

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

BUDGET ESTIMATES 2018-2019

POLICE

At Macquarie Room, Parliament House, Sydney, on Wednesday 31 October 2018

The Committee met at 9:40 am

PRESENT

The Hon. Robert Borsak (Chair)
The Hon. David Clarke
The Hon. Catherine Cusack
The Hon. Trevor Khan
The Hon. Shaoquett Moselmane
Mr David Shoebridge (Deputy Chair)
The Hon. Lynda Voltz

The CHAIR: Welcome to the supplementary hearing of the Police portfolio for the inquiry into budget estimates 2018-19. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respects to elders past and present, and extend that respect to other Aborigines present. Today the Committee will examine proposed expenditure for the portfolio of Police, and I welcome the police commissioner.

Before we commence, I make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live by the Parliament's website. In accordance with 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 also 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 may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to 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 broadcasting of proceedings are available from the secretariat.

There may be some questions that a witness could only answer if they have more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 14 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Commissioner, I remind you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available from the website tomorrow. To aid audibility of this hearing, I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near loudspeakers for persons in the public gallery who have hearing difficulties. I ask everyone to please turn their mobile phones to silent for the duration of the hearing. I declare the proposed expenditure for the Police portfolio open for examination.

MICHAEL FULLER, Commissioner, NSW Police Force, on former oath

The Hon. LYNDA VOLTZ: I will begin with some procedural questions relating to threats that might be received by people working in the justice area. What procedures do you have in place regarding police who may be the victims of death threats or physical violence? What protective measures do you have in place for them?

Mr FULLER: Threats to New South Wales police employees, Ms Voltz? Or do you mean the justice system more broadly, like magistrates?

The Hon. LYNDA VOLTZ: I will go to the justice system more broadly, but I want to know what the process is.

Mr FULLER: There is immediate response from the officer's home command, and with urgency there is a risk assessment completed in terms of the safety of the officer and the officer's family. There is a risk assessment checklist that they go through that will look at a whole range of things from safety at work, safety en route to work and safety at home. There is also an assessment done to work out whether it is a high, medium or low risk. That then would determine what sort of mitigating factors we would put in place.

The Hon. LYNDA VOLTZ: What about elsewhere within the justice system, say in Corrective Services? Do you have a procedure if Corrective Services officers are subject to physical violence or threats?

Mr FULLER: In that sense, we would treat the matter as a criminal investigation. In terms of if they were a witness in a matter and they were threatened, then we would—like we would with any witness—apply a different test around safety. But if it were a Corrective Services officer, outside of our obligation to investigate the matter, it would be Corrective Services' responsibility to respond to any potential threats outside the workplace, at home and other types of things. But we would certainly give advice and guidance on what we think the risk rating is.

The Hon. LYNDA VOLTZ: Has the Department of Corrective Services sought your advice on any occasion in the last year or two in regard to Corrective Services officers facing risk?

Mr FULLER: Not me personally, but could I take that on notice in terms of checking our records to see if we have received any? We do have a liaison unit with Corrective Services and it is possible that they have received those and passed it to the relevant police area command district or investigative body to look at. If I could take that part on notice?

The Hon. LYNDA VOLTZ: I turn to some matters that the Committee followed up on previously. The last time you were before the Committee you spoke about a trial for the movement of prisoners to remove police from the process. Where is that trial up to?

Mr FULLER: There are a few moving wheels in that space, and there is a matter before the Industrial Relations Commission now in relation to prisoner transport. I am working through that with the Police Association of NSW. There were proposed trials at Parkes, Newcastle and one other location that was a commitment between the head of Justice, myself and the Police Association of NSW and we are waiting to clear funding in relation to starting those trials.

The Hon. LYNDA VOLTZ: The trials have not begun?

Mr FULLER: There have been funds made available to certain areas, such as Parkes, where we are backfilling police to ensure that when police are undertaking prisoner transport there is still a presence in the town. My major concern in this issue is that whether or not we should be doing prisoner transport is an issue that needs to be debated. But the second part is that we need to have some sense of a guarantee that there are police in these towns to protect local communities.

The Hon. LYNDA VOLTZ: I refer to the previous estimates hearing regarding the counterterrorism asset management report that was completed for the Sydney Cricket and Sports Ground Trust. Have there been any similar requests for either Town Hall or Wynyard stations?

Mr FULLER: I know our counterterrorism command provide advice and guidance to many, particularly our vital and major State infrastructure. I would have to take those two locations on notice. But if they had, there would certainly be a record at counterterrorism command.

The Hon. LYNDA VOLTZ: Would you provide those recommendations directly to the Minister for Transport and Infrastructure? If you had a request to carry out an asset assessment, would you then provide that to the Minister for Transport and Infrastructure?

Mr FULLER: It would depend on who the asset owner is. As you would be aware, some of the major significant assets are privately owned assets and some are owned by the New South Wales Government. It would just depend on who is the owner of the asset. Certainly, if it were a Transport-owned asset, I would like to think that the Minister for Transport and Infrastructure was informed.

The Hon. LYNDA VOLTZ: Is your asset assessment reactive or proactive? Do you react only to the requests, or are you proactive in seeking out areas where you say this is a high-risk area where there needs to be something done?

Mr FULLER: New South Wales police has a shared responsibility with the Government in relation to managing critical infrastructure. Police area commands and districts have a list of the infrastructure in their area. They have to record their patrols in relation to those assets based on the risk. We also then engage more aggressively as the risk goes up to major and vital. That links in closely with the Federal Government's crowded places document, which helps the asset owners themselves make good decisions based on risk in terms of what needs to be done. But we certainly patrol these assets, and we do provide training and education through our counterterrorism command to, particularly, the major and the vital assets.

The Hon. LYNDA VOLTZ: The reason I am asking is that there was a lot of expenditure on stadiums based on an assumption of terrorism threats and the risk around them. Martin Place has had bollards placed in that precinct. At the end of the day, the reality is that a lot of the overseas attacks have been in the subway, particularly in London, England. You could not have not noticed the safety risk already at Town Hall, in particular, from overcrowding on those platforms and the fact that they have had to be closed down. I am surprised that whilst we have had this investment in other assets, there has not been any in Town Hall. I wonder why there has been such a lag on that precinct, in particular, in regard to this risk.

Mr FULLER: From a police perspective, we have the public transport command and we have a police presence, certainly aggressively, around Town Hall and Central. There is extensive closed-circuit television [CCTV] through those areas and we work closely with transport in relation to that. In terms of the types of attacks that you have seen, particularly on the London subways, they are often individual lone actors working with bladed weapons or improvised explosives. That is a much more complex space than trying to target hard something from a vehicle.

Mr DAVID SHOEBRIDGE: Commissioner, thank you for coming down.

Mr FULLER: Good morning.

Mr DAVID SHOEBRIDGE: On notice, I put a question to you, which was about training for the New South Wales police regarding the use of lethal force and near lethal force against people with mental illness. I asked, "Is this considered satisfactory?" Do you stand by your answer that you believe current police training regarding lethal and near lethal force against people with mental illness is satisfactory?

Mr FULLER: Yes, I do. I am always open to changes to training and we reassess our training annually, Mr Shoebridge. Mental health, as an issue, is a consistent concern for me in terms of police safety and public safety. But in terms of the use of lethal force, it is one of 10 tactical options and it is not the only one. There are 10 tactical options that we train people to use and we have, as you know, one-day and four-day courses in relation to dealing with people with mental health. If there is more to be done—if there is a course out there that someone can show me that changes—I am happy to put it in place, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: I assume when are you talking about the 10 options you are talking about that circle with the various options and different types of force and de-escalation police are given?

Mr FULLER: Absolutely, yes.

Mr DAVID SHOEBRIDGE: Is that the tactical options training?

Mr FULLER: Yes.

Mr DAVID SHOEBRIDGE: At any point does that circle, which has a fair amount of alternative options, make reference to mental health conditions?

Mr FULLER: You cannot assume en route that someone has or has not got a mental illness, unless our records obviously show that they do, and that information is important. But that is part of the assessment that police will make on arrival at the scene and hopefully that information will be provided to them en route to the scene, if that is available to us.

Mr DAVID SHOEBRIDGE: Commissioner, that did not answer my question.

Mr FULLER: Is mental health training intrinsically linked in everything that we do? Having a second tactical option just for one group of people makes it very complex for police. Sometimes the expectation on how much we can train police to do, people think that is a better thing. But I would argue you can reach a point of saturation that police do not know whether they are moving tactical model A or one or two or three or B and is this a mental health issue at the moment or is it more about domestic violence? I think there are certain dangers in trying to create a different response to every different type of crime and person.

Mr DAVID SHOEBRIDGE: Commissioner, you still have not answered my question.

Mr FULLER: Could you ask the question again because I thought I did the second time?

Mr DAVID SHOEBRIDGE: Does the tactical options model at any point reference mental illness?

Mr FULLER: No, but the training does. The model itself does not have mental health illness in it, but the training at the academy does.

Mr DAVID SHOEBRIDGE: Can you provide details on notice of training materials provided on the tactical options model that relates to mental illness?

Mr FULLER: Yes, I can.

Mr DAVID SHOEBRIDGE: Sitting there, you say that you believe there is adequate training in tactical options training specifically focused on mental illness? Is that your evidence?

Mr FULLER: Absolutely.

Mr DAVID SHOEBRIDGE: Do you know what that is?

Mr FULLER: It is a one-day course and a four-day course in relation to mental health training specifically.

Mr DAVID SHOEBRIDGE: I am asking you about the tactical options model.

Mr FULLER: At the New South Wales Police Force Academy we have extensive training around the 10 tactical options. Is it dealing with people with mental health issues? We have ongoing training in relation to that. We have officers who are specifically trained in mental health. We have a whole range of things which we have provided before on notice.

Mr DAVID SHOEBRIDGE: There is no hierarchy is there? There is no preferred hierarchy of police response on the tactical options model?

Mr FULLER: It depends on the threat. If there is a threat, then the first responder will be the first officer at the scene.

Mr DAVID SHOEBRIDGE: My question is: Is there a hierarchy? Is there a preferred initial response?

Mr FULLER: Well the preferred response would be a health response, Mr Shoebidge.

Mr DAVID SHOEBRIDGE: Is the preferred response de-escalation or communication, because the tactical options model provides no hierarchy at all? I am asking you what you are expecting from your officers.

Mr FULLER: I am expecting that they assess the scene on arrival. Every scene will be different, every offender is different, every victim is different. There is a real danger in trying to box police into a certain response when every situation is different, and I think it is setting us up to fail.

Mr DAVID SHOEBRIDGE: I am not asking about boxing officers into a certain response.

Mr FULLER: But a hierarchy is boxing it in because there is an assumption that one thing is a priority over another.

Mr DAVID SHOEBRIDGE: Surely there would be an implicit direction to police, I would imagine, that wherever possible and practical force should not be used? Is there that basic direction?

Mr FULLER: We have to meet the legal threshold. There needs to be a legal threshold met for the use of force. There is a legal threshold that needs to be met.

Mr DAVID SHOEBRIDGE: I just want to understand. Is there a basic assumption that when police go about their duties that force will not be the first option and, indeed, will only be resorted to reluctantly by police? Is there that basic assumption or is that not even there?

The Hon. TREVOR KHAN: That is the law.

Mr FULLER: Of course communication would always be the first option, but that is the law.

Mr DAVID SHOEBRIDGE: I know what the courts will say if police use unreasonable force. I am asking you what directions you give, what guidance you give, to those officers under your control and command? Do you say to them, "We expect you, wherever possible, to not rely upon force"?

Mr FULLER: There is a legal threshold to the use of force, but I would say to you that communication is the most important step in starting, but you will arrive at a scene where that may not be possible as well.

Mr DAVID SHOEBRIDGE: Is there anywhere you can point me to where you have given a direction to police, or there is a directive from a prior commissioner, that says you should, wherever possible, try and not rely upon force, rely upon negotiation and other communications to de-escalate the situation? Will I find that in writing anywhere?

Mr FULLER: From me personally or from my policy and legislation that I control?

Mr DAVID SHOEBRIDGE: From you as commissioner, or from a prior commissioner, is there a current "in place" directive or memorandum to that effect?

Mr FULLER: I would have to check. But in terms of me specifically giving a direction about what an officer should do when they arrive at a scene, it is a very dangerous practice. My training and our ability to apply the legislation is what is important, and the evidence that we are doing that. I would be happy to provide you the type of training that we provide the police in relation to an escalated model and how you apply the all best, and how you need to meet the threshold in terms of using force and particularly lethal force.

Mr DAVID SHOEBRIDGE: The tragic death of Ms Topic, who the Coroner has now reported on, are you aware that officers with mental health training arrived just seconds after that young woman was shot dead?

Mr FULLER: Yes.

Mr DAVID SHOEBRIDGE: Are you aware of how long the delay was between the arrival of the first police and Ms Topic being shot dead—how long that period was?

Mr FULLER: A short amount of time.

Mr DAVID SHOEBRIDGE: Less than a minute.

Mr FULLER: Yes.

Mr DAVID SHOEBRIDGE: Then less than a minute later police trained with mental health training—an officer who had done the five-day course—turns up, only to find the tragic circumstances of Ms Topic shot dead. Do you accept that there was a failure in communication by the police in that tragic circumstance?

Mr FULLER: No, I do not. Would I like every officer trained in the five-day course, yes, I would, Mr Shoebridge, and I will continue to drive training—the four-day course—I will continue to do that. It is extremely unfair to those police who are deploying in these urgent situations. They face a high-risk situation where a young female adult is brandishing a large knife and is clearly not responding to police, and what you are suggesting is a risk transference for police to put their lives in danger.

Mr DAVID SHOEBRIDGE: What I am suggesting is that the police, whoever is in charge of mustering the police forces for that response, if they were aware that one of the officers who had done the five-day mental health training is just minutes away that a life could have been saved.

Mr FULLER: Look, Mr Shoebridge, you are assuming there was some magical statement that they had been trained on that was going to talk her down and I think that is unreasonable. That is the hindsight policing that puts us in a very difficult position.

Mr DAVID SHOEBRIDGE: I am assuming you are doing the training for a purpose and I am assuming that the five-day training is for a purpose so that they have more skills in dealing with people such as Ms Topic, who had never shown any violent tendency before—

Mr FULLER: There are doctors out there who have trained for 12 years, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: —and was shot dead despite a police officer being minutes away. That is what I am suggesting.

The CHAIR: Order!

The Hon. TREVOR KHAN: Point of order—

Mr DAVID SHOEBRIDGE: The witness is not allowed to speak over me any more than I am allowed to—

The CHAIR: Order!

The Hon. TREVOR KHAN: That is a demonstration of the problem, Chair. There is a heightened raising of tension in the room. It is difficult for Hansard to take this down when there is over-talking by both parties. I think if it is slowed down a bit it might be easier on Hansard, at the very least.

The CHAIR: I take the point of order. I do not think there is anything wrong with heated questioning; equally, I do not think there is anything wrong with heated answers, Commissioner, but can we try to do one thing at a time, please.

Mr DAVID SHOEBRIDGE: Did you hear the question?

Mr FULLER: Could you ask the question again just so I am clear?

Mr DAVID SHOEBRIDGE: I am suggesting to you, Commissioner, that the five-day training is for a purpose and that if an officer who had had the five-day training on mental health was only minutes away, an obvious, rational and safe response from the police would have been to say, "Hold off those first two general duties who haven't got the training. We have got someone with the training. Wait 30 seconds, wait 45 seconds. No individual was at risk."

Mr FULLER: Well, you have got a person standing metres away with a knife who within two steps could put it into your chest, Mr Shoebridge. I think that is, one, an unfair statement to make; two, we have psychologists with 12 years training, 14 years training. When they are faced with dangerous situations they do not ring their professor; they ring us, Mr Shoebridge, because not every person can be talked down with a magical statement based on training. You are two metres away from someone with a long-bladed weapon who could kill you within two steps. I think just assessing or assuming that a statement is going to talk everyone down in those situations is unrealistic and unfair to responding police.

Mr DAVID SHOEBRIDGE: Commissioner, I think you have misunderstood the premise of my question. The premise of my question was that the two police who, on arrival, had a situation where they did not have the training and, on arrival, Ms Topic approached them with a knife. That situation could have been avoided if they had held back and they had been advised that a police officer with the five-day training was only a minute away—"Don't attend and wait for that officer to attend."

The Hon. CATHERINE CUSACK: Point of order—

Mr DAVID SHOEBRIDGE: Do you understand the difference?

The Hon. CATHERINE CUSACK: My point of order is the question is hypothetical. What we are doing now is going down endless versions of hypotheticals of what could have occurred at a very tragic incident. This can go on forever and those hypothetical questions are in fact out of order.

Mr DAVID SHOEBRIDGE: There is nothing in the standing orders about hypothetical questions.

The CHAIR: I do not think there is anything in the standing orders about hypothetical questions and the commissioner can decide to answer a hypothetical question if he wants to or not. That is really what it gets down to.

Mr FULLER: Chair, I would only give the same answer I gave previously.

Mr DAVID SHOEBRIDGE: Commissioner, a trained officer turning up after the situation had escalated and Ms Topic was approaching the two officers with a knife, you say there was no magic that could have applied at that point. That was your answer, correct?

Mr FULLER: At the end of the day, we will never know what was in her mind. It is all hindsight policing, which just undermines operational police and the challenges that we face, Mr Shoebridge, every day.

Mr DAVID SHOEBRIDGE: Commissioner, what I am suggesting to you is that the problem was general duties police without adequate training turned up and the situation escalated and a far better response would have been for the Police Force to have been aware that a police officer with the five-day training was only less than a minute away and to direct those general duties not to approach but to allow for an adequately trained police officer to attend. Do you not agree that would have been far preferable and a young life would not have been lost?

Mr FULLER: Not in an open situation necessarily where you do not have control of the person of interest.

Mr DAVID SHOEBRIDGE: The police reports made no suggestion, and indeed there was no evidence, that Ms Topic was a threat to anybody else at that point when the first police arrived. You know that?

Mr FULLER: And it is a big risk to get wrong as well, Mr Shoebridge; these assumptions of what was in her mind at that time other than the fact we know now—post—that she was misdiagnosed or was not properly diagnosed in her 20 years of life and police had to face a very dangerous situation. Now, I wish we never shot her; I wish she was still alive, for everyone's sake. Again, as I said earlier, my commitment is that we will get everyone through the five-day course so we do not have to have this conversation again.

Mr DAVID SHOEBRIDGE: When will everybody be through the five-day course?

Mr FULLER: We are 16,800, Mr Shoebridge, and it is an intensive course. I have asked Assistant Commissioner Walton, who was the overall facilitator of this to double the amount of training and that has happened since I have taken up as the commissioner, and I will continue to drive it and I will continue to try to also make it mandatory training at the academy as well. So I am a believer in training; I am a believer in improving our response to these situations but I think at times we can be over harsh on police who have to respond to make very difficult decisions.

Mr DAVID SHOEBRIDGE: Commissioner, to be honest, when you say you are a believer in the training, that answer is somewhat undermined by your earlier evidence referencing training to magic and comparing it to magic. I have got to say I was surprised at your evidence in that regard.

Mr FULLER: Because I have said you could train for 12 years; you could be the most eminent psychologist in this State but when you face a violent patient they call us. They call us, Mr Shoebridge, because there is no magical one statement that will talk an individual down because they are violent, they are mentally unstable, they could be under a substance abuse, they are challenging to deal with. The experts call us when they are in an entire risk situation.

Mr DAVID SHOEBRIDGE: Commissioner, you do know that Ms Topic had had no history of violence before this. You do know that, do you not?

Mr FULLER: She was also misdiagnosed for 22 years, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: You know she had no history of violence?

Mr FULLER: I do not know that but I accept and take it on record that is the case.

Mr DAVID SHOEBRIDGE: Commissioner—

Mr FULLER: But also—sorry—

Mr DAVID SHOEBRIDGE: No, feel free,

Mr FULLER: People with her mental condition are known to be violent and dangerous. Now I am not saying she was.

Mr DAVID SHOEBRIDGE: Commissioner, can I say that answer is, I find, disturbing, coming from the police commissioner.

The Hon. TREVOR KHAN: Point of order—

Mr DAVID SHOEBRIDGE: —suggesting that somebody with a kind of mental illness is a violent threat is disturbing.

The Hon. TREVOR KHAN: I take a point of order.

The CHAIR: Order!

Mr FULLER: I said "can", by the way.

The CHAIR: Order! What is the point of order?

The Hon. TREVOR KHAN: My point of order is this: Mr Shoebridge is entitled to ask questions. He has now, on a number of occasions, not asked a question but has simply made a statement and, indeed, at least on two occasions now has made what I would consider an outrageous statement to the witness. I would ask that he throttle it back; that he ask questions alone rather than press the outrage button yet again.

The CHAIR: Pressing the outrage button or a statement to that effect is not a point of order, and you know that.

The Hon. TREVOR KHAN: I know that but his performance is outrageous.

The CHAIR: That is in the *Hansard* now and I accept that.

The Hon. TREVOR KHAN: I accept that.

The CHAIR: Mr Shoebridge is entitled to have a preamble in relation to his questions just as the commissioner is to also answer the way he sees fit.

Mr DAVID SHOEBRIDGE: He does not need you, Trevor.

The CHAIR: If members take points of orders, can they be real points of order in relation to these matters.

The Hon. TREVOR KHAN: That is a real point of order. He is to ask questions; it is budget estimates.

The CHAIR: He is to ask questions.

The Hon. LYNDA VOLTZ: To the point of order: I think badgering the witness when he is giving an answer is probably the point that the Hon. Trevor Khan is making. I am not sure that it is helpful to imply that the police commissioner was saying that psychiatry and dealing with mental health illnesses—that he was equating that with magic is particularly helpful.

Mr DAVID SHOEBRIDGE: Just because he did.

The CHAIR: Order!

The Hon. LYNDA VOLTZ: Can we just come back to the point of order? When you are dealing with these very difficult issues—and we all know that 70 per cent of people in jails have mental health issues—it is actually not the police's job as the core function of mental health; it is actually the Department of Health. Police are often in a very difficult position in dealing with mental health.

Mr DAVID SHOEBRIDGE: Is there a point of order here?

The Hon. LYNDA VOLTZ: Yes, there is a point of order. There are some important questions around the mental health training that you should be asking but going back five or six times to the same point and badgering the police commissioner in regard to what was the state of mind of police officers who turned up for a person who was holding a knife—

Mr DAVID SHOEBRIDGE: Which was never one of my questions.

The Hon. LYNDA VOLTZ: Yes, it is completely being reintroduced—

The CHAIR: Order!

The Hon. CATHERINE CUSACK: I would like to make one submission on the point of order.

Mr DAVID SHOEBRIDGE: I will not be lectured to by Labor on questions to police. It is shaming. The Guy Zangari camp.

The Hon. LYNDA VOLTZ: You are out of control, Dave.

The CHAIR: The next unnecessary comment from a member and I will put them on a call to order. The same rules apply here as in the House. Keep that in mind. If things get out of hand and you have three calls to order I will throw you out. It is as simple as that. I expect everyone to treat each other decently. I have no problem with lines of questioning or even the way questions are delivered. The commissioner is big enough and bold enough and I am sure man enough to answer the way he wants, and he can give as well as he takes. The reality is we have to keep this professional. Please proceed.

Mr DAVID SHOEBRIDGE: Commissioner, I commend you for agreeing to meet with the family. I note that there will be a coronial in relation—will there be a critical incident review in relation to that case?

Mr FULLER: Yes, Mr Shoebridge. There is one underway at the moment. That is being undertaken by the Surry Hills Police Area Command and they have been in contact with the family. From the outset, I promised a transparent and expeditious investigation into that. That has seen an officer charged with serious driving offences.

Mr DAVID SHOEBRIDGE: You will meet with Mr Vieira before the conclusion of the critical incident review and before the conclusion of the charges against the police officer?

Mr FULLER: I would not say at the end of any of those because they could drag on because of the criminal process. It is at a time that the police Minister and Mr Vieira have discussed. It is not something I am hiding from.

Mr DAVID SHOEBRIDGE: It will be sometime this year, is that your expectation?

Mr FULLER: If that lines up with the family and the police Minister, then I am absolutely happy to.

Mr DAVID SHOEBRIDGE: I put this question to you on the premise that it is entirely appropriate: I assume that is because of the tragedy that the family have faced?

Mr FULLER: These types of matters are of such significance, they have a huge impact on the community as well as they do on the NSW Police Force. Obviously I cannot meet with everyone that is a victim of a crime. Particularly when there is a great deal of public interest, as the commissioner, it is important that I show my hand in relation to it.

Mr DAVID SHOEBRIDGE: Will you meet with the family of Ms Topic?

Mr FULLER: We have been reached out and asked to meet with them. I have given approval for the New South Wales police to meet with them. If they specifically want to meet with me I am happy to do that. I have to be careful, Mr Shoebridge; I cannot possibly meet with everyone. I think it is only reasonable that a senior member of the New South Wales police meet with the Topic family and/or myself.

Mr DAVID SHOEBRIDGE: It is a simple request. Will you give the commitment to meet with the Topic family, as the commissioner, if they formally request it of you?

Mr FULLER: If they formally request it of me, yes, I will.

The CHAIR: Turning your mind to the Firearms Registry, can you explain to the Committee what is going on at the Firearms Registry at the moment?

Mr FULLER: Thank you, Chair. We have put a new commander in place at the Firearms Registry, a sworn police officer, Superintendent Tony Bell. He has recently been appointed with the task of conducting a review on the structure of the Firearms Registry and review in terms of the performance of said registry. He is making extremely good headway in relation to that. I met with him yesterday, Mr Chair, in relation to if we could implement a more effective registry what would that look like. That is progressing quickly. It is not about saving money. It is not about removing staff. It is about making sure we have the appropriately trained expertise to do the job. We have changes as a result of the firearms licensing and firearms lifecycle management system [FLMS], which thankfully since the last time we met is now up online. There are two key forms online and hopefully two more to be online before the end of the year. That could bring around changes in relation to the Firearms Registry because the manual processing of information may not be there.

The CHAIR: Thank you very much for explaining what Tony Bell is going to be doing. First, when he does produce a report can you table it?

Mr FULLER: Absolutely.

The CHAIR: I am keen to know what is going on at the registry. Ever since Deputy Commissioner Milkins was appointed—I do not know if she still there or not—is she still there?

Mr FULLER: She is there until the end of the year. A new appointment has been made but has not been approved by Cabinet.

The CHAIR: Given the experience in my office, there has been a massive collapse in the service capabilities of the Firearms Registry. On behalf of some of my constituents, things are not good and people are not happy with the service levels they are getting and in the way the service is being delivered. Let us wait and see what happens as far as that is concerned. Are you actually happy that large parts of the service capability of the registry have been taken out of the registry and is now being handed over to Service NSW?

Mr FULLER: It is only the front end in relation to people applying online for the guns, the industry applying online. The back-of-house assessment, the risk assessment of this, will still be done by humans. It is only merely the application process. Much like a drivers licence and you still have to go in and be properly assessed.

The CHAIR: You raised the issue of licences and one of the ongoing complaints we have had—and I tried to amend it earlier this year—was the physical delivery of licences and them being lost in the post. I am

not sure exactly where in that chain of activities you go to Service NSW to get your licence renewed, but you cannot go to pick it up like we did in the past. Licences seem to be getting lost in the mail. Are you satisfied the security requirements that were built into the Firearms Registry processes in the past still function? I am getting a lot of complaints about people's mail going astray.

Mr FULLER: I am, sir. But I will take that on notice and see how many have been lost and what is the reason and I will come back to you personally.

The CHAIR: I have personally had someone else's permit to acquire mailed to my address and vice versa—I have had my permit to acquire sent somewhere else and then posted to me at Parliament House. I have actually forwarded that to your office, or certainly to the registry.

The Hon. TREVOR KHAN: What, your permit?

The CHAIR: My permit to acquire. I do not know who is doing the mail merging, or what company is doing all of that, but they have made a bloody mess out of it and it is totally unacceptable.

The Hon. SHAOQUETT MOSELMANE: Especially when you are dealing with guns.

The CHAIR: The whole idea of the Firearms Registry and the fact that you do not have your residential address on your firearms licence is a matter of security. Yet, somehow or other, as these changes are being made—I am not suggesting that the police are complicit in this—I think what has happened is the Government has forced this on the New South Wales police in relation to the registry functions and procedures and it is unacceptable as far as I am concerned. It places the public and licensed firearms owners in danger. Have there been any staff reductions at the Firearms Registry? We heard a bit of stuff about this earlier in the year. What is the official position at the moment?

Mr FULLER: The official position is that it has not changed. There was a contingent workforce there, which means it is a part-time workforce that is brought in to do certain tasks and there is a review of them becoming permanent. However, talking to Superintendent Bell yesterday, I can certainly see in my time the Firearms Registry growing as we need to improve the service that comes out of it. That will be the challenge for me as the commissioner, in finding those resources.

The CHAIR: I am very happy to hear that. Certainly the impression I have been getting in the last six or eight months it has been going the other way, and resources are being removed from you or the registry.

Mr FULLER: I think a lack of certainty has seen staff leave. I think that is a fact, and we are in the process of backfilling them. It is my understanding that we have not deleted any positions. I will triple check that on notice for you.

The CHAIR: Is there any view that the registry should be moved from Murwillumbah to somewhere else.

Mr FULLER: Selfishly, it would be easier if it was closer to me, but I do not see any need to move it. I have given that certainty to the commander yesterday, who only recently moved up there. It is not on my agenda to move the location of the registry and I have never mentioned that to anyone.

The CHAIR: No, I am sure you have not. It is one of those perpetual rumours that run around the place.

Mr FULLER: I asked him to go back and let the staff know that the Government and/or the commissioner has not turned their minds, or will turn their minds at any time in the near future, to moving the registry.

The CHAIR: I turn now to the issue of permits for suppressors. Can you explain why up to 25 September only one of 79 applications for suppressor permits was approved under "RECREATIONAL/SPORTING PURPOSES genuine reason", whereas 108 of the 109 applications were approved under "BUSINESS/EMPLOYMENT PURPOSES genuine reasons"?

Mr FULLER: From my reading information, and from looking at the NSW Civil and Administrative Tribunal, it appears that the "genuine reason" test does not fall favourably on those who are not engaged for business and, rightly or wrongly, those decisions have generally been supported at NCAT.

The CHAIR: Can you instruct the registry to perhaps give some more guidance in relation to what "genuine reason" means in relation to these matters?

Mr FULLER: Sorry if I have interrupted you. I apologise.

The CHAIR: No, please proceed.

Mr FULLER: I instructed Superintendent Bell yesterday to get an independent, unemotional view on "genuine reason"—particularly in relation to those who are not using it for a professional reason—to test if we are applying the right "genuine reason" test. That will be put in train in the coming weeks in relation to that review.

The CHAIR: Will Superintendent Bell review that?

Mr FULLER: Review the way that we are applying the "genuine reason" test—I think this is particularly only to non-professional use.

The CHAIR: That is really where I am going. As I said on the professional use side of things, 108 of the 109 applications were approved. Only one out of 79 applications was approved for "RECREATIONAL/SPORTING PURPOSES", yet they are one of the listed "genuine reason" application areas. There seems to be a bit of a dichotomy there; no-one really understands what a "genuine reason" is for recreational and sporting purposes. I turn now to the question of costs—and I have tried to get my hands on some of this stuff but have not been able to. What was the cost to the NSW Police Force arising from legal representation provided by the Office of General Counsel, the Crown Solicitor's Office, external barristers and solicitors, and expert witnesses as a respondent to the following cases dealing with the NSW Civil and Administrative Tribunal: *Marando v Commissioner of Police*, *Larsson v Commissioner of Police*, *Henney v Commissioner of Police*, *Trigg v Commissioner of Police*, *Burge v Commissioner of Police* and *Burton v Commissioner of Police*?

Mr FULLER: We do have that information, and I can provide it on notice to the Committee as a result of this.

The CHAIR: During the budget estimates hearing on 30 August 2018 I asked what specific training adjudicators at the Firearms Registry received to enable them to objectively assess prohibited weapons silencer permit applications based on medical need. The response I received indicated that the registry staff received on-the-job training and that they rely on so-called fact sheets and materials available on the registry website. Do you believe the staff of the Firearms Registry are qualified and adequately trained to objectively and fairly assess suppressor applications when there is a genuine medical need, such as hearing impairment?

Mr FULLER: I would say if NCAT's decisions are one test—I think in many areas they are doing very good work up there too. If I could just go on record saying that I think there are some decent staff there doing hard work as well but, again, as I said in my previous answer to you, I have undertaken to do an independent review of the "genuine reason" test in those cases.

The Hon. LYNDA VOLTZ: Following the Coroner's recommendations, has any additional funding or resources been put into mental health training for police officers?

Mr FULLER: No, but I had already doubled our commitment to training police in the four-day course. If I may just say, in the Coroner's recommendations there was not a specific course out there that someone had seen that they wanted me to implement; it was just about more training. I think it is so important that we identify what the training gaps are, rather than just continually say "more training". What are the specific gaps that I need to fix as the commissioner? As I said to Mr Shoebridge on record, I will fix those happily.

The Hon. LYNDA VOLTZ: What about consideration being given to police radio operators having mental health training to better identify the first call-out?

Mr FULLER: Absolutely, and that has been passed on to the head of the communications and information command, or Comms group. They are a central point in police responding to many incidents, including mental health issues.

The Hon. LYNDA VOLTZ: Can you provide on notice what action has been taken in response to that recommendation and police radio operators?

Mr FULLER: Absolutely.

The Hon. LYNDA VOLTZ: A few years ago there was a recommendation by the New South Wales Police Association about having mental health nurses in local area commands or regionally to assist police. Has any further consideration been given to that model?

Mr FULLER: No, there has not. I will say again: If Health was the first response I would be a very happy commissioner. I am certainly suggesting that Health can play a major role in this in helping New South Wales police. I personally do not feel having a nurse in every police area command or district would help—

other than perhaps daily training. The real rub is out in the field and you never know when you are responding to a job necessarily.

The Hon. LYNDA VOLTZ: I think the intention was similar to that in domestic violence, where domestic violence officers would attend along with police officers to assist in incidents of domestic violence. As you would no doubt be aware, going back a number of years now crisis teams would normally attend, but police appear to have fallen into that role. I am asking whether the supplementing of mental health nurses in that process has been looked at?

Mr FULLER: I will take it on notice to go back and review the recommendation to see what decisions were perhaps made before my time. But I certainly have not progressed it in my time as commissioner.

Mr DAVID SHOEBRIDGE: I think everyone who looks at the issue is distressed at the fact that police are having to deal on the ground with so many instances of people who have florid mental health conditions. I think we can all agree on that, can we not?

Mr FULLER: Absolutely.

Mr DAVID SHOEBRIDGE: And different models are used in different jurisdictions. Have you undertaken any kind of review of police and other agency practices in other jurisdictions to see what the international best practice is?

Mr FULLER: Assistant Commissioner Mark Walton, who is the commander of the Central Metropolitan Region, is our spokesperson for mental health. I talk to him regularly about these issues. There is a new tactical model in North America—I think it is Chicago. You would have heard us talk before, Mr Shoebridge, around contain, negotiate—which is very much based on a bricks-and-mortar approach that you have someone in a room, in a house or in a building and you can contain, negotiate with them in there and then you safely negotiate a better outcome. If the topic matter is out in the open, it obviously makes it much, much more challenging to contain, negotiate. They have trialled and—I believe successfully—put in place some different tactics around using different types of shields to better contain, negotiate people in open environments. I have asked Mr Walton to progress—quickly, expeditiously—if this is something we could use in New South Wales. The answer is "yes" and that is one example.

Mr DAVID SHOEBRIDGE: Have you thought about approaching NSW Health and seeking a joint task force to look at what is a matter that must occupy a vast amount of your resources, but probably should be more appropriately occupying a significant amount of their resources? Have you thought about a joint task force or interagency meeting with NSW Health?

Mr FULLER: We do meet regularly. Obviously I have not had a meeting personally with the health Minister or with Elizabeth Koff, but we do meet. The Fixated Persons Unit was a unit I put in place in my first week as the commissioner. That was about Health and New South Wales police working together to have better outcomes for people who are just not law enforcement, and there are some very good examples of us at the moment. But is there a specific task force looking at this more broadly at the moment? Not to my knowledge.

Mr DAVID SHOEBRIDGE: Are you willing to explore that as an option?

Mr FULLER: Absolutely.

The Hon. LYNDA VOLTZ: I just want to go off that topic. In the use of tasers, do you know whether in the past two years—I know the Auditor-General does audits of them—there has been an increase in taser use?

Mr FULLER: We do have the statistics on it. I do not believe there is a marked increase in taser use, but I can certainly, on record, get you the statistics going back.

The Hon. LYNDA VOLTZ: Will you take that on notice and also a breakdown of them regionally—taser use by regional area command?

Mr FULLER: I certainly cannot see why not. If we can, we will do that. I think, Ms Voltz, it is important with tasers that they are a very important less lethal option but they are not foolproof either. They do have a failure rate because clearly they need to connect two probes with the skin. I think people need to understand that I think around 50 per cent of the time there is a failure because they just do not connect because of clothing and other issues.

The Hon. LYNDA VOLTZ: I understand that, and particularly with ice they are also an issue. It would be interesting to know how they are being used and whether the use of them has increased. Is that consistent across the board or is it being used more in certain regions?

Mr FULLER: I have personally seen footage, reviewing it as assistant commissioner, where they have no doubt saved lives.

Mr DAVID SHOEBRIDGE: When was the last full review of the police pursuit policy?

Mr FULLER: It gets reviewed every 12 months. I could get you that date reasonably quickly.

Mr DAVID SHOEBRIDGE: When was the last substantive change made to it?

Mr FULLER: It gets changed every year when we do a review. It would be a progressive review. I cannot tell you the amount of reviews that happen every year but we would have a track change of that. But they are changes based on a whole range of different best practice and outcomes of inquiries of critical incidents and coronials.

Mr DAVID SHOEBRIDGE: Will you provide this Committee with a copy of the current policy? You may wish to ask for it to be confidential. I understand that.

Mr FULLER: There is methodology in it that we do protect because it does obviously talk about how we deal often with criminals in the space of pursuits. So it is something we do not normally release. But if I have to release it, then we would mark it.

Mr DAVID SHOEBRIDGE: I ask you to provide a copy and if you wish it to be kept confidential to clearly indicate that to the Committee.

The Hon. TREVOR KHAN: I think he is indicating now that if he does provide it he wants it confidential.

Mr DAVID SHOEBRIDGE: We have had this discussion before.

The CHAIR: There is no question of that. We can keep that confidential.

Mr DAVID SHOEBRIDGE: Statistics provided on notice in Parliament show that in 2014-15, 60 per cent of police pursuits were for traffic matters. In 2015-16, 57 per cent of police pursuits were for traffic matters. In 2016-17, 56 per cent of police pursuits were for traffic matters. In 2017-18, 53 per cent of police pursuits were for traffic matters. But in the first three months of this financial year it has gone back up to 60 per cent of police pursuits and chases were for traffic matters. Do you accept there is something seriously wrong with your pursuit policy when 60 per cent of pursuits are for traffic matters?

Mr FULLER: No, I do not. I have read the policy again in recent weeks. I think the policy and our training is sound. I think the framework around how we audit pursuits is sound. I think the fact that a pursuit can last two seconds and we still record it—I think it would be wrong to assume that all of those are a 30-minute pursuits through the wild west; it is just not the case.

Mr DAVID SHOEBRIDGE: I was not assuming that.

Mr FULLER: No, I was just putting it out there on record. A pursuit could go for two seconds or for five minutes. Often with traffic matters, sir, it is the case that many of the drivers have got their radio so loud they do not hear the sirens but we still ethically record that as a pursuit because it fits the definition.

Mr DAVID SHOEBRIDGE: Commissioner, the rate of pursuits for traffic matters in New South Wales is significantly higher than those jurisdictions that have reformed their pursuit policies. I point to Orange County in Los Angeles and, even closer to home, Victoria, Queensland and Tasmania. Do you agree with that?

Mr FULLER: I have not seen the statistics recently in relation to the others but I will assume that is correct.

The Hon. TREVOR KHAN: Orange County?

Mr DAVID SHOEBRIDGE: Yes, Orange County.

The CHAIR: Disneyland.

Mr FULLER: I certainly know that Victoria, Western Australia and Queensland have made changes to their pursuit policies that I would assume have reduced the numbers.

Mr DAVID SHOEBRIDGE: If they have made changes to their pursuit policies to reduce numbers, and every pursuit that does not happen is a risk that is avoided, why is New South Wales not doing this? Why is New South Wales so out of step, with its aggressive police pursuit policy?

Mr FULLER: I would disagree, sir, that it is aggressive. I think it is a well-managed policy. It is well administrated. A quarter of all pursuits are terminated because they are extremely highly regulated. We had a

pursuit on 24 October from a traffic issue and we stopped the individual who had a firearm and balaclava in the car that we did not know about until we stopped him. So there are many, many examples of when we have stopped dangerous people who are trying to evade police who were en route to commit a criminal offence.

Mr DAVID SHOEBRIDGE: Have you seen the research that has come out of Victoria, in particular, that shows a police chase is statistically substantially more dangerous than having a driver with a mid-range prescribed concentration of alcohol reading? Are you aware of that research?

Mr FULLER: No, I am not. But I accept that pursuits are a high-risk business, and that is why we administer them so carefully and why we review and assess them so carefully.

Mr DAVID SHOEBRIDGE: A few years ago there was a notorious incident where a high-speed police chase followed a van doing an illegal U-turn, which ended with a police vehicle in a bus stop out the front of a childcare centre. Are you aware of that one?

Mr FULLER: Yes I am, Mr Shoebridge.

Mr DAVID SHOEBRIDGE: Is there a direction to not have police pursuits for very minor traffic matters like that?

Mr FULLER: Our policy is certainly clear that minor traffic matters are not the type of incident where we want a pursuit.

Mr DAVID SHOEBRIDGE: Is there a prohibition on pursuits for minor traffic matters?

Mr FULLER: You have to take everything into consideration that the minor traffic matter might be someone in a stolen vehicle or someone who has brandished a firearm.

Mr DAVID SHOEBRIDGE: Or someone who has not put on their blinker?

Mr FULLER: And I would certainly be disappointed if a vehicle was travelling at high speed. I would say they are definitely in breach of our policy if it was a minor traffic accident and they were driving in a dangerous manner. And in the Vieira matter, clearly we took strong action against the officer who was driving who, we will allege, has not followed the rules.

Mr DAVID SHOEBRIDGE: How many of the 2,589 police pursuits last financial year were found to be in breach of policy?

Mr FULLER: I would have to check. But, again, each one of them goes before a pursuit committee. Each one of them is reviewed and if there are problems people are essentially taken off the road while a whole range of other actions are taken.

Mr DAVID SHOEBRIDGE: I will ask that question in relation to each of those 2014-15, 2015-16, 2016-17, 2017-18 and partial financial year, which you have provided data on already—

Mr FULLER: I will take that on notice.

Mr DAVID SHOEBRIDGE: If you could, could you provide how many of those pursuits were for minor traffic matters?

Mr FULLER: If I can, I will certainly do that.

Mr DAVID SHOEBRIDGE: If you do not have a database that records that, will you explain why?

Mr FULLER: Yes, I can. I could probably explain that now but I will wait to see whether we can pull that information.

Mr DAVID SHOEBRIDGE: If you want to explain it now, by all means do.

Mr FULLER: We have minimum standards of record keeping. We are a law enforcement organisation; we are not a record-keeping organisation. We keep records on the needs, what the New South Wales Government sets in terms of record keeping. Often we keep information over and above that because of GIPA requests and other requests, but we are not a record-keeping organisation.

Mr DAVID SHOEBRIDGE: Commissioner, if you wanted to do a proper review of your police pursuit policy you would need data about your pursuits. If you did not have that data, what on earth are the reviews based on?

Mr FULLER: Every pursuit is reviewed by an independent panel. We just do not have pursuits and then write them off as a high five. There is a panel that reviews every one and there is an escalation, obviously, through critical incidents if they are more serious and a whole range of activity. But I think in the Vieira matter

we have shown that we take this seriously. We did not whitewash the activity of the officer on the day and there is still a critical incident running that will obviously be put on hold as the criminal matter progresses.

Mr DAVID SHOEBRIDGE: We will get the data and see how many breaches there have been.

Mr FULLER: I have taken that on notice.

Mr DAVID SHOEBRIDGE: Commissioner, you provided some answers, which I appreciate, about the suspect target management program. In those answers you have noted that in the 12-month period ending 31 August 2018, 111 Aboriginal and Torres Strait Islander children 17 years and under were targeted. Do you recall that evidence?

Mr FULLER: Yes.

Mr DAVID SHOEBRIDGE: And that was out of a total of 269 juveniles who were targeted. Can you explain why 41 per cent of children and juveniles who were put on the suspect target management program were Aboriginal?

Mr FULLER: It comes as a local assessment. These assessments are done at police area command and/or districts. There is a committee that comes together and assesses who are the potential targets in their locations at those given times. Certainly, the colour of your skin is not, and would never be, an assessment in relation to it.

Mr DAVID SHOEBRIDGE: Given Aboriginal children make up maybe 4 per cent of the under-18 population, how on earth is it that your police force has 41 per cent of all Suspect Target Management Plan [STMP] targets as Aboriginal or Torres Strait Islander? How does that come to be if not because of a racist bias?

Mr FULLER: There is no racist bias in our organisation. We have an aggressive recruiting campaign for Aboriginals and every class we are seeing 10 to 20 Aboriginal students coming out into the police force. We are a diverse police force; we are not a racist police force.

Mr DAVID SHOEBRIDGE: Even if there is no explicit racist bias, there is clearly an inherent or implicit racial bias when 41 per cent of the children and juveniles who are on this Suspect Target Management Plan are Aboriginal. That cannot be explained by anything else, can it?

Mr FULLER: Yes, it can. There are indicators in STMP that would put you in a category. Judicial breaches would put you quite high. Many of these young people are not complying with bail, domestic violence and other orders, which is putting them in a higher-risk category. But there is wonderful work happening right across, particularly regional New South Wales. If you look at Bourke, the arrest rates for Aboriginals, particularly in domestic family violence, is halved because of a police initiative. We are rolling out police initiatives across the State, because I have gone on record here saying I am embarrassed about Aboriginal incarceration rates. So we are doing many wonderful things, including with Police Citizens Youth Clubs [PCYC], trying to minimise the amount of Aboriginals, particularly young people, who come into the justice system. I could wax lyrical about the RISEUP program and all we are doing there for all kids across New South Wales.

Mr DAVID SHOEBRIDGE: Given what I categorise as an appalling figure of 41 per cent of children on the STMP being Aboriginal, why is there not a directive or higher threshold required for police before an Aboriginal child is put on the list?

Mr FULLER: There is a higher threshold for anyone who is under 14 as a result of concerns that you and the Bar Association raised, and we made a strong policy—

Mr DAVID SHOEBRIDGE: Commissioner, I think everybody welcomes that. That is a good change.

Mr FULLER: It is an example that I am reasonable and I do go back and look at these things. I do not just listen to you and walk away. I took that seriously and the amount of young people under 14 on the STMP now is minimal—and that has to be approved by an assistant commissioner, we take it so seriously. The underpinning problem with all of this is that I am driving prevention as my number one strategy, but that will only work whilst I keep crime down. And things like STMP have been essential in New South Wales police achieving the crime statistics that we continue to have.

Mr DAVID SHOEBRIDGE: You say that, Commissioner. What evidentiary basis do you have to show that STMP works, that the large number of Aboriginal children who are on the STMP are being deterred from otherwise offending? What is your evidence base?

Mr FULLER: The broader philosophy of proactivity that was brought in around 2002, 2003 as a result of a whole range of different crimes happening: 90,000 break and enters a year, 10,000 robberies a year—crime was going north. We stepped up proactivity, and there is a direct link back to proactivity and overall crime reduction. I am happy to send you the chart, Mr Shoebidge—even outside of notice. The second biggest drop was when DNA was brought in, and that technology has been so important in terms of us being able to target recidivist and dangerous criminals.

Mr DAVID SHOEBRIDGE: There was not an independent expert review done before STMP was started, and there has not been an independent review done on it since it has operated. That is the state of play, is it not?

Mr FULLER: In terms of proactivity broadly or STMP?

Mr DAVID SHOEBRIDGE: In terms of STMP?

Mr FULLER: STMP is a very effective way of pinpointing those individuals who are recidivist offenders.

Mr DAVID SHOEBRIDGE: You make that assertion, but I am asking you if there is any independent expert advice that you can point to that says STMP was a good idea before you implemented it, or that shows that it is working now?

Mr FULLER: I will take that on notice to see if we have had it independently assessed over its life and different iterations.

Mr DAVID SHOEBRIDGE: Of the adults who are on the STMP, 28 per cent are Aboriginal. How do you explain the differential? And I am not suggesting 28 per cent is acceptable, but how do you explain the differential between 28 per cent of adults being Aboriginal, and 41 per cent of kids being Aboriginal?

Mr FULLER: Again, I would revert to my previous answer. It is around the judicial-type breaches—being bail, domestic violence type orders and other orders that are put in place. They are regularly breached by this cohort, and it is something that we are working on, such as—particularly for young people—giving them more than one address as an option in bail, knowing that some of these kids lead very complex lives.

Mr DAVID SHOEBRIDGE: That sounds like things that would help kids, but putting a child on an STMP, where every time they walk down the street and see a police officer they are stopped, questioned, searched and interrogated, is not helping. How do you think that is helping young people have a respect for police or keep clear of the law?

Mr FULLER: That is why we have set up youth panels, and we are rolling them out across the State. All government agencies are trying to find better options for young people than the STMP and the justice system. I agree with you, but what underpins all of that is I have to keep crime down; I have to keep people safe. If I cannot do that then prevention loses its entire meaning in this State.

Mr DAVID SHOEBRIDGE: I sent correspondence to your office regarding the Hillsong Church and Assemblies of God and Case Study 18 of the Royal Commission into Institutional Responses to Child Sexual Abuse. Do you recall that correspondence?

Mr FULLER: I apologise, I do not.

Mr DAVID SHOEBRIDGE: It is not funny.

The Hon. CATHERINE CUSACK: It is a ludicrous question. Do you recall correspondence?

The CHAIR: Order!

Mr DAVID SHOEBRIDGE: Case Study 18 is about the repeated sexual abuse by Frank Houston, who was then the head of the Hillsong Church. It dealt with the fact that his son, Brian Houston, was aware by repeated reports of the abuse, including minuted meetings, and to date has failed to report that to police. Are you aware of Case Study 18?

Mr FULLER: No, I am not. I am aware broadly that there were some allegations; but no, I am not.

Mr DAVID SHOEBRIDGE: They were not allegations; they were unambiguous findings of the royal commission that Brian Houston was aware of the repeated sexual abuse by Frank Houston, including the time that Brian Houston was heading the Hillsong Church—which he still heads—and failed at any time to tell the police about it, in breach of section 316 of the Crimes Act.

Mr FULLER: Again, I apologise but I did not read your correspondence.

Mr DAVID SHOEBRIDGE: The New South Wales police indicated that, for a variety of reasons, that investigation was not continuing. One of the reasons was they said a prosecution required the consent of the Attorney General. Will you look into Case Study 18 and seek to reopen the investigation for what appears on the face of it to be a pretty appalling breach of the Crimes Act?

Mr FULLER: I will give you an undertaking that I will track your correspondence and our answer to you, and I will personally review it.

Mr DAVID SHOEBRIDGE: In doing that, can you review whether or not there was a friendship or a personal relationship between the then police commissioner and Mr Brian Houston at the time of the initial police investigation?

Mr FULLER: No .

Mr DAVID SHOEBRIDGE: You will not review that?

Mr FULLER: No, sorry. I thought you said was I aware of it. I apologise.

Mr DAVID SHOEBRIDGE: Will you review that fact—whether or not that was the case?

Mr FULLER: Only if it was relevant to the investigation, sir.

Mr DAVID SHOEBRIDGE: Will you review whether or not there were arrangements put in place to ensure that there was no conflict of interest between the police commissioner, who had a friendship with Mr Brian Houston, and the police undertaking the investigation arising from Case Study 18?

Mr FULLER: Could I just ask a quick question?

Mr DAVID SHOEBRIDGE: By all means.

Mr FULLER: My advice is that the matter is still open with us, Mr Shoebridge. And perhaps I could provide further information out of session in relation to your letter, not so much the commentary around the previous commissioner and the relationships, but if I could perhaps provide out of session or on notice information in relation to the broader investigation.

The CHAIR: For a change of pace, getting back to the Firearms Registry, earlier this year I wrote to Deputy Commissioner Milkins about a registry employee—and I will not mention her name—who had publically expressed her strong opposition to hunting. An investigation was carried out and the letter I received following the investigation stated the employee was exonerated for any wrongdoing or bias. The letter stated:

The Firearms Registry is committed to consistent, unbiased decision-making across all adjudication functions.

Commissioner, are you confident that all registry adjudication decisions are unbiased?

Mr FULLER: I am confident there is a decent group of people up there certainly doing their best. Has the structure up there supported them? Perhaps not. I would like to think that putting a new commander in, Mr Chair, and giving him clear direction—"I do not want you to save money, I do not want you to move it; I want you to make it work better"—and part of that would be sending a clear message to the staff in relation to expectations. Whilst everyone in the registry was reminded of their responsibilities around our media policies, I think that was extremely important. I think employees need to be careful what they post on their own websites, even if they are not breaching the rules, because there may be a perception of bias. I understood where you were coming from in relation to that. There was not a clear breach, but we did send a clear message to all employees in relation to the commissioner's expectation around perceived biases.

The CHAIR: Thank you for that. Further to that, and it is rather a black box, but will you issue written public guidelines on adjudications explaining why and how certain decisions were derived and will be derived?

Mr FULLER: I do not exactly understand that question, Chair. I apologise.

The CHAIR: All I am saying is, what has become apparent over many years, and we are in a worse space now than ever before, is that a lot of adjudications in relation to various matters—whether they are PTAs, an arranged matter, all that sort of stuff—seem rather idiosyncratic and, generally speaking, on the face of it could also be said to be illogical and sometimes quite stupid to anyone who has even the most peripheral knowledge of firearms and their use and safe storage, et cetera. It is very hard when you are then asked for the background for why these decisions are made to get a rational answer. In fact, most of the time we get no answers at all that make any sense. To my way of thinking, what actually should be happening is that you should consider reducing those guidelines for adjudications to writing or to instructions—and they probably do exist, anyway; I am not really sure—but then publishing them and making them public so that people who are

using the registry, the general public, can be confident that, first, safety is being enhanced; and, secondly, the law is being administered fairly and justly.

Mr FULLER: There are two things in that. The law needs to be administered fairly and justly. That needs to be the number one priority. The second part is really customer service, and it appears with some that we may not be necessarily meeting the standard. But applying the law appropriately is certainly the most single important thing. I will talk to Superintendent Bell. I am sure we can organise a meeting with yourself and others to talk about the broader performance of the unit, and see if there are better ways to manage customer service. But that should not erode our ability to refuse people getting licences and firearms.

The CHAIR: Absolutely not. One of the key functions of the registry is to make sure the law is not just administered fairly, but that it maintains public safety. That is one of the key issues. On a completely different matter, the recent law changes around slowing to 40 kilometres an hour while passing emergency services or police vehicles with flashing lights, are you satisfied that the way it is being run and/or administered is satisfactory and is in fact safe in all circumstances?

Mr FULLER: I certainly believe that that legislation was struck in the interests of the safety of emergency services. I think it is prudent we review that to see if that is the case. I am preparing information for Minister Pavey from the police perspective in relation to what our thoughts are, and I am waiting to receive that from Assistant Commissioner Corboy, who runs our Traffic and Highway Patrol unit, and we will give that feedback to Government.

Mr DAVID SHOEBRIDGE: I do not think anyone in the community understands. I was driving down to Wollongong and Dapto on the weekend—

The Hon. TREVOR KHAN: In the Prius?

Mr DAVID SHOEBRIDGE: In the Prius, of course. I am a Greens MP; that is compulsory. I slowed down to 40 on that freeway stretch because there were police with lights on. Everybody shot past me at 110. It felt dangerous slowing down to 40. I am a supporter of it as a policy, but it felt like the community was not aware of it and, in the absence of community knowledge, it felt unsafe to be driving at 40 with people shooting past at 110.

Mr FULLER: I have got similar examples, Mr Shoebridge. We will provide that un-vetted to the Government in relation to our feedback.

The Hon. LYNDA VOLTZ: When you look at it, can you look in particular at places like the Gore Hill Freeway, where you are coming down into that deep trench? I saw a car slowing down to 40. Police vehicles had two B-doubles behind it. One of them jackknifed, but luckily everyone missed him. They are the areas where it could be dangerous—on steep hills when are you in 110 zones, in particular.

Mr FULLER: Absolutely.

The CHAIR: I think everyone is concerned, particularly with the incidents that brought those changes about, and our party led the charge in relation to that. We are very satisfied but I am not really sure we have it fine-tuned enough. We look forward to seeing whatever report or recommendations you are going to make. I suppose in the first instance they will be privately made to the Minister, will they?

Mr FULLER: At the end of the day, they will be a collection of information from the police who have heard and seen what you have talked about as well. They understand it was struck in the interests of our protection, but it is timely for a review.

Mr DAVID SHOEBRIDGE: Ms Voltz was talking about Mooney Mooney Bridge.

The Hon. LYNDA VOLTZ: I was talking about Mooney Mooney Bridge, not Gore Hill. That was the one in particular because of the number of semis going down that very steep hill.

The Hon. TREVOR KHAN: I will vote on that one too.

The Hon. LYNDA VOLTZ: That is the one where everyone has noticed it.

Mr FULLER: The M1, M5, those sorts of areas.

Mr DAVID SHOEBRIDGE: Yes.

The Hon. LYNDA VOLTZ: Where there is a hill it is a problem, particularly for a lot of trucks and semis.

The CHAIR: Or particularly where vehicles are off the road or even on a side road. If they are within eyesight you are supposed to slow down. I almost got back ended by a semitrailer when I forced a slowdown. I know exactly what you are talking about.

The Hon. TREVOR KHAN: It is the same on both sides of the Hawkesbury River.

Mr DAVID SHOEBRIDGE: We have all had our own personal concerns. We are passing that on to you to fix it.

Mr FULLER: Thank you.

The CHAIR: It concerns me that there is a reluctance on the Government benches to address this.

The Hon. TREVOR KHAN: I would not say that.

The Hon. LYNDA VOLTZ: Not Trevor's bench.

Mr FULLER: I did not get that feeling, to be honest, Mr Chair. I think it is about—

The Hon. LYNDA VOLTZ: It is there for a good reason. How do we get the measure right?

Mr FULLER: It is there for a good reason. What is a good piece of legislation that will make this safe?

The CHAIR: Commissioner, we have only two more sitting weeks for the Government to fix it. I would hate to think that we go into the Christmas break without this being sorted out.

The Hon. LYNDA VOLTZ: I am not sure he is looking at you, Commissioner.

The CHAIR: I am not looking at you, Commissioner. I am looking at the people who are expunging the neo-Nazis out of their party.

The Hon. TREVOR KHAN: I often bay at the moon and get very little response.

Mr DAVID SHOEBRIDGE: One of the suggestions to me was that instead of it being a flat 40, maybe it should be half the legal speed limit.

The Hon. TREVOR KHAN: That makes it 55 going down into the Hawkesbury River. I do not know that that will make much of a difference.

Mr DAVID SHOEBRIDGE: It does make a significant difference.

The CHAIR: It is a difficult area. Commissioner, thank you. I note you have taken a number of issues and questions on notice—too numerous for me to outline to you now. You have until 19 November to respond to those questions. Thank you very much for coming.

(The witness withdrew)

(Short adjournment)