

BUDGET ESTIMATES HEARING

18 SEPTEMBER 2009

PART A - QUESTIONS TAKEN ON NOTICE

A1. NATIVE TITLE CLAIM RE MALABAR POLICE STATION

The Hon. MICHAEL GALLACHER: When was the last occasion you met with members of the local Aboriginal land council?

Mr MICHAEL DALEY: The local Aboriginal land council? They did not put this claim in.

The Hon. MICHAEL GALLACHER: They had it made on behalf of them by whom?

Mr MICHAEL DALEY: My advice is that the claim was made by the New South Wales Aboriginal Land Council.

The Hon. MICHAEL GALLACHER: On behalf of the—

Mr MICHAEL DALEY: I would have to take that on notice. I do not know.

ANSWER :

As the Member for Maroubra I meet with members of the local Aboriginal community from time-to-time and some of those people may be members of the local Aboriginal Land Council.

Michael Daley
Minister for Police

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A2. NATIVE TITLE CLAIM RE MALABAR POLICE STATION

The Hon. MICHAEL GALLACHER: What impact, therefore, does this claim have on other future projected sales?

Mr MICHAEL DALEY: On future projected sales?

The Hon. MICHAEL GALLACHER: Yes.

Mr MICHAEL DALEY: I would have to take that on notice, but I would not say it has any on any future projected sales. This is an individual application that will be dealt with on its merits.

ANSWER :

The Police have advised me that they will continue with any possible future planned sales taking the possibility of Aboriginal Land Claims into account.

Michael Daley
Minister for Police

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A3. NATIVE TITLE CLAIMS ON POLICE STATIONS

The Hon. MICHAEL GALLACHER: When was the last time that a police station was put up for sale that a land claim made either by a local Aboriginal land council or the New South Wales Aboriginal Land Council was made on the police station?

Mr MICHAEL DALEY: I would have to take that on notice.

The Hon. MICHAEL GALLACHER: Mr Tree, would you know?

Mr TREE: They are very regular but I would have to take the details on notice.

.....

The Hon. MICHAEL GALLACHER: How successful are they?

Mr TREE: I would have to take that on notice.

ANSWER :

The Police have advised me that Land Claims on Police Stations are not uncommon. The exact date of when this last occurred would be a matter for the Minister for Lands.

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A4. NATIVE TITLE CLAIMS ON POLICE STATIONS

The Hon. MICHAEL GALLACHER: Do you follow a proper process that checks off early on before you proceed to sale—because, on this occasion you have not? I ask Mr Tree the question. What is the process with consultation to ensure there is no likelihood of there being a land claim lodged?

.....

Mr MICHAEL DALEY: There is no way you can ensure there is no likelihood of a land claim.

The Hon. MICHAEL GALLACHER: Mr Tree, I ask you a question. What is the process that is undertaken?

Mr TREE: I will take that on notice.

The Hon. MICHAEL GALLACHER: I ask you a further question. Has anyone done any examination of the likelihood of a claim being made against any other stations currently on the list to be sold this financial year?

Mr TREE: I will take that on notice.

The Hon. MICHAEL GALLACHER: So no-one has checked it.

Mr TREE: I did not say that. I do not have a firm understanding at the moment. I will take it on notice.

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The Hon. MICHAEL GALLACHER: Mr Tree, since learning about the Aboriginal land claim earlier this week, what have you done in regard to this case?

Mr TREE: It does not fall within my responsibility, but I will take it on notice.

ANSWER :

The Police advise me that they have processes in place to ensure that properties earmarked for sale are properly disposed of.

Michael Daley
Minister for Police

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A5. POLICE STATION DISPOSALS

The Hon. MICHAEL GALLACHER: Minister, a question in relation to stations yet to be sold. I notice Rockdale, Berowra, Windsor, Earlwood and Canterbury are all listed to be sold, is that correct?

Mr MICHAEL DALEY: I would have to take that on notice, or somebody else may be able to answer.

The Hon. MICHAEL GALLACHER: You do not know what stations are coming up in the next short term for sale? You do not have any file notes there?

CHAIR: Order! The Minister is considering his answer.

Mr MICHAEL DALEY: We will take that on notice.

ANSWER :

Please refer to answers provided to Questions on Notice B5-9.

Michael Daley
Minister for Police

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A6. FIREARMS OFFENCES

The Hon. ROY SMITH: Minister, I have a few questions on firearms-related statistics. Could you advise the Committee on how many charges police have laid for offences under the Firearms Act over the last 12 months, preferably broken down by the type of offence and, where possible, the result of the prosecutions?

Mr MICHAEL DALEY: I do not have those figures; there is quite some detail, unless someone else has them. I will take that on notice.

ANSWER :

The NSW Police Force has advised me that the total number of charges laid for firearms offences over the past 12 months was 2,415 including 966 finalised with a conviction recorded. These included 169 instances where a conviction was proven for the offence of 'possess unregistered firearm'.

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A7. FIREARMS PENALTY NOTICES AND REGISTRY BUDGET

The Hon. ROY SMITH: Could you advise the Committee how many penalty notices have been issued under the Firearms Act since 1 October last year and will you be so kind as to advise the Committee of the annual budget figures on staffing levels for the New South Wales Firearms Registry for the years 1995 to 2009?

Mr MICHAEL DALEY: Do you mind if we take that on notice as well because that involves quite some detail and research?

The Hon. ROY SMITH: No, that is fine.

ANSWER :

The NSW Police Force has advised me that since 1 October 2008, there have been 5 infringement notices issued.

Further, annual budget figures and staffing levels for the Firearms Registry vary in accordance with business requirements. The Registry's Budget for 2009-10 is \$7.2 million. From 2000 – 2009, the Registry's staffing levels were as follows:

| | |
|-----------|-----|
| In 2000 : | 53 |
| In 2001 : | 63 |
| In 2002 : | 57 |
| In 2003 : | 50 |
| In 2004 : | 93 |
| In 2005 : | 92 |
| In 2006 : | 89 |
| In 2007 : | 92 |
| In 2008 : | 103 |
| In 2009 : | 96 |

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A8. FIREARMS CRIMES

Ms SYLVIA HALE: Have you undertaken any research as to whether the proliferation of guns in the community is accompanied by an increase in firearms crimes?

Mr MICHAEL DALEY: Are you asking if I have ever undertaken any research?

Ms SYLVIA HALE: Or your department?

Mr MICHAEL DALEY: I am not aware of that. I will take that on notice.

ANSWER :

I am advised that recent data published by the Bureau of Crime Statistics and Research, covering the June Quarter 2009, does not show an increase in firearms-related crime.

Michael Daley
Minister for Police

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A9. DPP INVESTIGATION - FIREBOMBING AT POINT PIPER

Ms SYLVIA HALE: I am aware—as I am sure most people are—there was an investigation over a firebombing of a house at Point Piper where the Director of Public Prosecutions [DPP] decided not to proceed to prosecution. Can I ask you whether all the evidence that the police had gathered at the time was actually provided to the Director of Public Prosecutions? The premises were owned by Mr Adam Tilley Was all the information gathered by the police forwarded to the Director of Public Prosecutions?

Mr SCIPIONE: Any officer that is investigating any serious crime would make sure that all the available evidence was put before the Director of Public Prosecutions for consideration.

Ms SYLVIA HALE: In relation to that case, would you be able to get back to the Committee and assure members of the Committee that that did indeed occur?

Mr SCIPIONE: Certainly at this stage I can take that question on notice.

ANSWER :

The NSW Police Force has advised me that all the available evidence was provided to the Office of the Director of Public Prosecutions.

Michael Daley
Minister for Police

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A10. DPP INVESTIGATION - FIREBOMBING AT POINT PIPER

Ms SYLVIA HALE: Would you also know whether anyone from the Department of Public Prosecutions communicated with the former Minister or with you as the commissioner, either verbally or in writing, as to why the decision was made to not proceed with the case?

Mr SCIPIONE: I would have to take that on notice, as per the previous question.

Ms SYLVIA HALE: Do you know if there was any suggestion by members of the police that the charges not be proceeded with?

Mr SCIPIONE: Was there any suggestion by members of the police?

Ms SYLVIA HALE: Yes. Was there any suggestion coming from the police themselves that the Director of Public Prosecutions not pursue the matter any further?

Mr SCIPIONE: I should take that on notice again, for I do not have that specific knowledge.

ANSWER :

The NSW Police Force has advised me that there was no attempt by police to have the charges withdrawn.

Michael Daley
Minister for Police

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A11. TASER USE

Ms SYLVIA HALE: I now turn to the rollout of tasers. Minister, since tasers came into service in New South Wales on how many occasions have tasers been fired in the course of the performance of a policeman's duty?

Mr SCIPIONE: I am happy to take that The numbers that you are looking for I would need to get. I am quite happy to make those available to you. I will take that on notice, but I can indicate that any numbers that we provide you with will not only include the usage, that is, where a taser is drawn and used, but it will also include the number of times that a taser is drawn to cover a situation. This will give you the total number of times that tasers have actually been removed from a holster in the street. Many of those usages would have in fact stopped any further assault from happening. But I am happy to make it available to you.

Ms SYLVIA HALE: When you provide those figures you will distinguish between the occasions when a taser was drawn and the occasions when it was actually fired?

Mr SCIPIONE: Yes.

ANSWER :

The NSW Police Force has advised me that in relation to General Duties police tasers have been fired on 92 occasions and have been drawn but not used on 250 occasions.

Michael Daley
Minister for Police

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A12. TASER USE - VIDEO RECORDING

Ms SYLVIA HALE: When a senior police officer reviews an incident where a taser has actually been fired at someone on how many occasions has it been found that the video camera attached to the taser has been obscured?

Mr SCIPIONE: I could not give you those numbers. I can find that out. But what I can tell you is that every time we have found that that has happened we have made sure that the officer who has used the taser understands, and is in fact re-educated in terms of, how best to handle the particular weapon.

ANSWER :

The NSW Police Force has advised me that in the vast majority of incidents reviewed, this is not a significant issue.

Michael Daley
Minister for Police

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A13. POLICE OFFICERS SHOOTING AT OFFENDERS

Ms SYLVIA HALE: Commissioner, you may need to take this question on notice. On how many occasions were guns fired by general duties police at alleged offenders in each of the years 2007-08 and 2008-09?

Mr SCIPIONE: I will take that on notice.

ANSWER :

The NSW Police Force has advised me that this information is not readily available from police information systems and its extraction would represent an unreasonable diversion of resources from frontline policing.

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A14. SHOOTINGS SINCE TASER INTRODUCTION

Ms SYLVIA HALE: Would you also provide the Committee with information as to whether the numbers of shootings by police have declined, increased or remained the same since the introduction of tasers?

Mr SCIPIONE: I will take that on notice as well.

ANSWER :

The NSW Police Force has advised me that this information is not readily available from police information systems and its extraction would represent an unreasonable diversion of resources from frontline policing.

Michael Daley
Minister for Police

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A15. POLICE ACTIONS AT CLIMATE CAMP PROTEST

Ms SYLVIA HALE: Could I now talk about the Law Enforcement (Powers and Responsibilities) Act? The powers given to the police in the wake of the Cronulla riots were presented as an exceptional response to the violent riots that were occurring at the time—racist disturbances. Can you explain why those powers were invoked against peaceful protesters at a climate camp in Newcastle in July last year?

Mr SCIPIONE: That is a very general question. I would be happy to take some more specific questioning on that but, if I can, I will take it on notice so that I can get you the advice you are seeking.

Ms SYLVIA HALE: It is my understanding in fact that the police in attendance invoked their powers under that Act and were threatening to have people arrested and required them to leave the scene. There was also police threatening to, as I understand—

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Mr SCIPIONE: I do not have before me the specifics of the incident that Ms Hale refers to. If that matter were to be further explored I would need to take it on notice.

ANSWER :

The NSW Police Force has advised me that its assessment of the protest indicated that a threat of large scale public disorder existed.

Michael Daley
Minister for Police

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A16. ITEMISATION OF ELECTORATES ON FIXED ASSETS REGISTER

The Hon. MICHAEL GALLACHER: Mr Diakos, are you aware of the assets register held within the New South Wales Police Force?

Mr DIAKOS: The Fixed Assets Register?

The Hon. MICHAEL GALLACHER: Yes.

Mr DIAKOS: Yes, we certainly have a Fixed Assets Register.

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The Hon. MICHAEL GALLACHER: Can you indicate to me why electorates are itemised on the assets register?

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Mr DIAKOS: I really could not tell you why electorates are shown on such a register.

The Hon. MICHAEL GALLACHER: Therefore, there is no reason, to the best of your knowledge, for electorates to be shown on such an assets register?

Mr DIAKOS: Not that I would be aware of, no.

The Hon. MICHAEL GALLACHER: Minister, could you please explain, now that you have heard Mr Diakos' explanation, why electorates are shown on the assets register?

Mr MICHAEL DALEY: I have no knowledge of that document. I think we have already said we will take that on notice.

ANSWER :

The NSW Police Force has advised me that the document referred to was not prepared by the the NSW Police Force but by United Group Services on behalf of the NSW Police Force Property Group.

Michael Daley
Minister for Police

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A17. ITEMISATION OF ELECTORATES ON FIXED ASSETS REGISTER

The Hon. MICHAEL GALLACHER: Before I conclude my questioning on this, Mr Diakos, can you give a rough estimate as to what processes would be involved to maintain that electorate record as per the assets register?

Mr DIAKOS: I really could not answer that because, as I said, I am not aware of the details of what is on the assets register and I am also not aware that that is a field that is actually recorded on the assets register.

The Hon. MICHAEL GALLACHER: That is as per the FOI request. I can assure you that is what I received.

Mr DIAKOS: But I cannot confirm whether this is actually a correct document from our system or whether it is a constructed document. I do not know. I will have to take that on notice.

ANSWER :

I refer the Honourable Member to the answer I have provided to Question on Notice number A16.

Michael Daley
Minister for Police

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A18. ENHANCED FUNDING

The Hon. MICHAEL GALLACHER: So when you were Minister for Roads you would happily hand over up to \$11 million in enhanced funding. Is that correct?

Mr MICHAEL DALEY: I would have to go back and check the figures as to the levels of enhanced funding.

ANSWER :

Yes.

Michael Daley
Minister for Police

BUDGET ESTIMATES HEARING

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A19. NUMBER OF HIGHWAY PATROL OFFICERS IN NORTHERN REGION

The Hon. MICHAEL GALLACHER: Given your understanding of roads issues and the need to bring down the road toll, the 30-point plan that you spoke about and the big summit in the past, how many Highway Patrol officers are there in the northern region?

Mr MICHAEL DALEY: I will take that question on notice unless one of my colleagues wishes to elucidate. We do not have those figures.

ANSWER :

The NSW Police Force has advised me that as at 31 August 2009 there were 238 Highway Patrol officers in the Northern Region.

Michael Daley
Minister for Police

BUDGET ESTIMATES HEARING

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PART A - QUESTIONS TAKEN ON NOTICE

A20. OMBUDSMAN'S RECOMMENDATIONS ON LEPRA

Ms SYLVIA HALE: Commissioner, on 5 May the New South Wales Ombudsman's final report into certain powers contained in the Law Enforcement (Power and Responsibilities) Act 2005 was tabled in Parliament. That report made 75 recommendations. How many of those recommendations have been implemented?

Mr SCIPIONE: I will take that question on notice. I need to provide accurate information.

Ms SYLVIA HALE: You may be able to provide more general information. I am particularly concerned about the recommendations regarding the searching of children. Have you done anything in that regard?

Mr SCIPIONE: Again, I would prefer to provide accurate information. You asked me about a range of recommendations.

ANSWER :

As required under the *Law Enforcement (Powers and Responsibilities) Act 2002*, the Attorney General and I will review the entire Act to determine whether its policy objectives remain valid and whether its terms remain appropriate for securing those objectives. The Ombudsman's recommendations are being considered by the Government and will form part of that review.

Michael Daley
Minister for Police

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A21. DRUG DOG OPERATIONS

Ms SYLVIA HALE: You may wish to take these questions on notice.

What are the names of the entertainment venues in Sydney that have been subjected to police operations involving the attendance of police drug detection dogs in 2008-09?

What are the results in the following categories: unsuccessful searches where no drugs are found; cautions; arrests; and charges of deemed supply laid?

Also, what has been the outcome of those charges?

Have any major drug dealers been apprehended?

Do police officers routinely take the names and addresses of people positively sniffed when a subsequent search reveals there are no drugs present?

ANSWER :

This question was answered by the Commissioner in the hearing.

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A22. DRUG DOG OPERATIONS - POLICE RECORDS

Ms SYLVIA HALE: If we have a person who the dog has indicated may have something on him and a search does not reveal anything, and if then the police radio for further information and nothing is revealed, do the police take a record of that person's name and address, even though the only information that the police may have on that person is that there was a positive dog sniff? Do you retain that information?

Mr SCIPIONE: That is a very convoluted question. A positive dog sniff? I am trying to help you. If you could give me some more detail, I am happy to provide you with all the information. I will take it on notice

ANSWER :

The NSW Police Force has advised me that all searches are recorded on the COPS police system whether or not drugs are located. This includes personal details if provided.

Michael Daley
Minister for Police

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A23. DRUG DOG OPERATIONS - NO DRUGS FOUND

Ms SYLVIA HALE: Commissioner, is it true that most people identified by sniffer dogs as positive and who are searched are found not to have drugs on them?

Mr SCIPIONE: In order to ensure that I give you absolutely accurate details, I think it would be certainly appropriate that I take that on notice. Some of the earlier advice I got is that detection rates show that following a positive indication given by a drug dog, they either have had prohibited drugs in their possession or they have admitted contact with prohibited drugs, so that is more than half of the contacts we have.

ANSWER :

The NSW Police Force has advised me that between 1 January 2009 and 30 September 2009 a total of 8,917 searches were conducted after drug detection dog indications. The ratio of positive searches, where drugs were found or drug contact was admitted, was 82%.

Michael Daley
Minister for Police

BUDGET ESTIMATES HEARING

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A24. STORAGE COSTS FOR POLICE BIBLES

Ms SYLVIA HALE: Will you take on notice my question about the cost of storing those bibles and who meets those costs? Can you tell me if you have any plans to introduce police Korans, police Upanishad, and police Torahs for other members of the Police Force?

Mr SCIPIONE: Ms Hale, I would certainly consider that if the equivalent chaplains came to me and said they had a need.

ANSWER :

I am advised no costs have been incurred for the storage of bibles.

Michael Daley
Minister for Police

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A25. POLICE STATEMENTS RE ALLEGED INCIDENT AT REPCO RALLY

Ms SYLVIA HALE: I now turn to the Repco rally up in the Tweed. Commissioner, protestors opposed to the rally were accused of throwing rocks at rally cars. This was later found to be false. Why was there no qualification issued by the police in their statements that this throwing of rocks was only an allegation and there was never any evidence produced that any car was hit by a rock on those days?

Mr SCIPIONE: I am happy to take that on notice and will provide you with some response.

ANSWER :

The NSW Police Force has advised me that its press release was issued in response to credible reports of rock throwing and other attempts at obstructing the race course with rocks and other debris.

Michael Daley
Minister for Police

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PART A - QUESTIONS TAKEN ON NOTICE

A26. IDENTIFICATION TAGS ON POLICE YELLOW VESTS

Ms SYLVIA HALE: The New South Wales Police Force has been asked by the Ombudsman to investigate the feasibility of having identification on yellow vests. What has been the outcome of that investigation? Has it taken place?

Mr SCIPIONE: You have confused me. Do you mean there is an investigation underway or the Ombudsman—

Ms SYLVIA HALE: I understand that the Ombudsman asked you to ask the police to look into the feasibility of the police having identification markings on yellow vests and I am wondering what has happened in that regard.

Mr SCIPIONE: I have not seen the request, but if you are alluding to the yellow vest, as you call it— which is a very thin, reflective lycra that they simply put on for occupational health and safety purposes when they get out of the car and they are on the streets so that they are highly visible—they remove them and put them on again and remove them maybe a dozen times a day. I am not sure whether that is what you are talking about.

Ms SYLVIA HALE: I think you would agree that it is in the public interest that all police officers be readily identifiable, and that is usually done by someone being able to record their number.

Mr SCIPIONE: Their name tag, yes.

Ms SYLVIA HALE: What I am saying is that at the moment the yellow vests do not contain those identification numbers.

Mr SCIPIONE: I am not aware of the request coming from the Ombudsman but if it had come it certainly would have been considered by the uniform standing committee.

Ms SYLVIA HALE: Given that I am raising it with you, will you investigate whether in fact it is possible for those vests to contain the police officer's identification number?

The Hon. GREG DONNELLY: Point of order: I do not know that it is in the purview of the standing committee for a member of a committee to make a request of a witness to do something, and that is what has just been done. If there is an Ombudsman's report—and I am not familiar with that report—and if it exists in the terms Ms Hale just described, surely it is up to the commissioner to be invited to have a look at that, not for Ms Hale to make a request for him to do something.

CHAIR: I took the request to be more along the lines of taking the matter on notice. Ms Hale can proceed.

ANSWER :

This question was answered by the Commissioner in the hearing, as follows :

Ms SYLVIA HALE: Commissioner, will the design of the new police uniform make provision for prominent and clear police identification such as a shoulder number, as I understand is the case in Europe?

Mr SCIPIONE: Which new uniform are you talking about?

Ms SYLVIA HALE: I understand that the police uniform is undergoing a form of redesign. I may be incorrect on that.

Mr SCIPIONE: What I can indicate is that as a result of the rollout of tasers across New South Wales, we will be moving to a load-bearing vest in order to try to assist our officers to shift and manage some of the weight they are now carrying. If your question relates to a load-bearing vest—which is an accessory that goes over the top—yes, you can be assured that on those vests there is a place for a name tag to be worn.

Michael Daley
Minister for Police

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A27. POLICING OF BERMAGUI STATE FOREST

Ms SYLVIA HALE: Would you be able to take this question on notice about policing in the southeast forests? Could you provide details as to the cost of providing police services in response to expected protests at Bermagui State Forest from September to December 2008?

Mr SCIPIONE: Expected activity?

Ms SYLVIA HALE: It was anticipated there would be protests at the Bermagui State Forest.

Mr SCIPIONE: From what period? I thought you said a period that finished in 2008.

Ms SYLVIA HALE: Between September and December there was an allocation of police to respond to what was considered to be the likelihood of protests at Bermagui State Forest. I would like the cost of providing those police services.

Mr SCIPIONE: I will take that on notice.

ANSWER :

The NSW Police Force has advised me that the operation was funded within the local police's operating budget.

Michael Daley
Minister for Police

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A28. CLOSURE OF MALABAR POLICE STATION

Mr MICHAEL DALEY: I have a correction to make in respect of an earlier answer. In an answer I provided in relation to the closure of Malabar police station I might have given an incorrect date. I will seek the exact dates the police moved out and provide the Committee with any further answer in the same way that I will provide answers to questions taken on notice.

ANSWER :

The NSW Police Force has advised me that Malabar police station closed to the public on 29 June 2009, but has continued to be used by the PACT and for other purposes.

Michael Daley
Minister for Police