

BUDGET ESTIMATES 2020

RESPONSES TO SUPPLEMENTARY QUESTIONS

Questions from the Hon Robert Borsak MLC

The following questions are directed to the Hon David Elliott, 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?

ANSWER:

The safe shooting program is currently under review. The annual funding, administration and funding cycle will be determined once a decision on its continuation into 2020-21 is made.

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?

ANSWER:

- (a) The response to the Audit Office report on this matter rejected that administrative staff within NSW Police Firearms Registry should issue penalty notices. Police continue to have the discretion to issue a penalty notice pursuant to the

prescribed penalty notice offences laid out in Schedule 1 of the Firearms Regulation 2017.

- (b) There is no policy to refuse the issuance of penalty notices pursuant to section 42(2).

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?

ANSWER:

Section 42 provides instruction relating to the seizure of firearms if safe storage requirements are not met. It is not the section under which a police officer lays charges in respect of safe storage offences.

Section 42(1) provides a mandatory power to seize firearms and ammunition if the officer has reasonable grounds to believe they are not being kept in accordance with the safe storage requirements in Part 4 of the *Firearms Act 1996*.

Section 42(2) provides a discretionary power not to seize firearms if the officer is satisfied that the failure to keep the firearm or ammunition in accordance with Part 4 of the Act has been rectified or will be rectified without delay. Such a decision does not prevent the taking of a prosecution or the issuing of a penalty notice in respect of the failure.

The sections under which safe storage offences are contained are Sections 39, 40 and 41.

Since 1 September 2017, a total of 2,065 offences were recorded pursuant to Sections 39, 40 and 41 for which there were a total 201 were infringement notices issued.

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?

ANSWER:

The *Police Act 1990* provides the Commissioner mechanisms to manage the conduct of over 17,000 sworn officers, in order to maintain high integrity and adherence to ethics policies.

Under Part 2, Section 7 of the *Police Act*, the Statement of Values identifies that each member of the NSW Police Force is to act in a manner which places integrity above all. The NSW Police Force publishes on its website the following documents: the Code of Conduct and Ethics, the Standards of Professional Conduct, and a Statement of Values. The Standards of Professional Conduct states that the people of NSW are entitled to be served by police who demonstrate the highest levels of ethics, integrity and professionalism.

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?

ANSWER:

Section 11 (3)(a) of the *Firearms Act 1996* provides that a licence must not be issued unless the Commissioner is satisfied that the applicant is a fit and proper person and can be trusted to have possession of firearms without danger to public safety and to the peace.

As part of the application process, a person is required to answer the following question: "Has the applicant ever attempted suicide or self harm, or in the past 12 months been referred or treated for alcoholism, drug dependence, or a mental or nervous disorder or illness?"

In order to assist in assessing the fit and proper requirements, the Firearms Registry sometimes requests an applicant to seek from their treating medical practitioner a medical assessment. The Firearms Registry relies on the advice of medical practitioners.

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?

ANSWER:

The Decision Making Flowchart and Checklist questions are in place to determine whether a decision ought to be escalated to a higher graded decision maker. They are not in place to determine outcomes.

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?

ANSWER:

Number of police deployed as follows.

Metropolitan:	2,728
Northern:	159
Southern:	149
Western:	22

Please note that this does not include those police that are on shift working in the affected commands that worked each shift on bushfire response.

8. Were transport and highway patrol officers redeployed to the bushfire affected commands?

ANSWER:

Yes. Traffic and Highway Patrol were in many cases the first outside officers on the scene to assist. The ability for them to quickly shut roads and address the safety needs of motorists was paramount to the safety of the community. Traffic and Highway Patrol personnel also assisted with the evacuation of residents at a variety of locations.

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?

ANSWER:

A State of Emergency is much different to that of normal Business as Usual (BAU) for busy times of the year. When State of Emergencies are declared, available officers are moved to the area of need generally in a reactionary way as the State of Emergency is generally an unknown incident as compared to busy times of the year (eg Christmas), when officers whom are working in those areas or vital areas of the NSWPF (eg T&HWP over school and public holidays) have their leave cancelled to ensure maximum numbers of officers are able to respond to a pre-determined risk.

However, there is no corporate direction issued for the cancellation of staff leave during the State of Emergencies.

10. Were shortfalls due to bushfires and floods over the New Year period on rosters filled using overtime or by TIL (time in lieu).

ANSWER:

Overtime and TIL were utilised in bush fire affected areas.

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?

ANSWER:

No additional funding has been allocated.

Police Radio

12. What if any contingency staffing arrangements were made in Police Radio Operations Centres ahead of forecast major weather events, including bushfires?

ANSWER:

Any forecast events are considered on a risk basis and rostered with staffing considered appropriate to manage the anticipated event. This includes bushfires, New Years Eve, and any other event known of in advance.

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?

ANSWER:

Additional staff were rostered for 31 December 2019. New Years Eve and the bushfires required extra staffing which was planned.

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?

ANSWER:

3 officers who worked on 31 December 2019 submitted a claim for Workers Compensation.

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?

ANSWER:

The maximum capacity for this centre is 12 seats. The usual staffing would be 8 staff to manage 4 channels.

On the day in question, one channel was moved out of the centre from 9am for the remainder of the day. Further the radio channel covering the fire impacted areas was split in two to accommodate the increased workload being experienced. These split channels were handled by two operators each.

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?

ANSWER:

No, the South Coast EOC was stood up at HMAS Albatross. At the time, there was no communications equipment (consoles, computers) for a Communications Officer to work from.

17. Can the Commissioner outline how NSW Police Communications engaged with other agencies at the EOCs without having any Radio Dispatchers working there?

ANSWER:

The Inter-CAD Electronic Messaging System (ICEMS) is currently operating between NSW Police Force, NSW Ambulance, Fire and Rescue NSW, RFS and SES. This is the primary means of communications between Emergency Service Organisations and was working on this day. This allows each agency to type a CAD message for other agencies attention, negating the need for agencies to telephone each other.

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?

ANSWER:

The NSWPF has significant wellbeing support services available for all staff as outlined in the NSWPF Wellbeing Support Services brochure, which is available on the NSWPF intranet and internet.

Staff have access services such as the Employee Assistance Program and Police Chaplaincy. In addition, trained Peer Support Officers actively engage with their colleagues to ensure their welfare. During the recent bushfires, Police Chaplaincy regularly attended various call centres and provided support where necessary. As part of a critical incident debrief program, supervisors identify traumatic jobs and coordinate to conduct a debrief with impacted staff. Should a particularly traumatic incident occur or be deemed necessary by a supervisor, incident support can be activated which results in psychologists being onsite within agreed timeframes.

A copy of the NSWPW Wellbeing Support Services Brochure is attached at TAB A.

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.

ANSWER:

It is possible that there will be a surge depending on external factors However, the NSWPF has significant wellbeing support services available for all staff as outlined in the NSWPF Wellbeing Support Services brochure, which is available on the NSWPF intranet and internet.

20. Are the figures already indicating stress related claims are up this year?

ANSWER:

In FY 2018/19, there were 724 workers' compensation claims where mental stress was the mechanism of injury recorded for NSW Police.

For the current FY (2019/20) up to 29 February 2020, there were 557 mental stress claims

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?

ANSWER:

No.

Domestic Violence Liaison Officers

22. How many Domestic Violence Liaison Officers are currently employed in NSW Police?

ANSWER:

As at 19 March 2020, there were 118 Police Officer headcount working as Domestic Violence Liaison Officers.

23. Are all Domestic Violence Liaison Officers sworn officers?

ANSWER:

Yes

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?

ANSWER:

All Authorised Police Positions for Domestic Violence Liaison Officers attached to their respective Police Area Commands and Police Districts are included when reporting on the Authorised Police positions of Police Area Commands (PACs) and Police Districts (PDs).

They are not additional to the reported Authorised Police positions for PACs and PDs.

25. How many Domestic Violence Operatives are currently employed in NSW Police and are they also sworn officers?

ANSWER:

I am advised:

As at 19 March 2020, there were 117 Domestic Violence Operatives employed by the NSWPF, who were all sworn police 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

ANSWER:

I am advised:

All Authorised Police Positions for Domestic Violence Operatives attached to their respective Police Area Commands and Police Districts are included when reporting on the Authorised Police positions of Police Area Commands (PACs) and Police Districts (PDs). They are not additional to the reported Authorised Police positions for PACs and PDs.

It is important to note that there are Domestic Violence Operatives within each Region Command offices, under the DV High Risk Offender Teams. These positions are not attached to a PAC/PD and are excluded when reporting on the Authorised Police positions of PACs and PDs, as they are Region based resources

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?

ANSWER:

I am advised:

Since 2018, there has been an increase of five (5) in the number of Authorised Police Positions for Domestic Violence Liaison Officers.

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

ANSWER:

Since 2018, there has been an increase of 57 in the number of Authorised Police Positions for Domestic Violence Operatives.

The table below displays the Domestic Violence Operatives Authorised Police Positions from 2018 to now.

Domestic Violence Operatives	# Authorised Police Positions	# Police Officer Headcount
20/03/2018	64	80
19/03/2019	82	114
19/03/2020	121	117

Mental Health

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

ANSWER:

There were 56,282 events in the COPS system in 2019, which were mental health-related.

30. Have you ascertained on average, how long police officers spend on a mental health related call out?

ANSWER:

This type of analysis cannot be retrieved from the NSW Police Force Computer Aided Dispatch (CAD).

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

ANSWER:

There are no fields in COPS which identify if NSW Police assist a patient to hospital.

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?

ANSWER:

There are no fields in COPS which identify if NSW Police assist an Ambulance to a hospital or clinic.

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?

ANSWER:

Special Constables who sustain a work-related injury receive the same injury management support as a sworn officer. All stakeholders work closely together to ensure the Special Constables receive appropriate treatment and rehabilitation to return to pre-injury duties.

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?

ANSWER:

At the request of the Public Service Association, the Union representing Special Constables, the dispute was discontinued on 11 February 2020.

35. Does the Government's Wages Policy prohibit the Commissioner from resolving this dispute?

ANSWER:

See above answer to question 34.

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).

ANSWER:

The NSWPF released an Expression of Interest for protected level cloud infrastructure. The responses to this EOI are currently under evaluation. An award to a supplier/partner is not expected until around end of quarter 3 of 2020.

37. In June last year three vendors were shortlisted and an announcement was expected around that time – why is it taking so long?

ANSWER:

The IPOS program is a significant transformation program for NSWPF. On 2 March 2020, the NSWPF officially commenced the due diligence phase of IPOS with the preferred vendor. The procurement approach for the IPOS program has required a number of downselection rounds as well as significant business input to ensure the preferred vendor is operationally viable to frontline Police.

38. In 2013 the NSW Police received \$44.8 million to replace the COPS system – what is the anticipated cost now?

ANSWER:

The new NSWPF IPOS system includes a replacement of COPS as well as the modernisation and replacement of Computer Aided Despatch or CAD, Evidence & Forensics Management as well as a vast array of applications that also reside on the NSWPF mainframe.

The final cost now is subject to a final business case which is currently under consideration by the NSW Government.

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?

ANSWER:

The cost of replacement is subject to an ERC funding decision.

40. Have you been allocated a budget line for this replacement?

ANSWER:

See response to question 39.

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?

ANSWER:

The current NSWPF Conducted Energy Weapon (CEW) vendor Axon Inc has ceased to incorporate a camera within CEW models beginning from the currently available Taser 7 (T7) CEW. The NSWPF has not yet purchased any T7 CEWs (new non-camera model) to replace the currently owned X26P CEWs (camera included model).

The existing fleet of X26Ps can continue to be used in the field and is operationally supported. Options are emerging within the Body-Worn Camera marketplace with multiple vendors producing technology that allow the enablement of BWV cameras upon drawing of any CEW device or firearm. A technical review of this technology and the emerging capabilities of vendors to supply next generation BWV camera and weapon integration is currently in progress.

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.

ANSWER:

The report has been completed. It is currently being considered by the NSWPF Executive.

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?

ANSWER:

The reference to 20 per cent was an estimation on the increase of the use of the public transport system, not the command.

As of 3 February 2020, there were 939 authorised police positions Police Transport & Public Safety Command (PT&PSC) which includes the Command formerly known as Public Transport Command.

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?

ANSWER (44,45,46):

Information on the number of probationary constables that have attested from the Police Academy, as well as the location at which they will commence service, is made publicly available by the NSW Police Force at the time of each Attestation.

All police resources attached to Police Districts or Police Area Commands are flexible resources available to respond to incidents across the district. Local resources are also supplemented by specialist police (including highway patrol, crime squads, covert resources, and more), which are managed centrally but can be deployed across boundaries to meet changing community needs and respond to crime patterns and emerging issues.

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?

ANSWER:

Since 2014, the NSW Police Force have used a standardised approach to collating drug dog operations and related searches. This methodology is based upon a count of all drug dog deployments.

The untested methodology did not include all count of drug dog deployments.

48. Who initiated this change in data analysis? Was it you?

ANSWER:

See answer to question 47.

49. Is this the 5th time you have revised your own data?

ANSWER:

See answer to question 47.

50. Doesn't this show something is seriously wrong with the police data collection systems?

ANSWER:

The NSW Police Force is committed to providing accurate figures and is undertaking measures focussed on consistency for the future reporting of statistics.

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)?

ANSWER:

No. COMPASS performance indicators are based on a three year rolling average, which means the environment in itself dictates what the fourth year will be.

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?

ANSWER:

The NSW Government maintains its view that drug detection dogs are the best method for police to screen large crowds of people for the presence of drug odours.

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?

ANSWER:

An allegation of an unlawful search would generally form part of the factual matrix in claims covered by the torts of assault, battery or the tort of false imprisonment. The strip search is not the tort itself.

54. What other matters does this cover apart from unlawful searches?

ANSWER:

The torts cover a wide range of policing scenarios. For example the tort of assault ranges from a simple touching through to a police shooting or a claim of excessive force. Claims of false imprisonment have been brought for a wide range of policing actions from stopping someone to check their Opal concession card through to the arrest and bail refusal of someone for several days.

55. How many cases did you settle in 2019 under this tort?

ANSWER:

The question is not able to be answered. Whilst there are some claims that only claim assault, battery or false imprisonment or a combination of the three, many also include claims for other torts including malicious prosecution and trespass. It is impossible to

sever those parts of the claims that relate to the relevant torts from the other parts of the claims.

56. What was the cost of these settlements in total?

ANSWER:

See answer to Question no. 55.

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?

ANSWER:

The review into the Bodyworn Camera is now complete.

STMP

58. How many people are currently subject to an STMP?

ANSWER:

As at 25 March 2020, there were 145 people on a DV STMP and 266 people in non-DV STMP (total 411 people).

59. How many people were subject to an STMP in 2019?

ANSWER:

2019 CY	Total	% Aboriginal	# Aboriginal
# STMP (non-DV)	1,265	33%	413
#DV STMP	677	26%	179
Total STMP	1,942	30%	592

60. What proportion of those individuals subject to the STMP are Aboriginal?

ANSWER:

See answer to Question 59.

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?

ANSWER:

This question cannot be answered as this information is not retained in a consistent or searchable manner.

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?

ANSWER:

This question cannot be answered as this information is not retained in a consistent or searchable manner.

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 activates that police intend to apply under their Target Action Plan. Will NSW Police implement this recommendation?

ANSWER:

Yes.

64. If so, will young people be advised in writing and provided with a copy of their Target Action Plan?

ANSWER:

Target Action Plans contain detail about police methodology. These can be general methodologies that are operationally relevant outside of a STMP context. However, this aspect is currently the subject of trials.

65. If young people are not provided with a copy of the their Target Action Plan but just advised verbally, how will you ensure that what young people are told is accurate?

ANSWER:

See answer to question 64.

66. What, if any, other changes will be made to the STMP in light of LECC's interim report?

ANSWER:

STMP III is the subject of trials. NSWPF has accepted all 15 recommendations from LECC with substantial changes planned for youth, prevention, and detection streams of targeting.

67. What is the reason for a young person's placement on an STMP even though their risk assessment may be 'low' or 'medium'?

ANSWER:

Some young people were targeted with positive strategies to redirect them from the Criminal Justice System. The earliest possible intervention approach will attract targets with less criminal history and lower risk assessment scores.

68. 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?

ANSWER:

STMP does not require a person be charged prior to their targeting. This enables commands to proactively address problematic behaviour early and prevent future criminal offending.

69. When will the STMP policy be made publicly available, as per the recommendation of the Parliamentary inquiry into the adequacy of youth diversion?

ANSWER:

STMP is a PROTECTED document and contains information about police methodologies, however it is likely some aspects can be made publicly available which will be determined beyond the trial process.

70. 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?

ANSWER:

Once the implementation of STMP III is complete, an overview of the key differences may be made publicly available.

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.

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

ANSWER (71,72,73):

The NSW Computerised Operational Policing System (COPS) does not have the ability to easily capture statistics on reasons of withdrawn cases at this time. A significant amount of information and detailed reasoning is recorded as free text. I understand there are limitations on the retrievability of information from the free text field to allow for bulk data analysis.

The NSW Police Force takes every report of a sexual assault incident seriously. Police encourage all victims of sexual assault to make a report. Making a report to police provides a victim with the opportunity to commence an investigation of their complaint at the time or alternatively at a later date if they do not initially wish to proceed.

People who have experienced sexual assault can also report an incident whereby they don't want the matter investigated through an alternative reporting option offered by the NSW Police Force, the Sexual Assault Reporting Option (SARO). Such reports are important to improve police intelligence on rates of sexual assault and may also assist with other active investigations.

Importantly, victims in New South Wales are provided with control over the reporting and investigation process. It is their decision as to whether or not they proceed with their complaint and they can change their mind and decide to discontinue at any stage of the investigative process.

The NSW Police Force will continue to undertake internal analysis of trends in sexual assault cases and look at ways to improve processes.

Domestic & family violence:

74. 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?

ANSWER:

The NSW Police Force has a structured training package for domestic and family violence both at the recruit/academy level as well as field-based courses. The subjects above are dealt with and with a very strong emphasis on conducting thorough quality investigations.

The subjects are also covered in specialist courses such as the Domestic Violence Liaison Officer courses. In addition, regular short field-based refresher training is done at muster changes (SMITS). One of the subjects that is covered is "Identifying a Primary Victim in a Domestic Violence Incident".

75. 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?

ANSWER:

The NSW Police Force commenced a Specialist Domestic Violence Prosecutors Course in 2013 and since that time, the course has been run every year.

The course is three days long and one of the core subjects is Family Law. The subject delivery method includes a presentation from a Federal Circuit Court Judge who specifically speaks to the interactions between the different jurisdictions.

The NSW Police Force is currently working closely with the Commonwealth Attorney General's department and other Australian police forces on the development of legislation that will create Federal Family Violence Orders, which will be enforced by state police.

The NSW Police Force anticipates that the implementation of this legislation will encompass a training package for all general duties police officers.

76. 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?

ANSWER:

See answer to Question 75.

In addition, the Police Prosecutions Command with assistance from the Domestic and Family Violence Team have run a Specialist DV Prosecutors Course since 2013.

Some of the subjects covered included:

- * Update of DV Legislation
- * Family Law
- * Power and Control - Presentation from Dina McMillian tactics to assist Prosecutors with cross examinations (understanding a DV offender)
- * Strangulation
- * DVEC
- * Costs/Withdrawals
- * DV policy

Revenge porn:

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

ANSWER:

All NSW Police officers have an obligation under the "NSW Charter of Victims Rights' to treat all victims with courtesy, compassion and respect. This is reinforced during the initial and subsequent training of officers.

Due to the mere nature of revenge porn, it would be exceptionally difficult for victims not to encounter some additional trauma, in either disclosing the crime to police or reviewing material to assist with identification of themselves or the perpetrator. This response is consistent with victims of all sexual offending, it remains a difficult experience to recount the crime to police. It is expected, that with the appropriate level of discretion and empathy exhibited by officers, this reduces trauma as much as possible. The details for victim support services are also made available to victims of these crimes.

Breach of Bail with no further offending

78. 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?

ANSWER:

2,257 arrested for breach of bail. Of those, 685 arrested for breach of bail with no other offences.

2,098 were subject to multiple arrests during 2019. Of those, 617 were arrested for breach of bail with no other offences.

79. In 2019, how many non Aboriginal and Torres Strait Islander people were arrested for a breach of that involved no further offending?

ANSWER:

685

80. In 2019, how many young people under 18 were arrested for a breach of bail that involved no further offending?

ANSWER:

315

81. In 2019, how many children under 14 were arrested for a breach of bail that involved no further offending?

ANSWER:

32

82. In 2019, how many individuals were arrested for breach of bail, when they were not actually in breach of their bail?

ANSWER:

The NSWPF is not able to provide statistics on individuals' offending while on bail.

2019 breach of bail

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

83. 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)?

ANSWER:

Unable to quantify. Police may arrest a person with charges preferred for substantive offences and take no action in respect of a breach of bail which cannot be easily retrieved from COPS.

84. How many times did NSW Police Force officers issue a warning under s77(1)(b) of the *Bail Act 2013* (NSW)?

ANSWER:

Unable to quantify.

Police may issue warnings for a breach of bail yet prefer substantive charges which has the effect of placing the person before a court for bail redetermination which cannot be easily retrieved from COPS.

85. how many times did NSW Police Force officers issue an application notice under s77(1)(c) of the *Bail Act 2013* (NSW)?

ANSWER:

2,461 notices to attend court issued.

86. how many times did NSW Police Force officers issue a court attendance notice under s77(1)(d) of the *Bail Act 2013* (NSW)?

ANSWER:

Unable to quantify.

Legal actions for breach of bail do not separate the issue of a court attendance notice in the field.

87. how many times did NSW Police Force officers arrest the person without a warrant under s77(1)(e) of the *Bail Act 2013* (NSW)?

ANSWER:

7,184 individuals with legal actions.

88. 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)?

ANSWER:

Unable to quantify.

Warrants for other matters may include breaches of bail, however they are not recorded in COPS.

Use of bail conditions by NSWPF

89. 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?

ANSWER:

1,534 people released on court bail with a curfew in 2019
3 people released on police bail with a curfew in 2019
a) 415
b) 231
c) 107

90. 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?

ANSWER:

There were 21,615 bail compliance checks completed on people who had a curfew at any time during 2019 (this is all people with a curfew, not just those who were released on bail in 2019)

- a) 8,657
- b) 5,718
- c) 3,616

91. In 2019, of those that were subject to bail compliance checks, what proportion had an enforcement condition?

ANSWER:

All bail checks are conducted to determine compliance with enforcement conditions.

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.

92. 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?

ANSWER:

Section of Road Rules 2014 (NSW)	Fines Issued				
	2015	2016	2017	2018	2019
230(1)(a)	7	22	40	25	55
230(1)(b)	15	20	16	21	6
231(1)	6,157	10,286	6,194	6,354	8,089
232(1)	4	3	-	1	4
234(1)	38	262	53	76	139
234(2)	-	1	1	2	-

93. How many cautions were issued for each offence?

ANSWER:

As per the Young offenders Act 1997 (NSW), information on cautions issued to young people cannot be released. No other cautions have been recorded.

94. 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?

ANSWER:

The NSWPF is not able to provide statistics on fines issued which were contested in courts.

4 degrees of warming and policing

95. What will be the impact of 4 degrees of warming under the current emissions trajectory on policing?

ANSWER:

Police Officers will continue to operate during a change in environmental conditions. As is the case with normal policing operations, risk assessments would be conducted to mitigate any factors that may affect the health and safety of frontline police or delivery of policing services to NSW communities.

96. Will you need more staff?

ANSWER:

All police resources are flexible resources available to respond to incidents occurring across NSW. All local resources are supplemented by specialist police (highway patrol, crime squads, covert resources etc) which are managed centrally but can be deployed across boundaries to meet changing community needs and respond to crime patterns and emerging issues

97. Are you anticipating civil unrest?

ANSWER:

The NSW Police Force routinely assesses any situational changes to inform its allocation of resources and delivery of policing services to NSW communities.

98. Is there a policy position that has been developed in relation to this?

ANSWER:

See response to Question 95.

Move on

99. How many prosecutions for failure to comply with move on orders?

ANSWER:

In 2019, there were a total of 552 prosecutions for failure to comply with move on directions under either s199(1) of the Law Enforcement (Powers and Responsibilities) Act 2002 or s9(1) of the Summary Offences Act 1988.

100. How many CINs were issued for failure

ANSWER:

281 Criminal Infringement Notices were issued using s9(1) of the Summary Offences Act 1988.

EMERGENCY SERVICES

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

NSW RFS Restructure

101. How many positions remain vacant in the NSW RFS?
- Which of these positions are vacant?
 - How much has the NSW RFS saved in employee related expenses as a result of maintaining these vacancies?

ANSWER:

I am advised:

The NSW RFS currently has 113 vacant roles, of which 63 are currently subject to recruitment action. The NSW RFS has not held vacancies to generate savings, and therefore has not tracked savings in this way.

102. How much expenditure did the service spend in staff redundancies in the 2017-2018 financial year?
- How much expenditure did the service spend in staff redundancies in the 2018-2019 financial year?
 - How much expenditure has the service spent in staff redundancies in the 2019-2020 financial year?
 - How much expenditure has the service allocated in staff redundancies for the RFS restructure?
 - 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?

ANSWER:

I am advised:

\$197,210.72 in the 2017/18 fire season

- \$582,607.10 in the 2018/19 fire season
- \$2,047,576.13 in the 2019/20 fire season to date
- These costs are accommodated within the overarching Labour Expense Cap
- These costs are being accommodated within the overarching Labour Expense Cap

103. 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?

ANSWER:

I am advised:

(a)

- Albury is a new location, with staff moving into a leased facility.
- Cowra is a new location and a new purpose built facility will be constructed over the next 18 months. In the meantime, staff will remain in Young.
- Tamworth is a new location, with staff moving into a leased facility.
- Lake Macquarie is a new location, utilising an existing NSW RFS Fire Control Centre which will require some minor modifications.
- Coffs Harbour is a new location, and staff are currently co-located with Family and Community Services. This is an interim solution that will remain in place until some additional office can be constructed at the current Fire Control Centre location.
- Moruya (Batemans Bay): existing location and utilising an existing NSW RFS leased building in Bateman's Bay. There is limited availability of suitable facilities in Moruya.
- Greater Sydney (Glendenning): existing facility with minor works required for implementation.

(i) The source of funding is internal funding.

(ii & iii) Some facilities are still to be implemented and longer term solutions are being developed.

Firefighter Health and Injury

104. 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?

ANSWER:

I am advised:

Hospitalisations

NSWRFS - 46

Causes – as per the table below

Mechanism of Injury (Causes)	Total
Fire/smoke	13
Vehicle incident/accident	7
Fall, slip or trip	6
Fatigue/exertion	5
Falling tree or branch	3
Muscular stress/repetitive movement	3
Hit by moving object (e.g. branch, hose, grit)	3
Striking part of body on a stationary object	2
Insect or animal bites/stings	1
Other	3
Total	46

FRNSW - 4 firefighters were hospitalised, three with fractures and one due to a respiratory issue

NSW SES – Nil hospitalisations

Physical Injuries

NSW RFS - 832 injuries between 1 October 2019 and 31 March 2020.

FRNSW - 21 physical injuries were sustained by FRNSW firefighters during the fire season.

NSW SES - 23 physical injuries were sustained by NSW SES members during the fire season.

105. 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?

ANSWER:

I am advised:

In relation to the NSW RFS:

	Staff	Volunteer	Total
1 Year	2	9	11
5 Year	8	22	30
10 Year	13	43	56

In relation to FRNSW:

	Staff
1 Year	30 (2018/19 FY)
5 Year	190
10 Year	494

106. 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?

ANSWER:

I am advised:

FRNSW does not record diagnosis for the purposes of sick leave.

107. 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?

ANSWER:

I am advised:

FRNSW can only provide total deemed Total and Permanent Impaired under the Death and Disability Award due to a psychological and/or mental health injury.

- a. 16
- b. 40
- c. Data is only available for the past 8 years.

108. 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?

ANSWER:

I am advised:

- a. 24
- b. 74
- c. Data is only available for the past 8 years.

RFS and Fire and Rescue Appliances

109. 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?

ANSWER:

I am advised:

- (a) 214

(b) 36

(c) A Class 1 tanker that is 24 years old. It is a Service Exchange Vehicle so the location varies – but it is allocated from Greenacre.

110. 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?

ANSWER:

I am advised:

The average age of NSW RFS appliances is 14.2 years.

- (a) 1931
- (b) 1014
- (c) The oldest operational appliance is a 1979 Mercedes LAK Cat 1, located in the Southern Tablelands (Springfield).

Firefighter Compensation

111. 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?

ANSWER:

I am advised:

In relation to the NSW RFS, there have been 2,481 successful claims with 1,011 unsuccessful. The majority of unsuccessful claims were due to insufficient evidence or ineligibility (non RFS member). The average claim amount is \$4,521.

In relation to FRNSW, there have been 68 successful claims with 10 unsuccessful. The average claim is \$12,254.

112. Are RFS support members and Group Support Brigades ineligible for the compensation payment?

ANSWER:

I am advised:

If the support member has an RFS membership number, is active, and has served as part of an Operational Response to a bushfire for more than 10 days, they are eligible.

Questions from Mr Shoebridge MLC

4 degrees of warming and emergency services

113. What would be the impact of this on fire services and emergency services?

ANSWER:

I am advised:

The NSW Government has substantial planning processes that accommodate scientific advice on changes to climate and the impact on disaster management.

114. Will you need more staff and facilities?

ANSWER:

I am advised:

NSW emergency service agencies regularly review their staffing requirements and capital needs.

115. What plan do you have in place to support workers through this?

ANSWER:

I am advised:

NSW emergency services agencies implement a range of practices to support staff and ensure they have appropriate skills to perform their roles.

116. Is there a plan in place for adaptation of facilities to respond to this scenario?

ANSWER:

I am advised:

The NSW Emergency Management Plan (EMPLAN) provides the strategic overview of emergency management in NSW. The EMPLAN is supported by hazard specific sub-plans and functional area supporting plans. These plans address prevention, preparedness and response arrangements. Additionally, agencies engage with each other on climate change through the State Emergency Management Committee (SEMC).

Firebombing

117. Did the RFS ask for more large firebombing aircraft in 2017?

ANSWER:

I am advised:

For the 2017/18 fire season, the NSW RFS contracted a Large Air Tanker and a Very Large Air Tanker, which the agency determined was appropriate.

118. Did it also make this request in years after?

ANSWER:

I am advised:

For the 2018/19 fire season, the NSW RFS entered into a three year contract to engage three Large Air Tankers each year. However, for 2018/19 fire season, a fourth Large Air Tanker was contracted due to weather conditions, prolonged drought conditions and significant early operational activity.

In 2019/20, one of the three contracted Large Air Tankers was replaced by the NSW RFS owned Large Air Tanker. However, due to unprecedented conditions, the NSW RFS contracted an additional Large Air Tanker and one Very Large Air Tankers. The National Aerial Firefighting Centre through the Federal Government also contracted one Very Large Air Tanker for NSW.

119. What was the response of the NSW Government?

ANSWER:

The NSW Government has supported the NSW RFS engaging whatever aircraft are required when there is a heightened risk to the community. The NSW Government has not refused any request from the NSW RFS to engage more aircraft.

Communications issues

120. 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?

ANSWER:

I am advised:

The NSW RFS utilises the shared Government Radio Network (GRN) and the NSW RFS Private Mobile Radio (PMR) Network for both strategic and tactical based communications. Operators use the same radio device and simply different networks depending on their geographical footprint.

As the NSW GRN continues to expand through the NSW Telco Critical Communications Enhancement Program, the NSW RFS will further migrate towards a single shared platform. NSW RFS Districts will progressively migrate away from local PMR Networks as the GRN becomes available and provides adequate coverage across the geographical area of each District. These networks are operated from a single device and different channels (be they GRN or PMR in different geographical areas) are a standard methodology for radio operations.

For task based communications (that is between firefighter to firefighter, or firefighter to vehicle) NSW RFS uses field based repeater and simplex radio frequencies to share the load during operations. This is a deliberate layering of communications to ensure operational integrity at the strategic, tactical and task based communication levels. There will be an ongoing requirement for field based repeater and simplex radio frequencies into the future for localised task based communications.

Counselling

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

ANSWER (122,123,124):

Refer to the NSW Government response to the Portfolio Committee No. 4 - Legal Affairs Inquiry into Emergency Services Agencies tabled 24 January 2019.

Emergency Evacuations of Residents with a Disability

124. What measures are in place for the emergency evacuation of residents with special needs from high-rise apartment buildings?

ANSWER:

I am advised:

The current measures in place within typical residential shared accommodation buildings are that family, other residents or carers will assist these people to evacuate.

Alternatively, FRNSW firefighters will assist their evacuation as part of their firefighting operations.

125. 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?

ANSWER:

I am advised:

FRNSW would be open to this proposal; however, FRNSW has concerns regarding access to such a register and the privacy of the information contained on it. Additionally, the maintenance of information within this register will be a key issue requiring consideration.

RFS fire strategy

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

ANSWER (126, 127,128):

I am advised:

Alert Levels are used to give individuals an indication of the level of threat from a fire; they are not a reflection of the level of firefighting activity.

128. 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?

ANSWER:

I am advised:

(a) Back burning is used in most cases to combat major bush fires worldwide. When kilometres of bush is alight in remote areas, it is impossible and impractical to directly extinguish fires. Additionally, firefighters use a combination of offensive or defensive strategies when containing bush fires and the strategy used is dependent on the fire danger rating, localised experienced fire behaviour and intensity. The two categories are:

- Offensive strategies where the fire can safely and effectively be attacked or extinguished. This includes directly approaching a fire front to extinguish it.

- Defensive strategies where the fire is too remote or too intense to be safely or effectively attacked or extinguished. Defensive strategies can include a back burn.

(b) Back burns tend to move slower and with less intensity, so it would likely be less hazardous to wildlife.

(c) No.

RFS Donations

129. 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?

ANSWER:

I am advised:

Fundraising for the NSW Rural Fire Service and Brigade Donations Fund is not expected to have any impact on the budgetary needs of the NSW RFS.