



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEES

BUDGET ESTIMATES 2019-2020 Supplementary Questions

Portfolio Committee No. 5 – Legal Affairs

POLICE AND EMERGENCY SERVICES

Hearing: Tuesday 10 March 2020

Answers due by: 5.00 pm Wednesday 8 April 2020

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POLICE AND EMERGENCY SERVICES

Questions from the Hon Robert Borsak MLC

The following questions are directed to the Hon David Elliot, Minister for Police and Emergency Services

Safe Shooting Program

1. Have you made a decision on continuation of the Safe Shooting Program?
 - (a) What is your decision?
 - (b) What is the annual value of the Safe Shooting Program for 2020-2023?
 - (c) When will the Safe Shooting Program be announced?

NSW Firearms Registry - Penalty Notices

2. The response to Recommendation 7 in the Audit Office of NSW report *Firearms Regulation* was that the NSW Police Force opposes the recommendation for Firearms Registry staff to issue penalty notices.
 - (a) What objective evidence is there that refusal by NSW Police Force to exercise discretion provided by s42(2) of the Firearms Act will be detrimental to public safety?
 - (b) Will NSW Police Force change its policy position of refusing to issue penalty notices under the provision of s42(2) of the Firearms Act?

The following questions are directed to Commissioner Michael Fuller APM, NSW Police Force

NSW Firearms Registry - Penalty Notices

3. On how many occasions since 1 September 2017 have NSW police officers exercised discretion and issued a penalty notice under s42(2) of the Firearms Act rather seize firearms and ammunition under s42(1) of the Act?

Police Force Integrity and Ethics

4. In the budget estimates hearing on 10 March 2020 you said “We are a force that has extremely high integrity and ethics...”. On what objective assessment did you base that comment?

Prescription Data and Medical Records

5. In the period 1 January 2015 – 1 March 2020 has the NSW Firearms Registry ever requested medication prescription data or medical records for individuals with ‘neurological conditions’ from the Commonwealth Department of Human Services, now known as Services Australia?

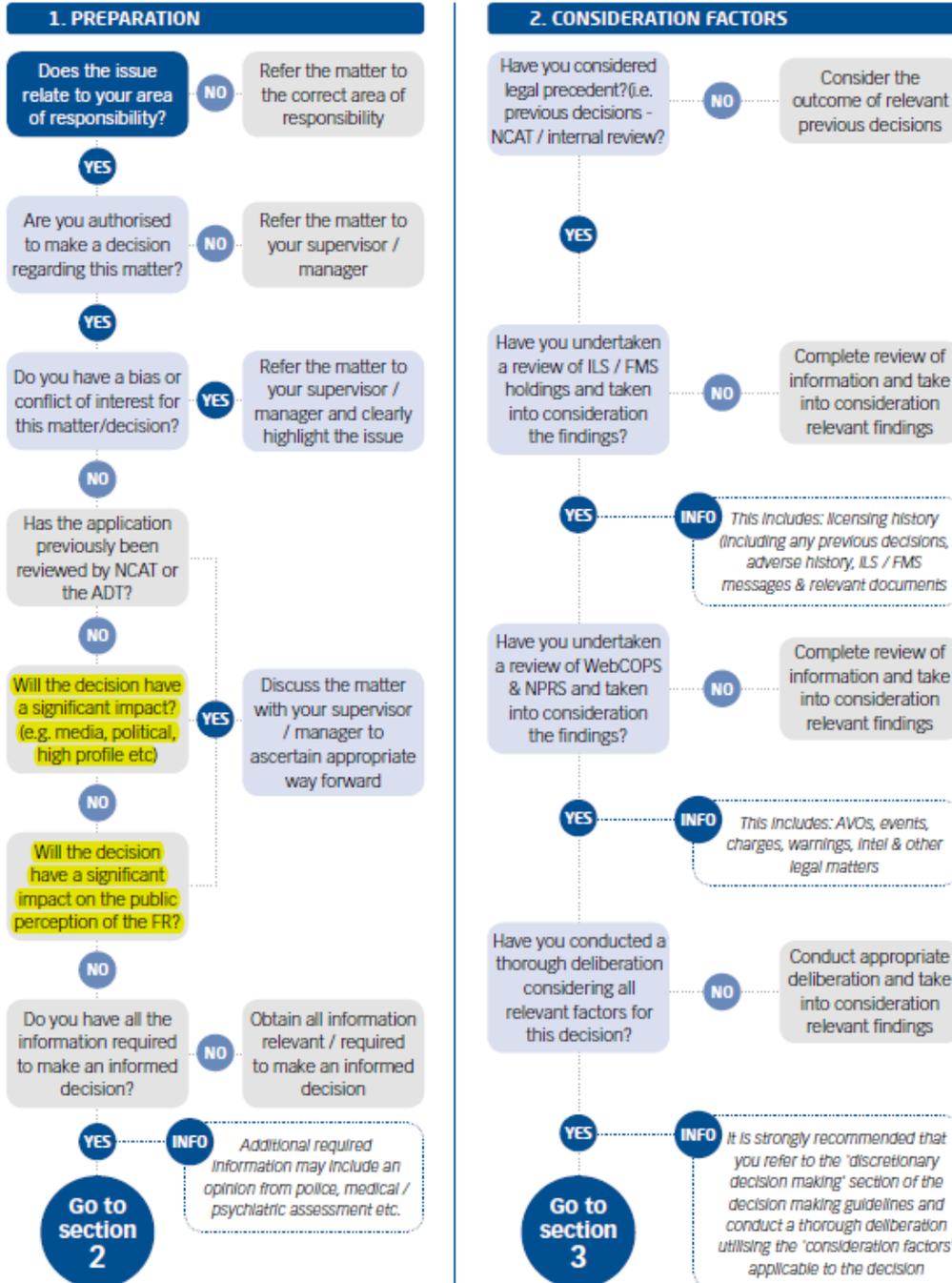
- (a) Have prescription data or medical records ever been supplied to NSW Police?
- (b) What is the Registry's legitimate forensic purpose for requesting these data?
- (c) Is any employee in the Firearms Registry medically qualified to interpret prescription data and medical records?

Firearms Registry Decision Making Guidelines

6. The 'Decision Making Flowchart' (attached) on page 29 of the *Firearms Registry Decision Making Guidelines* asks Firearms Registry decision makers to consider "Will the decision have a significant impact (e.g. media, political, high profile etc)." and "Will the decision have a significant impact on the public perception of the FR" [Firearms Registry]
- (a) How many cases have there been since 12 August 2019 where decisions by the Firearms Registry have involved consideration of the impact on *media, political* or *'high-profile'*?
 - (b) Don't the instructions to Firearms Registry decision makers to explicitly consider the impact of their decisions on *media, political* and *high profile* etc. and *impact on public perception of the Firearms Registry*, contradict the mandatory requirements of the NSW Police Force Standards of Professional Conduct?

DECISION MAKING FLOWCHART

This flowchart should be utilised in conjunction with other relevant resources, including the decision making guidelines, legislation and legal precedent.



Source: [NSW Police Force, Firearms Registry, Decision Making Guidelines, 12 August 2019](#)

POLICE

Questions from the Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)

Police deployment and rostering

7. How many police officers were redeployed to the bushfires and broadly how many were from metropolitan areas and how many from other regional commands not affected by bushfires?
8. Were transport and highway patrol officers redeployed to the bushfire affected commands?
9. What are the contingency arrangements that are in place once a state of emergency is declared for police officers, particularly over the Christmas period which must be the busiest time for police?
10. Were shortfalls due to bushfires and floods over the New Year period on rosters filled using overtime or by TOIL (time in lieu).
11. Has there been any additional funding allocation to NSW Police to ensure that any shortfalls in rosters later in the year are not affected due to additional expenditure following the emergency declaration?

Police Radio

12. What if any contingency staffing arrangements were made in Police Radio Operations Centres ahead of forecast major weather events, including bushfires?
13. Why were no additional staffing arrangements made prior to 31 December 2019 in the South Coast Radio Operations Centre, despite weather forecasts days beforehand predicting catastrophic fire conditions for that day?
14. Can you confirm that at least 25% of the shift working in the relevant Radio Operations Centre that day have had accepted Workers Compensation claims due to stresses caused by understaffing?
15. Was the South Coast Radio Operations Centre running at full staffing capacity when the towns of Mogo and Cobargo were devastated by fire in the early hours of 31 December 2019? If not what were the constraints leading to the shortage?
16. Can the Commissioner confirm whether any Radio dispatchers were rostered to work out of the Emergency Operation Centres (EOCs) on the South Coast on 31 December 2019 in anticipation of forecast catastrophic fire conditions?

17. Can the Commissioner outline how NSW Police Communications engaged with other agencies at the EOCs without having any Radio Dispatchers working there?
18. Are you aware that Victoria Police employs a full time psychologist to be available for staff in its emergency call centres during periods such as bushfires? Does NSW Police have any such arrangement in its emergency call centres and Radio Operations Centres?

Stress

19. Last year there has been a spike in workers compensation claims within the NSW Police force due to stress, you also noted stress related injuries make up the major part of the cost of workers compensation. Given the start to the year we have had, are you anticipating a surge in stress related claims.
20. Are the figures already indicating stress related claims are up this year?

Efficiency dividends

21. Have any understaffing issues either during the bushfires or the following storm events been attributable to this year's or previous year's efficiency dividends?

Domestic Violence Liaison Officers

22. How many Domestic Violence Liaison Officers are currently employed in NSW Police?
23. Are all Domestic Violence Liaison Officers sworn officers?
24. And are they included in the Authorised Police Positions for Police Area Commands and Police Districts or are they over and above those figures?
25. How many Domestic Violence Operatives are currently employed in NSW Police and are they also sworn officers?
26. Are they included in the Authorised Police Positions for Police Area Commands and Police Districts or are they over and above those figures
27. Has there been any additional authorised positions for Domestic Violence Liaison Officers over the last two years and if so what were the figures for 2018, 2019 and 2020?
28. Commissioner has there been additional authorised positions for Domestic Violence Liaison Officers over the last two years and if so what were the figures for 2018, 2019 and 2020

Mental Health

29. How many calls in the last calendar year to COPS were mental health related calls?

30. Have you ascertained on average, how long police officers spend on a mental health related call out?
31. Do you have the figures for the last calendar year for how many times police were required to attend hospital with a person? Please provide these figures
32. How many of these calls, even though an Ambulance has also been called does this result in NSW Police attending a hospital or clinic with a person suffering from a mental illness?

Workers Compensation

33. Has any steps been taken to review the Government's Workers Compensation cuts to ensure that no Special Constable are left to fall through the cracks after putting their life on the line to protect the community?

Special Constables

34. Can the Commissioner update on steps that have been taken since October 2019 to resolve the Special Constable dispute and thereby ensure future stop work meetings do not take place?
35. Does the Government's Wages Policy prohibit the Commissioner from resolving this dispute?

IPOS

36. When will a contractor be announced for the protected-level cloud infrastructure' that will host its integrated policing operating system (IPOS) to replace the current core operational policing system (COPS).
37. In June last year three vendors were shortlisted and an announcement was expected around that time – why is it taking so long?
38. In 2013 the NSW Police received \$44.8 million to replace the COPS system – what is the anticipated cost now?

Pistols and Tasers

39. At the last estimates it was noted that the Glock pistol currently used by NSW Police needs to be replaced. Has a replacement for that pistol been identified and if so what is the estimated cost of that project?
40. Have you been allocated a budget line for this replacement?
41. At the last estimates it was noted that manufacturers would no longer be producing Tasers with cameras. Could you inform the house have you resolved the technology to operate Tasers with body worn video yet?

Highway Patrol

42. Is the Deloitte report has been commissioned to look at the highway patrol command. Is that report now completed and if so when will it be made publicly available.

Public Transport Command

43. At the last estimates it was noted that Public Transport Command had 600 sworn officers and the aim is to increase this by 20 percent with new allocations have you arrived at a figure yet?

Newcastle City Police District

44. How many of the 1,500 new police officers which the Government committed to during the 2019 election will be allocated to the Newcastle City Police District?
45. How many new police officers have been allocated to the Newcastle City Police District, or former Newcastle Local Area Command in each year from 2015 to 2020 (to 27 February 2020)?
46. Of the 246 police officers currently operating in the Newcastle City Police District, how many are allocated to:
- (a) General duties;
 - (b) Non-frontline services?

Questions from Mr Shoebridge MLC

Strip search numbers and COMPASS targets

You recently revised some of the data you previously released about drug dog searches in NSW and resultant prosecutions (originally provided in response to QON 333 and revised on 23 January 2020.

47. Can you advise what the changed methodology in counting was?
48. Who initiated this change in data analysis? Was it you?
49. Is this the 5th time you have revised your own data?
50. Doesn't this show something is seriously wrong with the police data collection systems?
51. Do these revised search numbers have any impact or relationship to the COMPASS target numbers that you provided to us (since we understand these were based on actuals data that you have now changed again)?

Drug dogs

52. Will you accept the recommendations from the ICE inquiry that heard from the experts and suspend or disband the drug dog program?

Police legal settlements

On 4 December 2019 we asked for the total cost to the NSW Police Force of defending civil cases brought against the NSW Police Force for unlawful searches in each year from 2015-2019

On 23 December you advised "As the relevant tort covers many situations which are not unlawful searches, this information is not available".

We also asked: what was the total cost to the NSW Police Force of settlements or damages following civil litigation brought against the NSW Police Force for unlawful searches in each year from 2015-2019 and on 23 December you advised: As the relevant tort covers many situations which are not unlawful searches, this information is not available.

53. What is the relevant tort?
54. What other matters does this cover apart from unlawful searches?
55. How many cases did you settle in 2019 under this tort?
56. What was the cost of these settlements in total?

Body Worn Camera

57. Last hearing you indicated that you and the deputies were undertaking a review of the guidelines around bodyworn camera and specifically the discretion on when it is to be turned on – what progress has been made on this?

STMP

58. How many people are currently subject to an STMP?
59. How many people were subject to an STMP in 2019?
60. What proportion of those individuals subject to the STMP are Aboriginal?
61. In 2019, how many young people under 18 were nominated by a police officer for STMP selection, but were not placed on an STMP?
62. In 2019, how many people of any age were nominated by a police officer for STMP selection but were not placed on an STMP?

LECC re STMP

63. LECC has recommended in its interim report on Operation Tepito (LECC's interim report) that you advise all young people of their STMP status and provide them with details about the activities that police intend to apply under their Target Action Plan.
64. Will NSW Police implement this recommendation?
65. If so, will young people be advised in writing and provided with a copy of their Target Action Plan?
66. If young people are not provided with a copy of their Target Action Plan but just advised verbally, how will you ensure that what young people are told is accurate?
67. What, if any, other changes will be made to the STMP in light of LECC's interim report?
68. What is the reason for a young person's placement on an STMP even though their risk assessment may be 'low' or 'medium'?
69. What is the reason that four young people were nominated to be placed on an STMP even though they had never been charged with any offences, as revealed in LECC's interim report?
70. When will the STMP policy be made publicly available, as per the recommendation of the Parliamentary inquiry into the adequacy of youth diversion?
71. If it will not be made publicly available, will you provide a clear explanation of the differences between the STMP II and the STMP III?

Reasons for not proceeding with formal actions in sexual assault reports:

Recent reporting by the ABC indicates that NSW Police is unable to supply data on why a sexual assault investigation does not lead to an arrest or other formal action, and that NSW is the only jurisdiction that is not able to supply that data.

72. Why is that?
73. Does this meet NSW Police's crime recording standards?
74. Will this be reviewed?

Domestic & family violence:

75. What are the government's plans to increase police training to ensure general duties police officers have a strong working knowledge of the dynamics of domestic and family violence and how to respond effectively and prevent misidentification of the primary aggressor/ acts of resistance?
76. What are the government's plans to ensure general duties police officers and police prosecutors have adequate training to ensure a thorough understanding of the interaction between the state civil and criminal justice system and the federal family law system so as to ensure provisions are effectively utilised for women and children's safety?
77. Does the government support the increased specialisation of police prosecutors for domestic violence matters?
 - (a) If so, what plans do you have to progress this?
 - (b) If not, how to you plan to resolve the issues of misidentification and incorrect prosecution of domestic violence victims as primary aggressors?

Revenge porn:

78. What are you doing to ensure that comprehensive training is delivered to police to prevent law enforcers retraumatising victims of revenge porn?

Breach of Bail with no further offending

79. In 2019, how many Aboriginal and Torres Strait Islander people were arrested for a breach of bail that involved no further offending? Were each of these individuals only arrested on one occasion in 2019, or were some of them subject to multiple arrests? If this is the case – how many arrests occurred for breach of bail that involved no further offending?

80. In 2019, how many non Aboriginal and Torres Strait Islander people were arrested for a breach of that involved no further offending?
81. In 2019, how many young people under 18 were arrested for a breach of bail that involved no further offending?
82. In 2019, how many children under 14 were arrested for a breach of bail that involved no further offending?
83. In 2019, how many individuals were arrested for breach of bail, when they were not actually in breach of their bail?

2019 breach of bail

In 2019, for breaches of bail that involved no further offending:

84. how many times did NSW Police Force officers decide to take no action in respect of a failure or threatened failure under s77(1)(a) of the *Bail Act 2013* (NSW)?
85. how many times did NSW Police Force officers issue a warning under s77(1)(b) of the *Bail Act 2013* (NSW)?
86. how many times did NSW Police Force officers issue an application notice under s77(1)(c) of the *Bail Act 2013* (NSW)?
87. how many times did NSW Police Force officers issue a court attendance notice under s77(1)(d) of the *Bail Act 2013* (NSW)?
88. how many times did NSW Police Force officers arrest the person without a warrant under s77(1)(e) of the *Bail Act 2013* (NSW)?
89. how many times did NSW Police Force officers apply for a warrant to arrest the person under s77(1)(f) of the *Bail Act 2013* (NSW)?

Use of bail conditions by NSWPF

90. In 2019, how many people in NSW were released on bail with a curfew condition?
 - (a) How many of these were Aboriginal and Torres Strait Islander people?
 - (b) How many were young people under the age of 18?
 - (c) How many were Aboriginal and Torres Strait Islander people under the age of 18?
91. In 2019, how many bail compliance checks were conducted to monitor or enforce compliance with a curfew in NSW?

- (a) How many were conducted on Aboriginal and Torres Strait Islander people?
 - (b) How many were conducted on young people under the age of 18?
 - (c) How many were conducted on Aboriginal and Torres Strait Islander people under the age of 18?
92. In 2019, of those that were subject to bail compliance checks, what proportion had an enforcement condition?

Jaywalking

You were asked in Estimates last year about the number of fines issued for jaywalking and pointed us to the www.revenue.nsw.gov.au website.

93. We're unable to locate the information on this site so we'll ask directly, for each of the past few years how many fines have been issued for breaches of s230, s231, 232, and 234 of the Road Rules in each of the last 5 years?
94. How many cautions were issued for each offence?
95. How many of the fines issued were contested in court? What were the outcomes of these? How much was the quantum of all the penalties issued by year?

4 degrees of warming and policing

96. What will be the impact of 4 degrees of warming under the current emissions trajectory on policing?
97. Will you need more staff?
98. Are you anticipating civil unrest?
99. Is there a policy position that has been developed in relation to this?

Move on

100. How many prosecutions for failure to comply with move on orders?
101. How many CINs were issued for failure

EMERGENCY SERVICES

Questions from the Mark Buttigieg MLC (on behalf of the NSW Labor Opposition)

NSW RFS Restructure

102. How many positions remain vacant in the NSW RFS?
- (a) Which of these positions are vacant?
 - (b) How much has the NSW RFS saved in employee related expenses as a result of maintaining these vacancies?
103. How much expenditure did the service spend in staff redundancies in the 2017-2018 financial year?
- (a) How much expenditure did the service spend in staff redundancies in the 2018-2019 financial year?
 - (b) How much expenditure has the service spent in staff redundancies in the 2019-2020 financial year?
 - (c) How much expenditure has the service allocated in staff redundancies for the RFS restructure?
 - (d) How much has the service allocated in expenses under the Crown Employees (Transferred Employees Compensation) Award in assisting staff to relocate as a part of the restructure?
104. The NSW RFS has announced 7 new area commands as a part of the restructure with 7 new offices located in Albury, Cowra, Tamworth, Port Macquarie, Coffs Harbour and Moruya.
- (a) Are these all new offices?
 - i. What is the source of funding?
 - ii. What is the cost to acquire these new premises and fit out the new office spaces?
 - iii. Can you provide the exact locations of the new offices?

Firefighter Health and Injury

105. How many firefighters were hospitalised during the recent bushfire crisis?
- (a) What were the causes of each hospitalisation?
 - (b) How many physical injuries were sustained by;

- i. RFS firefighters?
 - ii. Fire and Rescue Firefighters?
 - iii. SES personnel?
106. How many firefighters filed workers' compensation claims due to a psychological and/or mental health injury in the last:
- (a) 12 months?
 - (b) 5 years?
 - (c) 10 years?
107. How much leave was taken by firefighters due to psychological and/or mental health injury in the last:
- (a) 12 months?
 - (b) 5 years?
 - (c) 10 years?
108. How many were deemed Total and Permanent Impaired under the Death and Disability Award due to a psych and/or mental health injury, and what was the total cost, in the last:
- (a) 12 months?
 - (b) 5 years?
 - (c) 10 years?
109. How many firefighters were medically retired under the Death and Disability Award due to a psych and/or mental health injury in the last:
- (a) 12 months?
 - (b) 5 years?
 - (c) 10 years?

RFS and Fire and Rescue Appliances

110. What is the average age of Fire and Rescue appliances?
- (a) How many appliances are over 15 years old?
 - (b) How many appliances are over 20 years old?
 - (c) What is the oldest operational appliance, how old is it and where is located?

111. What is the average age of RFS appliances?
- (a) How many appliances are over 15 years old?
 - (b) How many appliances are over 20 years old?
 - (c) What is the oldest operational appliance, how old is it and where is located?

Firefighter Compensation

112. How many firefighters have applied for the compensation scheme?
- (a) How many were successful?
 - (b) How many were unsuccessful?
 - (c) What has been the average claim?
113. Are RFS support members and Group Support Brigades ineligible for the compensation payment?

Questions from Mr Shoebridge MLC

4 degrees of warming and emergency services

- 114. What would be the impact of this on fire services and emergency services?
- 115. Will you need more staff and facilities?
- 116. What plan do you have in place to support workers through this?
- 117. Is there a plan in place for adaptation of facilities to respond to this scenario?

Firebombing

- 118. Did the RFS ask for more large firebombing aircraft in 2017?
- 119. Did it also make this request in years after?
- 120. What was the response of the NSW Government?

Communications issues

- 121. What is the timetable and budget for fixing up current issues with communications at firegrounds that see 4 different systems being used on the ground?

Counselling

- 122. Are you aware of the proposal for a telephone counselling service for emergency service workers?
- 123. Do you support such a proposal?
- 124. Is there a budget for such a proposal?

Emergency Evacuations of Residents with a Disability

- 125. What measures are in place for the emergency evacuation of residents with special needs from high-rise apartment buildings?
- 126. Are you open to the idea of working with Owners Corporations and Body Corporates to ensure a register of those who need extra assistance is available in a place accessible to NSWFR or other emergency services?

RFS fire strategy

- 127. What consideration if any has been given to moving away from watch and act to instead extinguishing fires when they continue to burn?
- 128. Under what conditions is a watch and act declared rather than prolonging firefighting activity?

129. Has there been a step back from directly approaching a firefront to instead engaging in backburning?
- (a) What is this change based on?
 - (b) Is there an increased risk to wildlife from this approach?
 - (c) Is it based on financial limitations?

RFS Donations

130. What assumptions are in place about the impact of RFS donations raised by fundraisers including that by Celeste Barber on the budgetary needs of the NSW RFS in the coming budget?