



## The Hon Stuart Ayres MP

Minister for Police and Emergency Services  
Minister for Sport and Recreation  
Minister Assisting the Premier on Western Sydney

The Hon Sarah Mitchell MLC  
Chair  
General Purpose Standing Committee 4  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Chair

Attached is a copy of answers to Budget Estimates questions taken on notice during the GPSC4 hearing into Police, Emergency Services, and Sport and Recreation on 20 August 2014.

Yours sincerely

Stuart Ayres MP  
Minister for Police and Emergency Services  
Minister for Sport and Recreation  
Minister Assisting the Premier on Western Sydney

12 SEP 2014

**2014 BUDGET ESTIMATES  
POLICE AND EMERGENCY SERVICES  
QUESTIONS FROM HEARING : 20 AUGUST 2014**

**PART 1 : POLICE**

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**1. POLICE TRANSPORT COMMAND - ATTRITION**

**The Hon. PENNY SHARPE:** Can you confirm that you are losing about 3.4 officers a month?

**Ms BURN:** In attrition?

**The Hon. PENNY SHARPE:** Yes, from the Police Transport Command.

**ANSWER:**

I am advised that the attrition rate of officers leaving the Command by way of transfer, retirement or resignation over an eight month period is notably lower.

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**2. POLICE TRANSPORT COMMAND - NUMBERS**

**The Hon. PENNY SHARPE:** Why was advice in May provided that said that on current arrangements it is anticipated that the actual numbers of officers by December this year will be 428 rather than 610?

... Can I draw your attention to the decision paper that came out of Cabinet that says that the PTC will be at full strength of 610 sworn officers, including command, by the end of 2014? Do you now concede that you are not going to meet that target, given all the evidence provided today?

**ANSWER:**

I am advised that the authorised strength of the Police Transport Command will be 610 by December 2014, as per the Government's commitment.

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**3. OFFICERS WITH CRIMINAL CONVICTIONS**

(a) **Mr DAVID SHOEBRIDGE:** On 31 December the NSW Police Force said that there were 437 officers who had been convicted for 591 offences. Would that have been right as at then?

(b) **Mr SCIPIONE:** I understand that there were 414 pre-employment convictions that were disclosed by people who actually joined us. The advice I have received is 414.

**Mr DAVID SHOEBRIDGE:** So 414 were pre-employment convictions?

**Mr SCIPIONE:** So I am advised.

**Mr DAVID SHOEBRIDGE:** How many of the officers had been convicted prior to their recruitment—not the number of convictions, the number of officers?

**Mr SCIPIONE:** I will have to take that on notice to confirm that for you.

**Mr DAVID SHOEBRIDGE:** In figures provided by the NSW Police Force under a GIPA application in March they advise that there were 421 pre-employment convictions. Can you confirm that that is right?

(c) **Mr DAVID SHOEBRIDGE:** Could you then perhaps advise the Committee what proportion of the convictions of the 430 serving police, that you are aware of, are of low-range prescribed concentration of alcohol [PCA]?

**ANSWER:**

I am advised:

As at 24 July 2013,

- 437 officers had been convicted for 591 offences (this information was released on 31 December);
- 301 officers had 414 pre-employment convictions;

As at 26 March 2014, of 430 officers who had been convicted, 58 convictions were for low range PCA.

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#### **4. OMBUDSMAN COMMENTS RE PCA OFFENCES**

**Mr DAVID SHOEBRIDGE:** The statement is as follows: "The Ombudsman also stated that he had some difficulty with the contention that the phrase 'low range PCA or similar' covered low range through to high range PCA offences, given that mid and high range PCA offences have penalties of imprisonment whereas low range PCA does not." Do you disagree with that conclusion from the Ombudsman?

**ANSWER:**

I am advised that the NSW Police Force is not aware of the document being referred to.

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#### **5. OFFICERS WITH PRE-EMPLOYMENT CONVICTIONS**

**Mr DAVID SHOEBRIDGE:** Commissioner, in terms of those police officers who had a pre-employment conviction—and I believe there were some 400-odd who had pre-employment convictions— 277 of those pre-employment convictions were for offences that carry a penalty of imprisonment. Commissioner, would you accept that offences that carry the penalty of imprisonment are more serious than a low-range proscribed

concentration of alcohol [PCA] offence which does not include a penalty of imprisonment?

**Mr SCIPIONE:** Some of those matters which may have carried a term of imprisonment could have involved somebody who was convicted of stealing, for instance. It may have been that a child at the age of 13 stole a chocolate bar from a newsagency.

**Mr DAVID SHOEBRIDGE:** But juvenile offences are not included in this, are they?

**Mr SCIPIONE:** I think they are.

**Mr DAVID SHOEBRIDGE:** How many of them are juvenile offences then?

**ANSWER:**

I am advised:

As at 24 July 2013, 95 of the 414 pre-employment convictions occurred when the officer was 17 years old or younger.

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## **6. OFFICERS CHARGED WITH CRIMINAL OFFENCES**

- (a) **Mr DAVID SHOEBRIDGE:** How many police have been charged with criminal offences this calendar year? (*ie. from 1 January 2014 to 20 August 2014*)
- (b) **Mr DAVID SHOEBRIDGE:** Including details of the offences?
- (c) **Mr DAVID SHOEBRIDGE:** How many police are currently suspended as a result of criminal charges?
- (d) **Mr DAVID SHOEBRIDGE:** Could you advise us of the amount that the New South Wales taxpayer is paying in relation to those suspended officers?

**ANSWER:**

I am advised:

As at 25 August 2014

- 56 serving officers were charged with a criminal offence between 1 January 2014 and 20 August 2014;
- there are 49 officers suspended because of criminal charges;
- payments made by the NSW Police Force to police currently suspended as a result of criminal charges are in line with clause 51 of the *Police Regulation 2008* and Premier's Memorandum No.94-35 Suspension of Public Employees from Duty.

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## **7. OUTSTANDING METLIFE CLAIMS**

- (a) **Mr DAVID SHOEBRIDGE:** Deputy Commissioner, can you advise how many outstanding claims there are with MetLife at the moment?

**Mr HUDSON:** My understanding is it is about 240.

**Mr DAVID SHOEBRIDGE:** Of those 240 claims, do you know how many relate to psychological injuries?

**(b) Mr DAVID SHOEBRIDGE:** Minister, you understand, do you not, that if injured police succeed in their claim against MetLife that there is a very substantial financial benefit to New South Wales taxpayers. Do you understand that?

**Mr STUART AYRES:** If that is what you are proposing.

**Mr DAVID SHOEBRIDGE:** Well, do you understand that to be the case?

**ANSWER:**

I am advised:

Metlife via FSS Trustee Corporation has advised on 27 August 2014 there were 267 outstanding claims with MetLife. 220 of these were psychological injuries.

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## **8. NORTHERN REGION**

**The Hon. STEVE WHAN:** Minister, just to clarify your answer on the additional officers for the northern region, you said that by May 2015 the full 90 would be in place. Can you also confirm that there will be an additional 30 by December 2014? In other words, of the 60 remaining 30 of those will be delivered by December 2014 and 30 more by May 2015.

**ANSWER:**

In November 2013 the NSW Government committed to increasing police numbers in the Northern Region by up to 90 positions. As per the statement made by the former Minister at the time, delivery of the positions will be staggered. The remaining 60 authorised positions will all have been brought online by May 2015.

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## **9. LOCAL AREA COMMANDS UNDER AUTHORISED STRENGTH**

**The Hon. STEVE WHAN:** As at June 2014, how many LACs in the State were under authorised strength?

**ANSWER:**

I am advised:

Details of police numbers at Local Area Commands - both authorised and actual strength - is available on the NSW Police website : [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

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## **10. SPECIALIST OPERATIONS AND CORPORATE SERVICES STRENGTH**

**The Hon. STEVE WHAN:** Why is it (the Specialist Operations Command) 79 officers under strength when the Corporate Services Command is almost 100 over strength?

**ANSWER:**

This question was answered in the Hearing by Deputy Commissioner Hudson and Deputy Commissioner Burn.

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**11. KINGS CROSS LOCAL AREA COMMAND STRENGTH**

**The Hon. STEVE WHAN:** Minister, earlier this year the Government finally passed the coward punch laws that the Opposition had called for three months earlier. Do you realise that for the last 12 months and even during the holiday season, the Kings Cross Local Area Command [LAC] was under strength, sometimes by as many as 10 officers? Is that acceptable?

**ANSWER:**

The NSW Police Force has set a target to maintain a minimum 90% operational capacity in Local Area Commands. The operational capacity of Kings Cross Local Area Command has consistently been above this target since reporting began in May 2012.

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**12. DISPLACEMENT OF ALCOHOL-RELATED CRIME**

**The Hon. STEVE WHAN:** Are they (statistics re alcohol-related crime) in decline in all parts?

**ANSWER:**

This question was answered in the Hearing by myself and Commissioner Scipione.

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**13. LOST AND STOLEN HANDGUNS**

- (a) **Mr DAVID SHOEBRIDGE:** Finalising the handgun issue, can you provide on notice the number of handguns that have been stolen in New South Wales over the past five years? Could you provide also the number recorded lost or mislaid by police as well as by firearms dealers?
- (b) **Mr DAVID SHOEBRIDGE:** I note the Hon. Lynda Voltz said, "And Defence." Could you report also if any handguns have been lost by Defence and are reported?

**ANSWER:**

I am advised:

- (a) Information on the number of firearms stolen in NSW is publicly available from the Bureau of Crime Statistics and Research.

In the past five years one NSW Police Force handgun has been reported as lost or mislaid. A total of 43 handguns have been lost or mislaid by firearm dealers over the past five years.

(b) The NSW Police Force does not have any records of handguns being lost by the Australian Defence Force.

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#### 14. METLIFE CLAIMS - OUT OF COURT SETTLEMENT

**Mr DAVID SHOEBRIDGE:** But with the out-of-court agreement having been reached, is the NSW Police Force seeking to claim the majority of that out-of-court settlement as a repayment of the partial and permanent disability?

**Mr HUDSON:** My understanding is that we are not entitled to claim the partial payment. That is why we were suspicious of activity in the absence of information, which has now been clarified and our concerns were unfounded. But if an out-of-court settlement is reached, my information is that we are precluded from reclaiming the partial payment because it is not a total payment, which is specified in the contract.

**Mr DAVID SHOEBRIDGE:** Is that the current state of play? A number of injured police would like to have clarity that if an out-of-court settlement is reached with MetLife regarding their total and permanent disability claim, NSW Police will not seek to recover the partial and permanent disability payment that has been made. Is that the current state of play?

**Mr HUDSON:** My understanding is that if there is an out-of-court settlement we are precluded from claiming the partial payment. That is my belief, but I will seek further legal advice on the issue.

#### **ANSWER:**

I am advised:

The issue as to whether the NSW Police Force can claim PPD payments in the event of an out of court settlement would appear to remain unclear and until tested by a court, will remain unresolved.

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#### 15. POLICE BAIL STATISTICS

**Mr DAVID SHOEBRIDGE:** Commissioner, the Bureau of Crime Statistics and Research [BOCSAR] figures that have recently been released show that the number of people sent to jail due to police refusing bail fell by 58 per cent between February and June, whereas the number of people sent to jail because the court refused bail fell by only 40 per cent in the same period. Has the NSW Police Force been engaging in a process of proactively granting bail in order to, if you like, cook the figures to make the bail law reforms look bad in the media? .....

**Mr DAVID SHOEBRIDGE:** Has there been any discussion amongst police about putting strategies in place in the shadow of the bail laws in order to reduce the remand population and make these bail laws look bad?

**Mr SCIPIONE:** Certainly not that I am aware of it. If there had been I am certain that I would know. No, there is not.

**Mr DAVID SHOEBRIDGE:** I understand you will take my initial question on notice as well?

**Mr SCIPIONE:** Unless I have not answered your question. What part did I not answer?

**Mr DAVID SHOEBRIDGE:** Could you provide on notice the statistics on police bail from January this year to date? *(ie. from 1 January 2014 to 20 August 2014)*

**Mr SCIPIONE:** I can, but I would only be relying on BOCSAR figures anyway, which you have already got.

**ANSWER:**

I am advised:

There were 35,390 Court Attendance Notices (CANs) issued by police from 1 January to 20 August 2014.



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## **PART 2 : EMERGENCY SERVICES**

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### **16. ASBESTOS TRAINING / GUIDELINES FOR VOLUNTEERS**

**The Hon. STEVE WHAN:** Mr Morrow, could you tell me what training or guidance SES volunteers in south-east New South Wales have to deal with the potential dangers of houses with loose-fill asbestos insulation in their roofs? Are there any procedures in place specifically to deal with so-called Mr Fluffy type insulation?

**Mr MORROW:** I could not comment on whether there is anything specifically in relation to Mr Fluffy insulation. I do know that there was an issue raised about that in the Monaro area some time ago. There are some references to the handling of asbestos within our storm and water damage training resource kit.

**The Hon. STEVE WHAN:** I am talking specifically about loose-fill fluffy insulation. Is that in there? Can you take it on notice to let us know what is in there?

#### **ANSWER:**

I am advised training and guidance on asbestos is contained within the NSW SES Storm and Water damage Training Package. The training package provides NSW SES members on guidance on identifying the various types of asbestos including friable asbestos of the type used by the firm Mr Fluffy.

NSW SES members are trained to recognise asbestos at incident sites. When identified or where there is a concern that asbestos may be present, members are trained to isolate the area and Fire and Rescue NSW HAZMAT is notified to respond to the incident.

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### **17. SES BREWARRINA UNIT**

**The Hon. STEVE WHAN:** Are you aware of efforts by the SES unit in Brewarrina, whose members have raised \$20,000 of their own funds that they would like to contribute to a community project to rebuild the building at the local showgrounds? They have now been told by the SES that they cannot contribute those funds. As I understand it, the building is used by the SES as well as the general community, particularly during floods. Mr Morrow, can you tell us why they might have been told that they cannot contribute funds they raised themselves to that project?

#### **ANSWER:**

I am advised these funds were raised by the members of the NSW SES Brewarrina Unit, from contributions from the community and NSW Government Grants for the provision of emergency services in the Brewarrina Local Government Area (LGA). While the development at the Brewarrina showground may be a worthwhile project, it is not directly linked to the provision of emergency services in the Brewarrina LGA.

The NSW SES Brewarrina Unit has recently taken delivery of a custom built rescue truck which requires an upgrade to the Unit's garage facilities. These funds, along with other funding from State and Local Government, will be used to provide this enhancement to the accommodation.

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## **18. MANAGEMENT OF VOLUNTEERS - CAPABILITY PLANS**

**The Hon. STEVE WHAN:** The New South Wales Auditor-General made a number of recommendations in his report on the management of volunteers. Could you also let us know, perhaps on notice, whether you met your February 2014 target for the 16 regions to prepare capability plans based on Southern Highlands templates? Did those plans indicate significant shortfalls in any areas?

**Mr MORROW:** There are 17 regions in total.

**The Hon. STEVE WHAN:** I think it was termed as "the other 16".

**Mr MORROW:** Some of those have been completed. They are still developing those capability plans and refining them. In some areas they have been completed and in some they have not. Certainly they have identified shortfalls in volunteer numbers. We are continually challenged in relation to successfully attracting volunteers in New South Wales to fulfil those capability numbers. We will continue to work on those in each of those regions. As I said, some are complete and some are undergoing continued development.

**The Hon. STEVE WHAN:** Can you take the question on notice to provide us with the status of the plans in each of the areas? I did not mention the Southern Highlands because obviously they have done a good job—and that is the area I am from so I say good on them. Could you also let us know about the shortfalls that have been identified so far?

### **ANSWER:**

I am advised capability plans for all 17 Regions are now complete. Fifteen of these were achieved by February 2014.

Capability plans identify and articulate the capability of the region and provide guidance for future development. These plans will be subject to regular review and development to meet the changing needs of the NSW community.

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## **19. ALLEGED MISUSE OF 10/50 REGULATIONS**

**Mr DAVID SHOEBRIDGE:** Minister, do you think it is a good outcome that pockets of remnant rainforest are being cleared by developers under 10/50?

**Mr STUART AYRES:** I am happy to take your information and investigate whether the regulation has been misused.

.....

**Mr DAVID SHOEBRIDGE:** Tweed council has sent you and the Minister direct feedback about what happened at Fingal Head. It had refused a development application to clear that same pocket of rainforest the week before. The developer thumbed their nose at the council and the council rangers and cleared the rainforest under your 10/50 regulations. You would accept that is an abuse of the 10/50 regulations, would you not?

**Mr FITZSIMMONS:** What I would accept is the answer I have given you previously. I am not aware of the case in point. You are making a lot of comments. I am not challenging your accuracy on those—

**Mr DAVID SHOEBRIDGE:** Will you take it on notice?

**Mr FITZSIMMONS:** Absolutely. I have said that already. I will have a look at it.

**ANSWER:**

The property referred to in Fingal Head is located immediately adjacent to mapped Bush Fire Prone Land. Providing the landowner complied with the 10/50 Vegetation Clearing Code of Practice for New South Wales (the Code), clearing of vegetation is permitted.

If any clearing is found to be done illegally there are significant penalties and these are enforced by relevant bodies.

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**20. MAPPING OF 10/50 ENTITLEMENT AREAS**

**Mr DAVID SHOEBRIDGE:** When will you release mapping that shows visually the extent of these 10/50 clearings?

**Mr FITZSIMMONS:** It is out. It is there.

**Mr DAVID SHOEBRIDGE:** Where is it available?

**Mr FITZSIMMONS:** With council and through the website you can type in and have a look at it and identify your address.

**Mr DAVID SHOEBRIDGE:** You can type in an address to find out whether an individual address is covered but where is the mapping that shows the overall extent of the 10/50 entitlement areas?

**Mr FITZSIMMONS:** I will take that on notice but it will be a layer in the system.

**Mr DAVID SHOEBRIDGE:** Will you undertake to provide that publicly?

**Mr FITZSIMMONS:** As I say, if it is on the website it is already public.

**Mr DAVID SHOEBRIDGE:** And if it is not, it will be put on the website. Is that your undertaking?

**Mr FITZSIMMONS:** Well, maps are a public record, yes.

**ANSWER:**

I am advised the 10/50 rule applies only to properties that are in a designated 10/50 vegetation clearing entitlement area. This includes private and public land.

Landowners can search for their property to see whether it is in an entitlement area using the online tool on the NSW RFS website. The online tool will also indicate whether there are restrictions due to items of cultural significance, or waterways. However, as the online property search operates under Google, it contains only addresses recognised by Google.

Options for placing a large scale map, showing entitlement areas, on the NSW RFS website are currently being investigated.

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## **PART 3: Sport and Recreation**

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### **21. DECLARED INTEREST**

**The Hon. LYNDA VOLTZ:** Did the Clerk advise you of that in writing?

**Mr STUART AYRES:** Yes.

**The Hon. LYNDA VOLTZ:** A week ago?

**Mr STUART AYRES:** No. I told you that I sought advice earlier and the Clerk advised me that I did not have to do it, and I took that advice, but I have since chosen to include my ownership of horses on my declaration to the Parliament.

**The Hon. LYNDA VOLTZ:** Will you release that document?

**Mr STUART AYRES:** Will I release?

**The Hon. LYNDA VOLTZ:** Will you release that advice by the Clerk?

**Mr STUART AYRES:** I will take that on notice.

**ANSWER:**

Yes.

### **22. TICKETS**

**The Hon. LYNDA VOLTZ:** How many tickets to the Bledisloe Cup did your office receive?

**Mr STUART AYRES:** I will have to take that on notice.

**The Hon. LYNDA VOLTZ:** And who they were distributed to?

**Mr STUART AYRES:** I can do that.

**ANSWER:**

The office of the Minister of Sport and Recreation receives tickets from time to time to various sporting events. In the past, tickets have been distributed to government members and staff, and Opposition members and staff.