administered by police.

**Ms MILKINS:** Yes.

**Mr FULLER:** That is correct.

**The Hon. LYNDA VOLTZ:** Is the intention to have FLIMS interfaced into Service NSW?

**Mr FULLER:** An entry point in gaining access to the forms, completing and submitting the forms would be automated, but the assessment of those individual permits and licence applications will still be scrutinised by an employee of the Firearms Registry.

**The Hon. LYNDA VOLTZ:** But they currently sit within police.

**Mr FULLER:** No, within the Firearms Registry, but we are almost doing it by fax. We are almost doing it by carrier pigeon at the moment; that is, the technology for people to apply for permits and forms. We are trying to make the application process more automated to make it more user-friendly.

**The Hon. LYNDA VOLTZ:** But it is currently being undertaken under the direction of the NSW Police Force, the Firearms Registry.

**Mr FULLER:** In the Firearms Registry, that is correct. But Service NSW will only be the front end of it. It does not change the responsibility in how the Act is delegated from me to the Firearms Registry. It is only the mechanics of it being a user-friendly system for people to apply online but it still comes to within the New South Wales Firearms Registry for assessment.

**The Hon. LYNDA VOLTZ:** Will we not have a double-up if that is the case? At the moment you have to have a system that you can integrate with the Firearms Registry to be able to assess every application and link it into your databases to check on any criminal records.

**Mr FULLER:** It is no different to getting a driver licence or any other service for which we go through Service NSW. It is not a facilitator of the end of the information; it just provides a central platform where people go to get access to certain information to apply, whether it is a driver licence or a car registration. It is still all administered—the Act itself—the information flow is all back through to the Firearms Registry.

**The Hon. LYNDA VOLTZ:** Would Service NSW charge a fee for the front-end services?

**Mr FULLER:** In theory, that is right.

**The Hon. LYNDA VOLTZ:** Will that be added to the firearms licences?

**Mr FULLER:** At this stage it would be a cost that we would need to meet from a NSW Police Force perspective and/or in future budget bids through the ERC process enhancement to our budget to fund that.

**The Hon. LYNDA VOLTZ:** Going back to prisoner transport, do you believe that police officers should be transporting prisoners for NSW Corrective Services?

**Mr FULLER:** In a perfect world we would not be doing prisoner transport. In a perfect world we would not be dealing with mentally ill people. There are lots and lots of jobs that we do that probably do not sit neatly with us. But at the same time we have a strong and proud history of being 24/7 and being there to pick up the pieces when others perhaps are not around. As a commissioner in my time, do I think we will still be doing some sense of prisoner transport? The answer is yes, but I think a progression over time away from prisoner transport. I could reinvest those hours into more issues around public safety. Nevertheless, we have been doing prisoner transport for a long time. We are trying to reduce the impact between me, the Justice Secretary and the Corrective Services Commissioner. There is still more work to be done in relation to that.

**The Hon. LYNDA VOLTZ:** As part of the re-engineering—perhaps the Minister can add to this—have you had meetings with the Minister for Corrective Services and Commissioner Severin in regard to prisoner transport?

**Mr TROY GRANT:** Yes, we have. We have had several meetings and a number of trials are underway.

**The Hon. LYNDA VOLTZ:** Where are the trials being undertaken?

**Mr TROY GRANT:** I will get the secretary to make sure that I get it all right, but in Tweed, Byron and Parkes.

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**Mr CAPPIE-WOOD:** There is Parkes, which is the first trial that has been looked at and is being oversighted by a senior officers group including officers from Treasury, Department of Premier and Cabinet, obviously police and Corrective Services. The Parkes trial, as it stands at the moment, consists of the people taking proactive action in installing a custody suite in the Parkes police station and using audio-visual links for first appearances to try to reduce the number of police transports required. Audio-visual links enables first appearances rather than having to escort them distances to achieve that outcome. We are currently assessing the load that is both court bail refused and police bail refused in the Parkes area. I have undertaken to the police commissioner that the Department of Justice will cover the police for court bail refused transports they undertake in that regard whilst that trial is underway. We are further exploring how a clearer definition of responsibilities for the Parkes area can be defined.

There is a Newcastle trial proposed. There is a significant difference in terms of the nature of the relationships. As the police commissioner pointed out, there is a long history of police undertaking this. That has been custom and practice for a while but over more recent years there has been a large number of individual arrangements between Corrective Services NSW and the police in terms of who takes what responsibility at what point. That is not a uniform position across the State. Therefore, understanding how they look—in Parkes it is a low number at high distance travelled; whereas in Newcastle there is a higher volume at short distance of travel, and a variety of different arrangements.

With that place we are now looking at finalising the Newcastle trial to be able to say how we unpick and re-establish clarity around what the police do and what Corrective Services would do. A further part of that work that is being undertaken between the two organisations in relation to section 33 transports, which is the transport of offenders for mental health assessments. A memorandum of understanding [MOU] is currently being finalised between Corrective Services NSW and police in terms of understanding how, and under what circumstances, that responsibility would be divided up to make sure that we can get that resolved as best as possible. There is a very productive relationship there to try and seek a greater understanding of roles and responsibilities so that we can make sure we can move this forward on a systemic basis. As you would be aware, this is a matter before the IRC, and there are regular reports back to the IRC on the progress that is being made.

**The Hon. LYNDA VOLTZ:** Minister, how many staff were allocated to the investigation and counterterrorism unit from 2011 to now? Do you have those figures?

**Mr TROY GRANT:** No. I will have to take that on notice, Ms Voltz.

**The Hon. LYNDA VOLTZ:** Do you know what the figure is for this year?

**Mr TROY GRANT:** I will take that on notice.

**The Hon. LYNDA VOLTZ:** Are you aware of any staff cuts?

**Mr TROY GRANT:** To which command?

**The Hon. LYNDA VOLTZ:** To the investigation and counterterrorism unit.

**Mr TROY GRANT:** I will defer to the commissioner. None that I am aware of.

**Mr FULLER:** Nor myself. Certainly we have put in place a Fixated Persons Investigation Unit, which was another 17 police. We have put in place the additional 35 positions this year through the extended supervision orders. I suggest that, unless there has been a change in commissioned officers through the re-engineering process—that could be a change—in my time there has been no direction to reduce staff there. I think you will find that the overall Counter Terrorism and Special Tactics Command would have grown reasonably much larger in the times you have spoken about—from 2011 to now. But I can provide definitive data for you on notice.

**The Hon. LYNDA VOLTZ:** Minister, were you aware that the New South Wales police counterterrorism unit in 2017 recommended measures for the permanent closure of Driver Avenue, Moore Park?

**Mr TROY GRANT:** No, I am not aware of that.

**The Hon. LYNDA VOLTZ:** Did the Minister for Sport and the Minister for Counter Terrorism inform you that they were writing to the Minister for the Environment with those recommendations from the New South Wales police counterterrorism unit?

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**Mr TROY GRANT:** I will have to check my office records. I do not recall. There was certainly no conversation between me and the Minister on that subject matter, but I will have to check my office records for any correspondence and provide an answer on notice.

**The Hon. LYNDA VOLTZ:** Given that the Minister for Sport and the Minister for Counter Terrorism wrote to Gabrielle Upton requesting the closure, and it has since been announced that it will not be closed, why has the Government decided not to take up the recommendations of your counterterrorism unit?

**Mr TROY GRANT:** I cannot answer a question I am unaware of.

**The Hon. LYNDA VOLTZ:** I am happy to give you a copy of the letter if you want to look.

**Mr TROY GRANT:** I have not seen that letter. I am happy to take it on notice.

**The Hon. LYNDA VOLTZ:** I will provide you with a copy.

**Mr TROY GRANT:** I have read that. What was the question again?

**The Hon. LYNDA VOLTZ:** Would you be aware why your counterterrorism unit is providing this information to this Minister for Sport and the Minister for Counter Terrorism without it going through your office?

**Mr TROY GRANT:** My office does not make determinations about road closures. It is with either the local government authority or Roads and Maritime Services, depending on the status of the road.

**The Hon. LYNDA VOLTZ:** That is a recommendation of your police unit.

**Mr TROY GRANT:** It is an operational recommendation in an area that I do not make determinations on.

**The Hon. LYNDA VOLTZ:** So that report would have been done at the request of the Minister for Counter Terrorism, would it?

**Mr TROY GRANT:** It is an operational matter.

**Mr FULLER:** The crowded public places document is a document that the asset owner has the responsibility for filling out. It is an Australian Federal Government produced document. There are also counterterrorism commands—like police districts and police area commands can provide risk assessments on request. But particularly if it is a major asset—like the Opera House or the Harbour Bridge—our Counter Terrorism and Special Tactics Command has a unit that will help conduct risk assessments in terms of ways of perhaps target-hardening an area. Bollards et cetera are examples of that. It is only advice and guidance to the asset owner. In this case, it is my understanding that Driver Avenue is run and owned by Centennial Park Trust. I guess the people who are on it are generally going into the cricket ground or the football stadium. From our perspective, for large events we quite often provide vehicles to block either ends because the road itself is covered by people.

**The Hon. LYNDA VOLTZ:** Yes, I have seen those.

**Mr FULLER:** On a regular basis, commands and districts and the Counter Terrorism and Special Tactics Command work with owners of assets, and we provide risk assessments. They do not come through my office. They do not go through Mr Grant's office.

**The Hon. LYNDA VOLTZ:** That is okay. Perhaps you could take on notice who requested that that report be done—

**Mr FULLER:** Absolutely.

**The Hon. LYNDA VOLTZ:** —and who provided it to those Ministers' offices. Can I go onto Fire and Rescue NSW. Is Fire and Rescue NSW expected to play a role in the counterterrorism space?

**Mr TROY GRANT:** Is that a question to me?

**The Hon. LYNDA VOLTZ:** Yes, sure.

**Mr TROY GRANT:** Yes, Ms Voltz. In relation to counterterrorism, I think everyone would agree that the world has changed and that the threats that we face are not only very real but extraordinarily diverse. It does not take us long to reflect back on our own shores and the Lindt cafe incident. Fire and Rescue NSW played a role in that event, assisting the NSW Police Force on the front line. Remember that there was a real possibility of there

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being explosives in that situation, which could have had devastating impacts on structures and people in an area. The technical and specialist advice of Fire and Rescue working with the bomb squad and tactical command at that stage was very important on that evening.

If we look abroad, 9/11 is a clear demonstration of the role that fire officers played in that event. There are memorials there for many firefighters at that terrorism event. Unfortunately, we all have a role in different formats and in different quantities and quantum when it comes to dealing with or responding to counterterrorism now and into the future.

**The ACTING CHAIR:** Justice Adams, you said that you sent a letter to the Minister setting out your understanding of events. Could you provide a copy of that letter to this Committee on notice?

**Mr ADAMS:** Certainly.

**The ACTING CHAIR:** Minister, have you provided any written communication responding to Justice Adams to put your position forward? Could you provide that to this Committee on notice?

**Mr TROY GRANT:** I am happy to provide every bit of correspondence that you require in relation to this matter.

**The ACTING CHAIR:** Did you contest Justice Adams' version in correspondence that you sent to him?

**Mr ADAMS:** I should clarify—

**Mr TROY GRANT:** Sorry, the question was to me.

**The Hon. BEN FRANKLIN:** Chair, you asked a question of the Minister.

**The ACTING CHAIR:** I will ask a question to the Minister and then I will come back to you, Justice Adams, if you require a clarification.

**Mr TROY GRANT:** I am happy to provide all correspondence between me and the chief commissioner that you seek. I do not recall, now, the contents of each piece of that correspondence.

**The ACTING CHAIR:** But you would remember, given you say that this is a vexatious and false allegation against you, if you challenged that in writing or not.

**Mr TROY GRANT:** As I said, I am happy to provide all material.

**The ACTING CHAIR:** Justice Adams?

**Mr ADAMS:** I was going to say that as I sit here now I cannot recall whether I referred to the issue in a general way and said why I could not recruit upon the proposed basis; I am not sure that I quoted the conversation. But I will let you have my letter. I did not get a response to that letter.

**The ACTING CHAIR:** Thank you; just for balance.

**Mr TROY GRANT:** It is extraordinary.

**The ACTING CHAIR:** Sorry, Minister?

**The Hon. SHAOQUETT MOSELMANE:** He said, "extraordinary".

**Mr TROY GRANT:** I said, "extraordinary".

**The ACTING CHAIR:** Yes, it is. Minister, either to you or through you to the Commissioner, in the most recent 12 months, how many young people—that is, people aged under 17—have been placed on the suspect target management program list?

**Mr FULLER:** I can probably tell you how many are on at this point in time—obviously, on notice I can provide that information to you—but it rolls in the sense that you come on and off.

**The ACTING CHAIR:** I understand that; it is why I asked the question over the 12 months. You have previously given us that data, but if you could tell us how many are on the list now, that might be a starting point.

**Mr FULLER:** While I am looking for that information, I can tell you that post budget estimates last year, when we spoke about this issue, as a result of that we strengthened the benchmark for a young person getting onto STMP. In fact, by setting up the new Youth Command and having an assistant commissioner in charge of

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that, he needs to approve anyone going on that program aged 14 years and under, which has dramatically decreased the amount of young people who are currently on the STMP for that age.

**The ACTING CHAIR:** I am glad the last budget estimates hearing produced that beneficial outcome, but please give us the data as well.

**Mr FULLER:** Yes. At the moment I do not have the rolling total; I can get that for you on notice. At the moment, under the age of 18 there are currently 73 of the 622 people on STMP. That is not a rolling total, but as at when this would have run—probably yesterday or today.

**The ACTING CHAIR:** Can you give us the rolling total for both young people—that is, aged under 18—and adults?

**Mr FULLER:** Yes.

**The ACTING CHAIR:** What proportion of those young people are Aboriginal?

**Mr FULLER:** Again, I cannot give you the rolling total in relation to Aboriginal and Torres Strait Islander, or those who are identified on our system as ATSI. Of the 622—please give me one moment—can I take the question on notice? We do have that information; I am looking at domestic and family violence, so if you could give me one moment.

**The ACTING CHAIR:** I am happy for you to take a minute to find the data. Minister, while the Commissioner is looking for the data, do you want to add anything?

**Mr TROY GRANT:** Not on that subject matter; I have an answer to a previous question regarding correspondence.

**The ACTING CHAIR:** Minister, if you have correspondence to table, you are welcome to table it now.

**Mr TROY GRANT:** I will. Do you want me to read from it?

**The Hon. LYNDA VOLTZ:** No, just table it.

**The ACTING CHAIR:** It is probably better you not read from it. Tell us what the document is and then we are happy to accept it as a tabled document.

**Mr TROY GRANT:** It is the letter from the Chief Commissioner, dated 4 May 2017. He made allegations that he wrote to me in relation to this letter—

**The ACTING CHAIR:** We know the document, so if you are in a position to table it, we would appreciate it.

**Mr TROY GRANT:** It is dated 4 May, and this letter in his own writing clearly supports my version of events.

**The ACTING CHAIR:** We will get copies of the letter provided to both the Commissioner and to the Committee members.

**Mr FULLER:** At the moment, with the non-rolling total, I ask you to accept there are 622 people currently on the STMP project. We have two types. One is to do with domestic and family violence and is specifically involved with domestic violence offenders, which is a new strategy I introduced. The other is what we call non-domestic violence the suspect target management program [non-DVSTMP]. In terms of ATSI, for the non-DVSTMP—which we call general STMP—233 people identify as ATSI. In terms of domestic and family violence STMP, which is obviously a very similar process but is just specific to one offence, 91 people identify as ATSI.

**The ACTING CHAIR:** So, again, more than 50 per cent.

**Mr FULLER:** Correct. That would be around 322 all up out of 622.

**The ACTING CHAIR:** Again, Commissioner, 12 months on, how do you explain such an extraordinary racial bias on the STMP project? Aboriginal people make up just 2½ per cent of the State's population, yet they make up well north of 50 per cent of the people on this program. How do you justify that?

**Mr FULLER:** We are working with Justice. We are trying to look at our strategies to see if there are better ways of enforcing court and other orders that better suit the ATSI population. It is not as though we are

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turning a blind eye to it. The great challenge for me, as always, is public safety is my number one priority. I am trying to protect 7½ million people. STMP is a very important strategy, but we are not blindly rolling into this. I am on working parties with the departmental secretaries of Justice. I meet with the secretaries and we look at the way we apply the laws. We are always trying to make sure that we are not unfairly targeting any individual.

**The ACTING CHAIR:** Commissioner, you say that, but 12 months on and more than 55 per cent of the people on this suspect target management program, which is entirely a creation of the New South Wales police, not the Parliament—

**Mr FULLER:** Absolutely.

**The ACTING CHAIR:** —remain Aboriginal. That is a gross failing, is it not?

**Mr FULLER:** But we have reduced the number of Aboriginal young people in custody. There are so many other positive stories in relation to this. We are trying to be more creative with bail for young Aboriginal children, knowing that they live in very complex circumstances. We are absolutely open to working with the justice system in trying to find a fairer outcome, but balancing all of this is protecting 7½ million people.

**The ACTING CHAIR:** Commissioner, is it true that the former head of *A Current Affair* is heading up the New South Wales Police Media Unit? He has gone from *A Current Affair*, a kind of scurrilous so-called news program—

**Mr FULLER:** I am not sure how Channel 9 would profile that program.

**The ACTING CHAIR:** —to the head of police media. Is that what happened?

**Mr FULLER:** He was the director for *A Current Affair* Australia and he was also a very experienced and well-respected police officer. He has also worked in other media roles and his CV was by far the most impressive in terms of not just understanding the media but understanding how to run a business. One of the great challenges in any role is not just understanding how to put the fire out but understanding how to manage the money.

**The ACTING CHAIR:** Understanding how to spin the story for the Police Media Unit, which now, as I understand it, has more cameras than most commercial news desks in Canberra have.

**Mr FULLER:** I do not know who your informant is, but that is incorrect.

**The ACTING CHAIR:** How many cameras does the Police Media Unit have now?

**Mr FULLER:** When you talk about cameras, we have a multimedia unit, which is a very small unit. I am more than happy to get the exact number for you.

**The ACTING CHAIR:** I understand there are now three cameras associated with the Police Media Unit. Would that be right?

**Mr FULLER:** There might be three employees, but that hardly matches Channel 9, Channel 7, Channel 10, the ABC. But at the end of the day, getting out vision in terms of all of our stories is crucial. We need to try to balance the good news stories with all of the stories that we put out.

**The ACTING CHAIR:** Commissioner, it is not just getting out the vision; it is controlling the vision, is it not? You provide the vision—

**Mr FULLER:** We cannot. If anyone suggests they can control the vision—

**The ACTING CHAIR:** —with a watermark of the New South Wales police on it.

**Mr FULLER:** I love the watermark, but it goes on the good news stories and the bad news stories. It is important that we identify it for national news—and news is both national and global—so that people can understand that this is New South Wales police. I think that is entirely appropriate, but the idea that I could possibly control the media in Australia or in Sydney—

**The ACTING CHAIR:** If you control the vision, you control the media. If you are not allowing other news services to have access—as they previously did—to police operations, but you are controlling it through your Police Media Unit and your increased number of cameras, that is a problem for democracy. Is it not?

**Mr FULLER:** I feel that you are being misled on that. I—

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**The ACTING CHAIR:** Disabuse me.

**The Hon. BEN FRANKLIN:** Let the Commissioner finish his sentence.

**Mr FULLER:** The reality is you go back some time and everyone listened to emergency services radio. From a police perspective, we have moved to an encrypted service. We give out all the information—all the bad news stories that you read in the paper every day come from us. The suggestion that we are somehow hiding information from someone I think it is totally inappropriate. Every good and bad news story comes from our people. We do not hide information. I have met with directors from all the big papers, from all the big TV studios, and not one of them has accused us of hiding information. No-one has made that allegation to me.

**The ACTING CHAIR:** Commissioner, how many people are currently employed in the Police Media Unit?

**Mr FULLER:** I will take that on notice.

**The ACTING CHAIR:** Would it be 50?

**Mr FULLER:** Yes, approximately.

**The ACTING CHAIR:** Minister, how many people are employed in the Premier's media unit? Do you know?

**Mr TROY GRANT:** That is a question for the Premier.

**The ACTING CHAIR:** How many are employed in yours?

**Mr TROY GRANT:** Two, in my ministerial office.

**The ACTING CHAIR:** There are 50 for the Commissioner and two in the ministerial office. Minister, do you think that is an appropriate allocation of media resources?

**Mr TROY GRANT:** Yes, it is a police force that stretches the entirety of New South Wales. It is an agency with 20,000 employees, more than 16,000 police officers on the street in various forms. We have police doing high-risk operations, which they film and within protocols and standing operational procedures they then provide vision from high-risk operations in very dangerous situations for public consumption. I think that helps the community to understand the threats and challenges that police face, day in and day out. They have technologies such as body-worn video cameras that each officer carries and, when requested, provides the vision to news outlets, as appropriate. PolAir carries video cameras that can take footage. When requested, that is provided to news outlets. We cannot put a cameraman from every news agency on every PolAir helicopter flight, so this is an arrangement that assists the community by providing footage—good, bad and indifferent, as the Commissioner alluded to—for community information so they can see what their police are confronted with and what is happening in the State of New South Wales.

**Mr FULLER:** The thirst for information from us drives the amount of people we have in the unit. We have to be 24/7. We are there every day of the year and we are pumping out hundreds and hundreds of stories. The thirst for information from us fills the papers and fills most of the 6 o'clock news. We have to pull that together to get it out.

**The ACTING CHAIR:** Is there a clear written protocol under which this information is supplied and is that protocol public and transparent?

**Mr FULLER:** There is an absolutely strong media policy that we have developed over time with the media outlets and with oversights from other people in terms of the way we interact with the media.

**The ACTING CHAIR:** I invite you to provide that to us on notice, unless you have a copy of it there with you.

**Mr FULLER:** I do not.

**The ACTING CHAIR:** Commissioner Fitzsimmons, what is the current status of the automatic vehicle location [AVL] program rollout?

**Mr FITZSIMMONS:** For many years, we have had a couple of areas across the State that have been trialling different versions of AVL. In more recent years, we have been exploring commercial solutions, which are a combination of terrestrial-based systems and satellite technologies that largely leverage off the cellular

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platforms such as the 3G and 4G platforms. Where those cellular telecommunications platforms do not exist, we can opt to transition to a satellite protocol. We were looking at some of the proposals in that area in recent years. However, as you probably would have heard only recently in the State Government budget announcements, there has been a considerable announcement made for a significant growth and improvement to the Government Radio Network [GRN] platform. As a matter of fact, I think it is some several hundreds of millions of dollars over the next couple of years to grow the existing Government Radio Network, focusing on a public safety radio network, which has already been upgraded considerably in the north-western areas of New South Wales. Construction is currently underway in the North Coast of New South Wales.

There is a big focus now as a priority area over the coming priority period for the Greater Metropolitan Area [GMA] or Greater Sydney Area [GSA], which will go from Newcastle to the Illawarra out to the Blue Mountains region. That is largely with the on boarding of police and the suite of police and emergency services. The RFS has worked closely with the NSW Telco Authority over the last year or so, concurrent with the commercial explorations, and we have been able to demonstrate a proof of concept around the capacity for the Government Radio Network to carry automatic vehicle location capability. Subsequently, in connection with the radio infrastructure upgrade, all the agencies, including the RFS, have been provided money to replace all the radio terminals. The benefit of the new digitisation of the radio tunnel upgrade, which we are spending \$50-odd million over the two financial years on—the current year and the next financial year—is that we are able to integrate into the radios AVL capability.

As we speak, we have worked with the Telco Authority and there have been some upgrades to the radio platform in the core of the system to facilitate the transmission of data for AVL. In the old form it is in competition with some communications channels, but under the new platform there are dedicated data channels. We are currently installing approximately 700 radios across three geographic areas to proof the concept and trial and evaluate the concept in the field. Those 700 radios exist across the north-west area of the State, around the Central Coast of New South Wales and around the Lake George geographic area in and around Canberra. Those 700 radios are being installed across the fleet of those vehicles to ensure that we get the right facilitation and integration of the vehicle location data through the GRN platform and ultimately into the corporate systems to display on the network. As we rollout the replacement of our 13,000-odd radios over the next two financial years and we see the growth of the enhanced radio network, which the Government is investing in at the moment, all vehicles will on board onto that platform over the investment period.

**The ACTING CHAIR:** This started more than five years ago and currently you do not yet have a single operating AVL unit in your service?

**Mr FITZSIMMONS:** That is not entirely true. That is not correct.

**The ACTING CHAIR:** Is there two, three or five? How many?

**Mr FITZSIMMONS:** No, we do have a separate AVL solution for things like aircrafts and aircraft resources and a dedicated rescue unit working in the system.

**The ACTING CHAIR:** I am talking about the trucks that are running around in fire.

**Mr FITZSIMMONS:** Correct. We have a fleet much greater than all the other emergency services. We have a fleet profile of more than 6,000. We are prioritising AVL across a fleet profile of approximately 4,500 vehicles off the top of my head. The quotes we had in the last couple of years to onboard a commercial solution using telecommunications platforms, terrestrial systems and satellite systems would have been an onboarding of the technology of something like \$12 million to \$15 million from memory. Then there would have been ongoing annual costs of approximately \$2 million to \$5 million per annum. We sensibly explored a more viable solution, with leverage off the unprecedented investment in the Government Radio Network platform, which will give a solution that we think is more viable and sensible.

**The ACTING CHAIR:** Will your AVL system talk to Fire and Rescue NSW so the agencies can see all of the units on the ground in real time on the same platform?

**Mr FITZSIMMONS:** More than that, I think you will find over the next few years as the Government Radio Network strategy of investment rolls out and the networks are improved that not only the RFS but also the other emergency services and the police services will have the option of onboarding onto that AVL solution as well. More over, with the AVL solution itself, it does not really matter what solution we use—we have the capacity to share the data into common operating platforms. We are also working more closely with Fire and Rescue around trials of AVL for other purposes in different locations around facilitating efficiencies around dispatch protocols



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and other things. But from my perspective, the highest priority for AVL and the biggest benefit we will get is around the safety and welfare of firefighters, particularly those deployed outside the readily accessible areas such as highways and roadways and into fire trails and more remote areas, where a lot of the conventional telecommunications and the like do not actually provide coverage.

**The Hon. LYNDA VOLTZ:** Commissioner Baxter, what is the size of the counterterrorism team and the budget for that team? I have been informed that it is one superintendent and a budget of less than \$100,000.

**Mr BAXTER:** In terms of full-time equivalent positions, we have one superintendent, who is embedded with the NSW Police Force service. However, if we looked at it more broadly, we would say that we have 7,000 people that work in that because part of the core role of the fire services is to manage events of fire, hazardous material and structural collapse, which we support police as the lead agency on. But, at this stage, we do have only one person embedded within the team and several part-timers as part of their work.

**The Hon. LYNDA VOLTZ:** What discussions have you had with the firefighters regarding the counterterrorism proposal under the plus plan?

**Mr BAXTER:** The intention to do more and to do better to support police in the counterterrorism area came directly from our staff in workshops, where we brought hundreds of our people together to determine what the organisation needs to focus on over the next five years. It was very clearly demonstrated from those people that we could and should do more to support police and to be more over our core roles to support police in fire, structure collapse, urban search and rescue and hazardous materials events as both weapons and consequences of actions taken by police and security services to neutralise terrorist threats.

**The Hon. LYNDA VOLTZ:** When you say it came from your staff, was that from staff who were employed to put together the Plus Plan?

**Mr BAXTER:** No, we ran a series of workshops where we brought in hundreds of our people to look at the issues that were confronting the organisation and the development of a long-term strategic plan for the organisation. The counterterrorism area kept coming up over and over again and therefore it was prioritised into our body of work for the next couple of years.

**The Hon. LYNDA VOLTZ:** Did you run the Plus Plan proposal in regard to combating terrorism past the Minister? Did you have discussions with him about that, and what was his reaction to it? He can answer himself.

**Mr TROY GRANT:** Yes, he did. Since taking on the role as Commissioner for Fire and Rescue NSW, this commissioner has sought to ensure that his organisation reflects the capabilities the community expects. Those capabilities go far beyond just firefighting and include fire prevention, education, rescue, medical assistance, hazardous material response and the ability to respond to a terrorist event and assist police. That was part of ongoing and specific discussions between me and the Commissioner for Fire and Rescue. Obviously all operational decisions are made by the commissioner, and I support him in the body of work that he has undertaken.

**The Hon. LYNDA VOLTZ:** But you would have to say it was not warmly received by the fire brigade itself. They started covering up the signs on their trucks, did they not?

**Mr TROY GRANT:** I will defer to the commissioner in relation to his conversations with the Fire Brigade Employees Union [FBEU].

**Mr BAXTER:** Some of the new fire appliances did carry some prototype logos and there was a limited number of icons for those capabilities displayed on that initial release of appliances. We continue to this day to have sessions with firefighters at fire stations. The immediate feedback that we were receiving from firefighters was that they did not like those and so at this stage we have discontinued any further rollout.

**The Hon. LYNDA VOLTZ:** Minister, have you seen a case plan, business case or a lease for the Erskine Park training centre?

**Mr TROY GRANT:** I have seen multiple documents in relation to that facility. I would have to take the question on notice regarding specifics.

**The Hon. LYNDA VOLTZ:** Media outlets have reported that \$80 million has been invested in the training facility. Can you advise if that is the correct amount?

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**Mr TROY GRANT:** I understand that the value of that asset is in the \$80 million vicinity. It is a public-private partnership [PPP] project. I am happy to take on notice the New South Wales Government's contribution and the breakdown of the investment into that world-class facility.

**The Hon. LYNDA VOLTZ:** You are saying that someone other than the New South Wales Government is investing?

**Mr TROY GRANT:** As I said, it is a PPP project so that by its own definition indicates other investments by other parties.

**The Hon. LYNDA VOLTZ:** Essentially, it is being built by someone else and you are leasing it back from them?

**Mr TROY GRANT:** I will give you on notice the specifics of all the arrangements concerning the question you asked, but I am happy to defer to the commissioner if he would like to add anything.

**Mr BAXTER:** I can add a rough breakdown of the money that accrues to in excess of \$80 million in overall investment. The developer that we are working with in partnership has had \$36 million in land costs for the site. There has been \$33 million in construction costs for the academy building and the warehousing. Fire and Rescue NSW has only had a budget of \$18 million for capital works on the academy project spread over a couple of financial years to build what we call the practical training environment and provide our firefighters—and, to that end, other emergency services who will have access to the site—with realistic fire training scenarios based on all of the capabilities that modern emergency services are confronted with today.

**The Hon. LYNDA VOLTZ:** Then you lease that site back from the developer, is that correct?

**Mr BAXTER:** It is a leaseback, yes.

**The Hon. LYNDA VOLTZ:** Is that at \$6 million a year for 25 years?

**Mr BAXTER:** I would have to take on notice the actual leaseback cost.

**The Hon. LYNDA VOLTZ:** The academy is not yet operational?

**Mr BAXTER:** Stage one of the academy is operational, which is our offices for training staff, our lecture room facilities and the appliance bay. The practical learning environment, the stage two of the project, is well under way. We expect to be up and fully operational early next year.

**The Hon. LYNDA VOLTZ:** But you are not training anyone yet, essentially?

**Mr BAXTER:** Theoretical training is able to be undertaken on the site.

**The Hon. LYNDA VOLTZ:** But only theoretical; you are not running courses there?

**Mr BAXTER:** That is right, yes.

**The Hon. LYNDA VOLTZ:** But you have been paying lease arrangements for over a year?

**Mr BAXTER:** We are paying part lease until phase two is delivered.

**The Hon. LYNDA VOLTZ:** That is part of your contract with the construction company, is it?

**Mr BAXTER:** Yes.

**The Hon. LYNDA VOLTZ:** Would it have been cheaper to have made the outlay yourself in the first instance rather than have a 25-year lease arrangement? What was the business case on that?

**Mr BAXTER:** The business case was pretty robust not to be spending a huge amount of capital on a building where, first, we could not get land in the area that we wanted to build in; and, secondly, it was a good example of a public-private partnership and being able to move out of a huge amount of landholding that we have at Alexandria currently.

**The Hon. LYNDA VOLTZ:** I work out that it would have been \$51 million in capital for construction costs. If you are leasing it at \$6 million for 25 years that comes in at about \$120 million. That is a significant difference.

**Mr BAXTER:** Over a period of time. However, the business case was prepared before I started in the role but I understand that it withstood scrutiny and was therefore approved.

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**The Hon. LYNDA VOLTZ:** Who is getting the better deal, the Government or First State Super?

**Mr TROY GRANT:** I have been to the facility and I have seen the construction under way for stage two. When you have a facility that is as world-class as it is at Erskine Park and the ability to train not only firefighters but also all emergency services to the highest level and bring better responses I am absolutely confident the community of New South Wales are better off and are the winners.

**The Hon. LYNDA VOLTZ:** Either the State superannuation fund is getting a good deal or the Government is getting a good deal. Which one is it?

**Mr TROY GRANT:** I think the people of New South Wales are getting a good deal.

**The Hon. LYNDA VOLTZ:** Commissioner Baxter, the logos have changed for Fire and Rescue. With the recent name change, what is the total cost of the replacement of uniforms for the 7,000 firefighters?

**Mr BAXTER:** There has been no cost or no change to logos on uniforms as yet. There is not a name change, firstly. The organisation is still called Fire and Rescue. It was renamed in 2010 and no logo changes resulted at that time. We are taking a pragmatic, and I think sensible, approach to any changes in livery and only using opportunities that exist through natural attrition of our assets like our fire appliance changes which occur every other week. We have a whole bunch of our firefighting uniforms, both the structural garments that firefighters use when dealing with structural fires and also what we refer to as our duty wear garments which firefighters wear every day. Both of those contracts are coming to their conclusion in the next 12 months and we are currently in the tender evaluation process to determine the new garments that will need to be acquired at that time. That will be a normal expense and any logo changes on those will be sequentially rolled into the organisation over a period of time. We are certainly not taking a big bang approach to it.

**The Hon. LYNDA VOLTZ:** So Fire and Rescue is not being changed to use a plus sign?

**Mr BAXTER:** The use of the plus symbol instead of "and" has not been changed in our actual name. It will, however, be used on logos. That is about demonstrating things better to the community after extensive feedback and research with the community that they did not understand the variety of the capabilities that Fire and Rescue NSW provides to the community. The intention is that we use that plus symbol to demonstrate those capabilities that firefighters are very proud of across obviously fire but also hazmat, rescue, and urban search and rescue both in Australia and more widely in international deployments such as recently in Greece.

**The Hon. LYNDA VOLTZ:** Can you provide to the Committee on notice any costs associated with the name change?

**Mr BAXTER:** Happy to do that. They were previously provided under a Government Information (Public Access) Act [GIPAA] release and I think they have been published in the papers as well.

**The Hon. LYNDA VOLTZ:** Have you done a review of the replacement of aerial appliances across the Greater Sydney area and the State? Have you identified any sites that cannot accommodate the Bronto aerial appliances?

**Mr BAXTER:** There was a large piece of work undertaken and completed early last year on our requirements for aerial appliances for the whole State and going into the future. Whether or not they can physically fit within a station I am unsure of at the moment; however, the strategy work looked at how many aerial appliances we would require to optimise our aerial response capability and also the configuration, the type of aerial appliances that we would require in the future, and the funding that is now being provided by government meets the requirements that have been outlined within that strategy paper developed internally by staff.

**The Hon. LYNDA VOLTZ:** Is not a fundamental issue whether or not they can fit?

**Mr BAXTER:** Yes and no. That will obviously influence the decisions about where we place these appliances. In some circumstances we are able to make modifications on stations if we want them in a particular location rather than another one. I hasten to add that aerial appliances are by nature a mobile asset that we do move around, so the ability to have the asset in a general location rather than a specific location because obviously we make house calls. We go to where the fire is; it is not really required to be there. By way of example for quite specialist use of aerial appliances, in the recent ship fire at Port Kembla and Wollongong we saw one of our larger aerial specials from the City of Sydney mobilised to that incident for the duration.

**The Hon. LYNDA VOLTZ:** Are there any in western New South Wales, for example? It is my understanding that there are none in western New South Wales, none on the Central Coast and two at Wagga

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Wagga. It is my understanding also that Woollahra could not fit its Bronto in so it was reallocated to Darlinghurst, is that correct?

**Mr BAXTER:** I understand we have a major aerial turntable ladder in Woollahra.

**The Hon. LYNDA VOLTZ:** They got a ladder instead because the Bronto would not fit.

**Mr BAXTER:** That is right. These are really large pieces of equipment—in fact, the new ones that we will be purchasing are larger than our previous ones—so finding the right locations for them is really important. As I said, it is the mix of the type of aerial appliances that is important and how we bring that to bear on any geographic location in its availability, close by to where any incidents occur, and the actual type of hazardscape—whether we are talking about large high rise or whether we are talking about industrial and commercial type buildings, they all have very specific and better uses on some applications than other applications.

**The Hon. LYNDA VOLTZ:** Minister, have you approved any additional capital expenditure for the introduction of the aerial appliances, given places such as Revesby and Manly have had to have their floors dug out to accommodate them and we are now finding out that the next tranche will be even larger?

**Mr TROY GRANT:** I do not believe so but I will take the question on notice to be sure.

**The ACTING CHAIR:** Commissioner Baxter, the uniformed part of New South Wales police has been excluded from the efficiency dividend. Has the same grace been provided to uniformed Fire & Rescue NSW personnel?

**Mr TROY GRANT:** Yes, it has.

**The ACTING CHAIR:** What proportion of Fire & Rescue NSW has been excluded from the efficiency dividend?

**Mr TROY GRANT:** One hundred per cent.

**The ACTING CHAIR:** Has the NSW State Emergency Service been excluded from the efficiency dividend as well?

**Mr CAPPIE-WOOD:** Treasury has yet to confirm but advanced advice from it has indicated that all three emergency service areas have been 100 per cent excluded.

**The ACTING CHAIR:** Earlier we heard that the police were not 100 per cent excluded. Do you want to clarify that evidence now and say that they are 100 per cent excluded?

**Mr TROY GRANT:** He said emergency services.

**Mr CAPPIE-WOOD:** Just to clarify and repeat what I said about the police, their uniformed officers have been excluded but the back of house has not been. Treasury is the determining body as to what is excluded and what is not. We are awaiting its confirmation but that is the early advice we have received.

**The ACTING CHAIR:** Through you Minister to Commissioner Baxter: Firefighters are due a 2.5 per cent wage rise. Has the budget for Fire & Rescue NSW been sufficiently increased to provide that wage rise and retain or extend the number of firefighters?

**Mr BAXTER:** My understanding is that we do budget for that and I understand as part of our normal budgeting process that 2.5 per cent would be allowed for. I will take the question on notice to ensure that my answer is correct.

**The ACTING CHAIR:** Can you give us a guarantee that full-time equivalent positions will at least be maintained?

**Mr BAXTER:** We have no intentions or plans currently to reduce any full-time equivalent firefighter positions.

**The ACTING CHAIR:** In tracking the population growth, particularly in some of the high bushfire risk areas on the fringes of Sydney, what modelling is your agency doing to ensure that there are adequate firefighting assets and staff to protect those vulnerable urban fringes in particular?

**Mr BAXTER:** We constantly review what we refer to as our hazardscape, which is obviously made up of population and also the overlay with demographics. Demographics give us a really clear indication of the demand on our services across the range of incident types. We bring forward any such demand increases to

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government if we want to increase our services, as we have for some of those high growth areas like Oran Park and Marsden Park where we have now acquired landholdings because we expect the growth in those areas to continue.

**The ACTING CHAIR:** Are you confident that you have sufficient staff to meet the increased needs that have arisen as a result of population growth across New South Wales?

**Mr BAXTER:** The majority of our pressure is in the Greater Sydney area [GSA] where the growth is. We are watching that carefully and we continue to review those numbers, particularly the demand on our services. At this stage we have not seen any extraordinary demand on our services that we cannot meet.

**The ACTING CHAIR:** Again through you Minister, and probably to both Commissioner Baxter and Commissioner Fitzsimmons: We have seen an extraordinarily dry winter, with extraordinarily increased fire hazards. What, if any, modelling have your agencies done to see whether or not this is going to be a structural shift as a result of climate change or just a one-off dry winter?

**Mr TROY GRANT:** I will be very brief. That is an excellent question and I thank you for it. I have had discussions with both commissioners in relation to this. If I could refer to Commissioner Fitzsimmons first?

**The ACTING CHAIR:** Absolutely.

**Mr FITZSIMMONS:** We do work very closely with the Bureau of Meteorology and others when it comes to seasonal activity and climate influencers and climate drivers. I think it is fair to say that the investment we have made over recent decades is reflective of that proactive and positive work with different bodies. Our approach, structure and innovation around mitigation, detection, response and suppression has changed a lot over recent decades in light of seasonal changes and challenges with early starts and later finishes.

**The ACTING CHAIR:** Commissioner Fitzsimmons, I am not asking about seasonal challenges. I am asking specifically about the impact of climate change so if you could address your answer to that?

**Mr FITZSIMMONS:** With respect, they are related.

**The ACTING CHAIR:** I was hoping you would tell us about the impact of climate change, not just seasonal variations?

**Mr FITZSIMMONS:** That is what I am saying. You have lost me. I do not know how I am not answering the question. Seasons are driven by climate.

**The ACTING CHAIR:** You were talking about seasonal changes.

**The Hon. LYNDIA VOLTZ:** No, structural shifts in the seasonal changes.

**Mr TROY GRANT:** The South Coast example you gave to me, Commissioner.

**The ACTING CHAIR:** I am talking about structural changes in our temperature patterns and our rainfall patterns having long-term impacts as a result of changes to our global climate.

**The Hon. BEN FRANKLIN:** Which is exactly what the commissioner has been addressing by talking about the changes that are happening in the seasons.

**Mr FITZSIMMONS:** Correct. To be really simple, yes.

**The ACTING CHAIR:** Commissioner Baxter, how much of what we are seeing now is as a result of climate change?

**Mr BAXTER:** I am not an expert on climate change and I know that there is always a lot of conjecture about the reasons behind or causing climate change. But it is pretty clear to say that the climate has changed, and the demand on our services is more pronounced now than it ever has been. We are seeing more large-scale weather events, and we are seeing more draw on our services. We only have to look at this year to see the large bushfires that were occurring in April—well past our normal seasons. Both Commissioner Fitzsimmons and myself have had discussions recently about our normal deployments of staff to North America to help them and their quite unusual fire season there this year and their request for additional deployments to deal with their season. We do not think we will be able to help because we do expect, because of the dry winter, that we will see an early change to the season. Certainly, the Bureau of Meteorology are telling us the same thing. We continue to work very closely to make sure we have got the right resources here in the State to be able to respond to that.

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**The ACTING CHAIR:** Have you done any costings through your office or directed the agencies to do any costings about the financial impact simply for the provision of fire services as a result of our changing climate?

**Mr TROY GRANT:** Not in the way the question is framed, but I can take on notice to give you a more broad answer in relation to that. We are part of and aware of other work that has been done regarding the issue of resilience, particularly about the economic modelling regarding that. If I could ask the Executive Director of the Office of Emergency Management [OEM] to assist me, I think it was the Insurance Council of Australia—or partners within. Commissioner Smethurst and I both attended the launch of the last of the series of five reports on that, which does a lot of modelling for us.

**Mr O'CONNOR:** We are conscious the commissioners handle the response; my agency is more concerned with trying to prepare communities in advance for the impact of disasters on them and also then we do the recovery afterwards. We are certainly taking advice, in a similar way to the two commissioners here, about an expected quite early onset and sustained fire season. In terms of my functions, we are certainly prepping ourselves to be able to handle a larger than normal rate of effort regarding evacuations and recovery operations, and we are doing a lot of work reaching out to communities in advance regarding resilience—which, again, the Minister described—to help business networks get ready for impacts on business, and councils to get ready regarding their preparation.

**The ACTING CHAIR:** Are you talking about just for this season?

**Mr O'CONNOR:** No.

**The ACTING CHAIR:** Or are you talking about structural changes as a result of changes to our climate?

**Mr O'CONNOR:** Similarly, I am not really qualified to say whether it has been driven by climate change. The indications that we have for this fire season are that it could be quite severe.

**The ACTING CHAIR:** None of you are denying that it is the impact of climate change, are you?

**Mr FITZSIMMONS:** No.

**Mr TROY GRANT:** No, we are just saying we are not experts.

**The ACTING CHAIR:** I thought Mr O'Connor was cavilling with it.

**Mr FITZSIMMONS:** We collaborate together jurisdictionally, and we collaborate nationally. We have got a range of research partners that are working on matters of climate and seasonality. We are all subscribers and key partners to the national Bushfire and Natural Hazards Cooperative Research Centre. There is material available that is showing us later finishes and earlier starts to seasons, which has been trending. Those sorts of investments that we have made in partnership with the science and research community have driven a lot of our business cases and support from government around initiatives and programs around early detection, around early response, around access to tools and resources to help keep fires small where we can.

You are talking about large-capacity aircraft, you are talking about rapid aerial response teams, you are talking about trail bike squads, you are talking about all manner of things which are different strategies, different techniques, different technologies in light of some of the drivers that are suggesting changes to earlier starts, later finishes, more frequent intense events, higher fire danger ratings. Down the South Coast particularly—I do not have the metrics off the top of my head, Minister—we have identified there is a trend pattern reflecting on the science and the history and looking forward about changes to South Coast seasonal patterns, for example, and North Coast.

**The ACTING CHAIR:** And, tragically, we have seen that quite recently, have we not?

**Mr FITZSIMMONS:** Yes, potentially correct. The simple answer to your question is yes, we are invested; yes, we are working with science and research communities to understand what the implications are for climate and seasonality fire behaviour, fire expectations, fire danger ratings. As a matter of fact, New South Wales is leading the national program on completely redesigning and reconfiguring the fire danger ratings scale and index. We have identified, through the tragic events of February 2009 in Victoria, massive national change about the upper end of the scale because we have been relying on tools and techniques that date back to the 1950s. With the benefit of significant partnerships nationally, scientific institutions, the Bureau of Meteorology, there is a lot of work going on. The simple answer is yes.

**UNCORRECTED**

**The ACTING CHAIR:** Could any of the agencies or you, Minister, provide on notice what research you have relied on for climate change? The only one I have heard so far is that which comes from the Insurance Council of Australia—if that is the only research.

**Mr FITZSIMMONS:** I have tried to explain to you, Chair, if I may.

**The ACTING CHAIR:** If that is the research, could you provide the detail on notice?

**Mr TROY GRANT:** We are happy to.

**Mr FITZSIMMONS:** On the site of the Bushfire and Natural Hazards Cooperative Research Centre there are copious amounts of material. To try to provide that to you would be impossible.

**The ACTING CHAIR:** You can indicate what you are relying upon on notice as best you can. Commissioner Baxter, what is the impact of the labour efficiency requirements on your budget?

**Mr BAXTER:** It has been a challenge for us and we continue to try to meet the labour expense cap [LEC] requirements.

**The ACTING CHAIR:** What is the labour expense cap, which is how it is described?

**Mr BAXTER:** You are referring to the labour expense cap?

**The ACTING CHAIR:** I am. There are five different ways of suppressing agency budgets. The one I am talking about here is the labour expense cap.

**Mr BAXTER:** And that is the way I took your question.

**The ACTING CHAIR:** What is the budgetary impact on your agency and what does it mean in dollar terms and staffing terms?

**Mr BAXTER:** This financial year I think our total labour expense cap is around \$25 million—I stand corrected on the exact amount, but approximately that. We have been able to meet that target over the last number of years through good management. It is continuing to be a pressure and it will continue to be a pressure for us in this current financial year and I would expect the next financial year. We have been able to reduce the total impact of the LEC by offsetting revenue against it, which has made it somewhat easier for us to attain.

**The ACTING CHAIR:** If you can give any more detail about those projections on notice I would appreciate it. Minister, are you concerned that so far Archbishop Philip Wilson is the only person to be charged and convicted of concealing a child sex offence crime, given how much evidence we heard at the royal commission? Even if we just look at the Anglican Church in the Hunter as an example, are you concerned that there has been only one prosecution brought?

**Mr TROY GRANT:** I have been concerned since 1995 when I put the first brief forward to charge Monsignor Patrick Cotter in the Maitland-Newcastle Diocese.

**The ACTING CHAIR:** I am not questioning your history in this regard.

**Mr TROY GRANT:** I know you are not. I am not taking the question in that form.

**The ACTING CHAIR:** Given that history, are you concerned—as I am and as many survivors are—that we have seen only one prosecution? Even if you look at just the Anglican diocese in the Hunter, surely there should be more. What is happening?

**Mr TROY GRANT:** I cannot explain. I do not have access to the briefs of evidence. I do not have access to all the material on which to make a judgement about what evidence meets the benchmark to proceed to charges and prosecutions. I can have a personal opinion but I cannot offer anything more substantive than that, other than I just hope that every person who has ever concealed a crime of that nature is held to account.

**The ACTING CHAIR:** Commissioner, what resources is the NSW Police Force providing to ensure that people who conceal such heinous crimes are held to account under the criminal law, section 316?

**Mr FULLER:** We have just put another 10 positions into the Child Abuse Squad. Every year we charge more people with offences against children; more people go on the Child Protection Register every year. Ms Voltz, you asked me where do I want to grow the organisation. That is my number one priority followed by elder abuse, followed by visible policing, and the list goes on.

**UNCORRECTED**

**The ACTING CHAIR:** Whilst we are on key commands, you called for a review of unsolved murders. What additional resources are being provided to the State Crime Command, and particularly the Homicide Squad, to undertake that, given the pressures that are already on that State Crime Command?

**Mr FULLER:** Certainly, I have spoken personally to the Commander of the Homicide Squad, Superintendent Cook. It is something I take very seriously. It is not the first time we have done an end review on our unsolved Homicide Squads. It is an area that I could certainly justify through growth in putting more detectives into. We have lots and lots of detectives across the State who are also capable of reviewing these matters, but from my perspective—thankfully we solve a high percentage of homicides these days with modern technology and modern training—these are mostly historic matters that do take an enormous amount of work, but I take it seriously and I take it personally and, again, I am talking directly with the Commander of the Homicide Squad.

**The ACTING CHAIR:** Perhaps on notice you could give us the full-time equivalent staffing historically for the past five years for that.

**Mr FULLER:** Of the unsolved Homicide Squad or the Homicide Squad?

**The ACTING CHAIR:** The Homicide Squad. Unfortunately, Minister, our time has expired. I thank you and the members of the various agencies and commissioners for attending today.

**Mr ADAMS:** Chairman, if I may try your patience, and this will literally take only 30 seconds. The Minister, in producing the letter, made an observation about it that it supported his account.

**The Hon. BEN FRANKLIN:** Point of order: I have to take a point of order. We have concluded.

**The ACTING CHAIR:** In fairness, I will allow Justice Adams to give a fair concluding statement.

**The Hon. BEN FRANKLIN:** So long as the Minister has the opportunity to respond.

**The Hon. CATHERINE CUSACK:** It is completely irregular. Once we reopen this matter, which has already been dealt with throughout the hearing—we have already agreed to take copies of correspondence, to do questions on notice—

**The Hon. ADAM SEARLE:** Have you got a point of order?

**The Hon. CATHERINE CUSACK:** It is inappropriate to raise this now.

**The Hon. BEN FRANKLIN:** The appropriate time to have done it would have been once the Minister had made that comment, not at the end.

**The ACTING CHAIR:** I have heard your points of order. I want this hearing to finish very soon. I do not accept the point of order. I will give Justice Adams 30 seconds to put his position on the record and then we will end these hearings.

**Mr ADAMS:** A careful reading of the letter will show that it only makes sense in light of the account that I have given and it shows that I was attempting to draw a line in the sand and to obtain from the Minister a concession that my view was correct. Regrettably, I did not obtain that concession.

**The ACTING CHAIR:** Again I thank the Minister, Justice Adams and all the agency heads for their evidence today. A number of questions have been taken on notice. The Committee has previously resolved that there are 21 days in which to provide those answers on notice. The secretariat will assist you if you have any queries about those questions on notice. I declare the public session of these budget estimates hearings to be closed.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**