

## 2012 BUDGET ESTIMATES - HUNTER PART A : HEARING QUESTIONS

### 1. HUNTER HOSPITALS

**The Hon. AMANDA FAZIO:** According to the latest figures, Calvary Mater, Newcastle, John Hunter and Maitland hospitals did not meet the national emergency access target for 69 per cent of patients to leave emergency departments within four hours. Why did those hospitals not get more funding to cope with the emergency department demand in the current budget?

**The Hon. MICHAEL GALLACHER:** That is a detailed question requiring a detailed answer and I will take that on notice.

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#### ANSWER:

I am advised:

Improving performance indicators such as the National Emergency Access Target (NEAT) requires a whole of hospital response.

Local Health District's are supported in this through the implementation of Patient Flow Systems across acute facilities in NSW - a whole of hospital approach to planning for, and managing capacity and demand across the hospital and acute community setting.

The Patient Flow Portal provides real time data to managers to improve coordination of the patient journey, better understand waits within the patient journey and improve capacity action plans.

In addition, every Local Health District has received between 2.9% and 6.8% growth funding for 2012/13 to allow them to cater for increased patient activity. Hunter New England Local Health District has received a 3.2% increase in funding for 2012/13 to deliver its services.

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### 2. HUNTER EDUCATION

**Dr JOHN KAYE:** Minister, can you tell us how many Hunter public schools will see a reduction in their special needs funding under the new Every Student, Every School plan?

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for his question, which obviously requires a very detailed answer from the Government, I will seek an answer from the Minister for Education and report back to you with that.

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#### ANSWER:

I am advised:

Every Student, Every School is a learning and support framework that is being implemented to provide sustained high quality learning experiences all students with disability in NSW public schools. Every Student, Every School involves a range of integrated projects that will

strengthen support for the full range of students with disability and includes a strong focus on professional learning and support for teachers and support staff.

To strengthen support for students with disability in regular classes who have lower levels of disability or additional learning needs, from the start of Term 3 2012, every regular school was allocated a package of Learning and Support resources. This resource allocation comprises 2 elements in every school – a specialist teacher allocation, to be adjusted every 3 years, and flexible funding, to be adjusted annually. Both of these resource allocations are allocated on the total actual enrolments in each school and the school's student learning need index, drawn from the previous 3 years of longitudinal NAPLAN data. Schools are able to use the resources to support students with lower level additional learning needs and their classroom teachers, where and when that support is needed. Schools can use their flexible funding for additional teacher time or school learning support officer time. Students do not need a formal disability diagnosis to access support through these resources.

There has been an increase of over \$69 million in resources directly allocated to schools under this initiative and many regular schools now have ongoing specialist teacher support directly in the school for the first time.

There are 280 regular public schools in the Hunter and Central Coast Region. Of these, 50 have had a reduction in their learning and support resources in 2012 because their enrolment levels have decreased, and/or the number of students requiring learning and support resources at that school has decreased. Overall, resource allocations to Hunter and Central Coast Region schools for learning and support in 2012 have increased by more than \$7.3 million.

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### **3. HUNTER COAL INDUSTRY**

**Dr JOHN KAYE:** More coalmines, more coal trains – and none of those coal trains have covers over them – coal-fired power stations, all of these are adding to the PM2.5 and PM10 microfine particle loads on the lungs of the people in the area which is covered by your portfolio. Can I ask what steps you have taken as the Minister for the Hunter to get covers put on the trains, to have improved monitoring of particularly PM2.5s, to get some kind of standard implementation on PM2.5s and to assess the health impacts on Hunter residents?

**The Hon. MICHAEL GALLACHER:** The expansion of the coal industry in the Hunter and Gunnedah basins will see a significant increase in the number of trains passing urban areas as well as the delivery of expanded ship loading facilities at the port of Newcastle. The Government is conscious of the issues – all of us area. We are aware of the concerns that the community has regarding coal transport and the potential associated health impacts. The EPA has commenced operation of 14 new air quality monitoring stations in the upper Hunter in February 2012, which I am sure the member is well and truly aware of -

**Dr JOHN KAYE:** And how many of those measure PM2.5s?

**The Hon. MICHAEL GALLACHER:** That would obviously require a detailed response from the Minister.

**Dr JOHN KAYE:** You will get back to us on that?

**The Hon. MICHAEL GALLACHER:** I will get back to you.

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**ANSWER:**

I am advised:

There are three air quality monitoring stations in the Upper Hunter that monitor PM2.5. These are Muswellbrook, Singleton and Camberwell. The selection of these three sites for PM2.5 monitoring was based on advice from an independent air quality expert and endorsed by the NSW Health's Expert Advisory Committee on Air Pollution. The expert's advice indicated that the three sites provide adequate coverage for the airshed.

I am advised that the EPA has required the Australian Rail and Track Corporation (ARTC) to undertake further studies to monitor dust levels from trains, including coal trains, in the Hunter. At this stage the EPA will not be requiring coal train wagons to be covered because the data currently available does not suggest that the movement of uncovered coal trains in NSW contributes appreciably to the ambient air quality and does not contribute more than other train movements.

Under the *Environmental Planning and Assessment Act 1979*, the Department of Planning and Infrastructure or the Planning Assessment Commission (for State Significant Development) are responsible for assessing the impacts of proposed major industrial developments and must assess cumulative impacts. The EPA has an advisory role and provides expert advice to the consent authority to ensure that cumulative impact is considered and all reasonable and feasible mitigation measures are used to meet relevant air quality standards, and reduce pollution.

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**4. HUNTER EDUCATION FUNDING**

**Dr JOHN KAYE:** The Labor Party asked a number of questions about health cuts in the Hunter. I want to ask you some questions about education cuts in the Hunter. You would be aware that \$1.8 billion is disappearing from the education budget over the next four years – about \$1.7 billion from the public education budget. You would be aware that one aspect of that is the removal of the drug and alcohol unit from within the education department. Given the relatively high rates of alcohol abuse and drug abuse amongst school-aged children in the Hunter, what steps will you take as the Minister for the Hunter to provide quality information to public sector teachers in the Hunter to enable them to increase the resilience of their students against drugs and alcohol?

**The Hon. MICHAEL GALLACHER:** I will take that question on notice and get a response for the member.

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**ANSWER:**

I am advised:

The functional realignment of the Public Schools NSW Portfolio is about logically arranging the functions needed to enable schools to more effectively meet the personalised learning needs of all students.

By streamlining the functions and minimising duplication, we are ensuring that it is easier for schools to access the advice and support they need.

Teachers and school leaders will continue to be supported in the delivery of the Personal Development, Health and Physical Education (PDHPE) syllabus which includes drug education from Kindergarten to Year 12.

Advisors will be available at State level to provide support and advice to both primary and secondary schools. These functions will continue as part of the work of the Early Learning and Primary Education and Secondary Education Units.

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**BUDGET ESTIMATES - POLICE  
11 OCTOBER 2012  
PART A : HEARING QUESTIONS**

**1. EMBLEMS REPORT**

**The Hon. STEVE WHAN:** Minister, the letter you have given us from the Inspector of the Police Integrity Commission says:

*... it is highly desirable that the Emblems inquiry which you have referred to me not be the subject of public discussion at this stage.*

That does not mean that you should not comment on it at all. I believe it is perfectly reasonable that something that has been the subject of so much discussion be the subject of questions. On what advice was the decision by the Government based to refer this to Mr Levine and then to the Ombudsman based? Can you table the advice you were provided that suggested you should do that?

**The Hon. MICHAEL GALLACHER:** When I referred what matter, the original matter?

**The Hon. STEVE WHAN:** When you referred to Mr Levine the issue of whether the report should be released. What advice had you received regarding the report?

**The Hon. MICHAEL GALLACHER:** I will have to take that on notice, that part of the question in respect to the advice.

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**ANSWER:**

1. I am advised :

The decision to refer this matter to the Inspector of the Police Integrity Commission, the Hon David Levine QC, was made following consideration of advice from the NSW Police Force on the status of the implementation of the Emblems report recommendations, and following further consultations with the Commissioner of Police and the Chief Executive Officer of the Ministry for Police and Emergency Services.

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**2. EMBLEMS REPORT**

**The Hon. PENNY SHARPE:** I have the letter now from the Ombudsman, which was directed to the Commissioner of Police and received by him yesterday, 10 October. I am not sure which deputy commissioner I should ask but my question is: Did the Commissioner's office or anyone in NSW Police solicit a letter from the Ombudsman in relation to discussion of this issue before the meeting today? ...

**The Hon. MICHAEL GALLACHER:** I will have to take that on notice. ...

**The Hon. PENNY SHARPE:** Minister, the letter states:

*Dear Commissioner*

*I am writing to confirm that I am conducting an inquiry into allegations ...*

That suggests to me that there has been a discussion. I want to know who made the discussion and what the discussion was around the production of this letter prior to today's hearing? ...

**The Hon. PENNY SHARPE:** So you will take that on notice and report back to the Committee?

**The Hon. MICHAEL GALLACHER:** I will report back

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**ANSWER:**

2. I am advised :

Following the recent Emblems related complaints to the Ombudsman, the Ombudsman raised the matter with the Commissioner of Police. I am advised that these discussions canvassed the substance of the complaints that had been made, the extent of materials to be provided, the powers required by the Ombudsman to undertake the proposed inquiry, and the desirability of maintaining confidentiality of Emblems related matters to preserve the integrity of the proposed inquiry.

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**3. POLICE USE OF TASERS**

**Mr DAVID SHOEBRIDGE:** Deputy Commissioner, was consideration given, in the amending of the standard operating procedures, to putting in specific provisions limiting multiple taserings by police officers of any one suspect?

**Mr KALDAS:** I am not certain whether that was part of the terms of reference, and whether that specific issue was considered. I am happy to check that and get back to you.

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**ANSWER:**

3. I am advised :

The strict Standard Operating Procedures on the use of Tasers by frontline officers are regularly reviewed as part of Police's continual improvement processes. The Standard Operating Procedures are available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

The NSW Ombudsman has recently released a report titled 'How are Taser weapons used by the NSW Police Force'. The Ombudsman found that the NSW Police Force should be commended for the steps they have taken to ensure that Tasers are used appropriately.

The report makes 46 recommendations that aim to strengthen and improve Police policies, procedures and practices and to ensure public confidence in the use of Tasers is maintained. I am advised that Police are currently preparing a detailed response to these recommendations. The Police response will include careful consideration of the recommendations arising from the coronial inquiry into the death of Mr Roberto Laudisio Curti which are anticipated to be released on 14 November 2012.

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#### 4. POLICE MEDIA UNIT

**Mr DAVID SHOEBRIDGE:** What is the budget for the Police Media Unit?

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**Ms BURN:** I will take that question on notice because obviously I would like to make sure that we have the exact amount for you.

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#### ANSWER:

4. The NSW Police Force has advised me :

The Police Media Unit budget for 2012-13 is \$2,916,229 (including police salaries). This funding supports a range of functions, including:

- Media management at major crime scenes and disasters
- Proactive communications and marketing projects targeting internal and external stakeholders
- Operational support to investigations through media liaison and multimedia production
- Public relations expertise including event management and website management
- Market research
- Film and TV liaison
- Corporate photography

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#### 5. FORMER MP STEVE CANSDELL

**The Hon. STEVE WHAN:** I direct my question to Deputy Commissioner Kaldas but I had intended asking the commissioner. This morning it was reported in the media that former member Steve Cansdell is not going to be charged with any offence for his admitted false statutory declaration. Can you inform us what advice was received from the Commonwealth about the fact that it felt there was no case to prosecute because it was a State matter, as was reported in the paper this morning?

**Mr KALDAS:** I have not read the advice from the Commonwealth Director of Public Prosecutions but it states, as you said, that there is insufficient evidence to proceed with charges. I am aware of that.

**The Hon. STEVE WHAN:** Are you able to table the advice?

**Mr KALDAS:** I could not see any reason not to, but I would say that that would be a matter for some advice from our legal area.

**The Hon. PENNY SHARPE:** So you will take that question on notice and if you can provide the information you will provide it?

**Mr KALDAS:** Certainly.

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**ANSWER:**

5. The NSW Police Force has advised me :

A review conducted by Police Prosecutions Command found the most appropriate charge was “make false statutory declaration” under section 11 of the *Statutory Declarations Act 1959* (Commonwealth). The file was forwarded to the Commonwealth Director of Public Prosecutions, which advised that the Director was not satisfied there were reasonable prospects of a conviction. In particular, the Director was not satisfied that the powers of the Commonwealth under *The Constitution* are such as to permit an offence to arise under sections 6 and 11 of the aforementioned Act, where the subject of the false statement is a matter arising under the *Road Transport (General) Act 2005* (NSW).

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**6. FORMER MP STEVE CANSDELL**

**The Hon. STEVE WHAN:** Did the police receive any advice from police legal services about this issue?

**Mr KALDAS:** I understand the matter did proceed through the police prosecution branch.

**The Hon. STEVE WHAN:** Are you able to provide a copy of the advice provided to the police by your legal services and your prosecution branch?

**Mr KALDAS:** I do not own the prosecution branch but, again, if I may take that question on notice I will certainly endeavour to try to get the information to you, unless they advise us otherwise.

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**ANSWER:**

6. Please see the responses to questions 5 (above) and 8 (below).

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**7. FORMER MP STEVE CANSDELL**

**The Hon. STEVE WHAN:** Does it concern you that there appears to be a loophole regarding false swearing of a statutory declaration? A person can swear a statutory declaration on a State issue on a Commonwealth form—as appears to have happened here—and then avoid prosecution? ... Mr Kaldas, perhaps you could answer this question: Would it be a concern to you if there were a loophole that allowed people to get away with swearing false statutory declarations for State matters, such as speeding fines, on Commonwealth forms?

...

**The Hon. PENNY SHARPE:** Are you concerned that there is a loophole and would you be looking at taking action to close that loophole?

**The Hon. MICHAEL GALLACHER:** I am not aware of any; I am not a lawyer. But I will take that question on notice.

...



**The Hon. STEVE WHAN:** Minister, will you be taking some action to ensure that State government agencies hand out the correct forms in future?

**The Hon. MICHAEL GALLACHER:** What I have indicated to the honourable member sitting next to you is that I will look at what she considers to be some loophole in the legislation and I will take that question on notice.

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**ANSWER:**

7. I refer the Committee to the answer given by the Minister for Finance and Services in the House on 16 October 2012 regarding this issue.

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**8. FORMER MP STEVE CANSDELL**

**The Hon. STEVE WHAN:** Mr Kaldas, are you aware of whether the police service investigated Mr Cansdell for criminal conspiracy as part of this investigation? I refer to statements which Mr Cansdell made where he admitted to the false statutory declaration. An article in the *Australian* states:

*Mr Stoner said the MP for Clarence admitted to having a third party falsify a statutory declaration so he would not lose his driver's licence after a 2005 speeding offence.*

I understand in the law that could be considered potentially to be conspiracy. Have you looked into that?

**The Hon. TREVOR KHAN:** So you are asking for another legal opinion?

**The Hon. STEVE WHAN:** No, I am asking if the police have investigated that. I am not asking the witness for an opinion. I am asking if the police have looked into that aspect.

**Mr KALDAS:** I am not aware of the exact details of the charges that were considered or what deliberations took place. If I can take that on notice, we will look into it. We will try to get back to you with an answer on that question.

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**ANSWER:**

8. The NSW Police Force has advised me :

Having considered all the available offences, advice from the Police Prosecutions Command was that the most appropriate offence appeared to be that of "make false statutory declaration" under section 11 of the *Statutory Declarations Act 1959* (Commonwealth).

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**9. FORMER MP STEVE CANSDELL**

**The Hon. STEVE WHAN:** Have the police received any other allegations regarding false statutory declarations by Mr Cansdell?

**Mr KALDAS:** No, I am not aware of anything else.

**The Hon. STEVE WHAN:** Would you be able to check?

**Mr KALDAS:** We will certainly check, yes. We will have to take it on notice.

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**ANSWER:**

9. The NSW Police Force has advised me that a search of its COPS database found no further reported allegations regarding false statutory declarations made by Mr Cansdell.

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## **10. ROCKDALE POLICE STATION**

**The Hon. AMANDA FAZIO:** Minister, in relation to a local issue, how many written representations have you received from the member for Rockdale, John Flowers, regarding the re-opening of Rockdale police station? Will you make those letters available to the Committee?

**The Hon. MICHAEL GALLACHER:** I speak quite often to Mr Flowers. Virtually every time I see him in the Parliament he raises the issue.

**The Hon. AMANDA FAZIO:** I asked you about written representations.

**The Hon. MICHAEL GALLACHER:** Yes, I am aware of that. He most certainly is a very strong advocate for policing in and around Rockdale. I am not aware as I sit here now; I will have a look to see if correspondence is there.

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**ANSWER:**

10. This matter has previously been the subject of an application under the *Government Information (Public Access) Act 2009*, from the Hon. Shaoquett Moselmane MLC. A response to that application has been provided.

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## **11. OPERATION SPARTAN CHARGES**

**The Hon. STEVE WHAN:** I understand that during Operation Spartan some 3,000 officers were involved, making some 555 arrests and laying 908 charges. Are you able to update us on the progress of those charges and how many persons charged under that operation are in custody in one way or another?

**Mr KALDAS:** I would have to take that on notice.

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**ANSWER:**

11. I am advised :

Questions on court and custodial matters should be addressed to the Attorney General, the Hon Greg Smith SC MP.

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## 12. RAIL VANDALISM TASK FORCE

**The Hon. PENNY SHARPE:** Minister, can you confirm that the police Rail Vandalism Task Force is no longer operational?

**The Hon. MICHAEL GALLACHER:** The Rail Vandalism Task Force? I will have to take that on notice.

...

**Mr KALDAS:** It has now become part of the Police Transport Command headed up by Assistant Commissioner Max Mitchell. It will be 610 strong eventually. It is around the 300-mark now, but it has been absorbed into that. It fits quite neatly into the type of work they do.

**The Hon. PENNY SHARPE:** Is it meeting? When was the last time the task force met?

**Mr KALDAS:** I would have to take that on notice.

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### ANSWER:

12. The Police Transport Command, established in May 2012 has an operational response to graffiti crime as one of its key priorities. As such, the Rail Vandalism Task Force is no longer operational.

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## 13. POLICE TRANSPORT COMMAND

**The Hon. PENNY SHARPE:** The statistics are now available online, which I am very pleased about, around the Police Transport Command, indicating that there is 301 in authorised strength with an operational full-time equivalent [FTE] of around 272. Is that correct?

**Mr KALDAS:** I think that is correct, yes.

**The Hon. PENNY SHARPE:** The Minister for Transport gave a figure at estimates on Tuesday of 328 without stating whether that was authorised strength or operational full-time equivalent. Are you able to clarify that for me?

**Mr KALDAS:** I would have to check the exact figures. There are some over-strength not-to-be-deleted positions at the moment, but certainly the vision is over the next 2½ or three years the numbers will expand from 301 to 610.

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### ANSWER:

13. The Liberals and Nationals Government announced the creation of a standalone Police Transport Command in May 2012.

The Command has been established with an authorised strength of 301 positions, with the Government committing to progressively increasing this to 610 positions by December 2014.

This will be achieved through a real increase to police numbers. Along with the additional 550 authorised strength positions the Government committed to prior to the last election, police numbers will rise to a record authorised strength of 16,665 by August 2015.

Further details on police numbers are available on the NSW Police Force website, at [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

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#### **14. FORMER MP STEVE CANSDELL**

**Mr DAVID SHOEBRIDGE:** Deputy Commissioner Kaldas, when you are looking at that Cansdell matter, can you look to see whether or not consideration was given to charging Mr Cansdell with perverting the course of justice, either a conspiracy or an attempt, under section 319 of the Crimes Act?

**Mr KALDAS:** I am happy to find that out, whether that was considered or not.

**Mr DAVID SHOEBRIDGE:** If it was not considered, could you provide some advice as to why it was not considered?

**Mr KALDAS:** Certainly.

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#### **ANSWER:**

14. The NSW Police Force advises me :

Legal advice obtained from Police Prosecutions Command indicates that the circumstances of the case would not constitute an offence under section 319 of the *Crimes Act 1900*. The reason being that infringement notices are processed by a governing body applying and enforcing the laws of the state whereas section 319 has relevance to courts and tribunals only.

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#### **15. POLICE MEDIA UNIT CRITICAL INCIDENT GUIDELINES**

**Mr DAVID SHOEBRIDGE:** Can you provide the Committee with a copy of those revised guidelines?

**Mr HUDSON:** Yes, certainly. They went live approximately a month ago.

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#### **ANSWER:**

15. I am advised Critical Incident Guidelines exist to guide the operations of the NSW Police Force during the course of critical incidents.

I am also advised the NSW Police Media Policy, which is available at [www.police.nsw.gov.au](http://www.police.nsw.gov.au), contains information with respect to media policy surrounding a

critical incident. The Media Policy is currently under review and is planned for completion by the end of the year. It will be publicly released after that time.

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## 16. POLICE MEDIA POLICY

**Mr DAVID SHOEBRIDGE:** Is there a media policy in place at the moment?

**Mr HUDSON:** Yes, there is.

**Mr DAVID SHOEBRIDGE:** Can you provide the Committee with a copy of that?

**Mr HUDSON:** Certainly.

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### ANSWER:

16. The NSW Police Force Media Policy (February 2012) is available on the NSW Police Force website [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

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## 17. POLICE MEDIA POLICY

**Mr DAVID SHOEBRIDGE:** Does that media policy make it clear that the overriding obligation for the NSW Police Force, when releasing information about critical incidents, is to provide a balanced picture to the public about the actions of the police?

**Mr HUDSON:** I think, as I said, the media policy, which will replace the current one, is in draft form.

**Mr DAVID SHOEBRIDGE:** I am asking about the current one. Does it give that obligation to provide a balanced picture to the people of New South Wales about the actions of the NSW Police Force?

**Mr HUDSON:** I believe the current policy refers to an accurate picture of what has occurred, and information in relation to what is known. However, I will take that on notice and we will provide a copy of the media policy.

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### ANSWER:

17. The NSW Police Force Media Policy (February 2012) is available on the NSW Police Force website [www.police.nsw.gov.au](http://www.police.nsw.gov.au).

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## 18. POLICE MEDIA POLICY

**Mr DAVID SHOEBRIDGE:** And can you provide a copy of the revised policy, even in draft form?

**Mr HUDSON:** It is in draft form. I would have to get advice from the Director of Public Affairs as to when it will be released.

**Mr DAVID SHOEBRIDGE:** I am content with that.

**Mr HUDSON:** That can certainly be provided.

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**ANSWER:**

18. The current NSW Police Force Media Policy (February 2012) is available on the NSW Police Force website [www.police.nsw.gov.au](http://www.police.nsw.gov.au). The Media Policy is currently under review and is planned for completion by the end of the year. It will be publicly released after that time.

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**19. SEXUAL ABUSE IN THE CATHOLIC CHURCH**

**Mr DAVID SHOEBRIDGE:** Minister, have either you or any member of the Government, to your knowledge, received advice from NSW Police to the effect that a royal commission into sexual abuse in the Catholic Church and other institutions should not be undertaken because it may prejudice police investigations or prosecutions?

**The Hon. MICHAEL GALLACHER:** I do not recall receiving information in relation to prejudicing cases. However, I will take that on notice as there may have been some reference to it in correspondence, but I do not recall it.

**Mr DAVID SHOEBRIDGE:** Not to your knowledge?

**The Hon. MICHAEL GALLACHER:** No.

**Mr DAVID SHOEBRIDGE:** But you will make further searches?

**The Hon. MICHAEL GALLACHER:** Yes.

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**ANSWER:**

19. I refer the Committee to the answer given by the Premier in the House on 6 September 2012 regarding this issue.

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**20. TASER REVIEW PROCESS**

**Mr DAVID SHOEBRIDGE:** Can you explain briefly how that regional review process occurs?

**Mr KALDAS:** Sure. If I start at the beginning, the officers involved receive fairly comprehensive training. They are made aware as part of their training that they have to review the standard operating procedures. We also have the actual recording of the taser itself and, when an incident happens, you are absolutely right, there is a review process that goes up to and including assistant commissioner level. Certainly one that may be contentious is reviewed by an assistant commissioner—normally Alan Clarke, who is the

commander of the area that has oversight of that. Following all of that we fall into a checks and balances regime where the Ombudsman reviews pretty much everything we do in this space and will report fairly regularly on what we are doing.

**Mr DAVID SHOEBRIDGE:** Could you provide, probably not of your own memory but on notice, the number of cases where there have been findings of a breach of the policy or any disciplinary action taken?

**Mr KALDAS:** I am certainly happy to take that on notice and we will get back to you. But my sense is that it is not a large number.

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**ANSWER:**

20. The NSW Police Force has advised me :

The NSW Police Force has extensive oversight procedures for Taser usage. Each deployment is individually reviewed and scrutinised by senior police. The strict Standard Operating Procedures on the use of Tasers by frontline officers are regularly reviewed as part of Police's continual improvement processes. Between December 2009 and August 2012 there were 266 breaches detected, the majority of which were accidental discharges which occurred during the loading and unloading process.

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**21. PARTIALLY INCAPACITATED POLICE OFFICERS**

**Mr DAVID SHOEBRIDGE:** Minister, do you know how many officers are currently classified as partially incapacitated while continuing to work for NSW Police?

**The Hon. MICHAEL GALLACHER:** I will take that on notice but I am not sure whether the deputy commissioner for human resources may be in a position to tell you. He may have to take that on notice as well.

**Mr HUDSON:** I would have to take that on notice. I am unaware.

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**ANSWER:**

21. The NSW Police Force has advised me :

As at October 2012, police records show there are 562 officers classified as performing Suitable Duties and 352 officers classified as Permanent Restricted Duties. These figures change on a monthly basis due to officers being either injured or returning to pre-injury duties.

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**22. DEATH AND DISABILITY POLICY**

**Mr DAVID SHOEBRIDGE:** Are there more partially incapacitated officers being returned to work now than there were before the implementation of the amended death and disability policy?

**Mr HUDSON:** Due to the limited time I have been in this position I would have to take that on notice and get back to you, but I am certainly prepared to do that.

**Mr DAVID SHOEBRIDGE:** When you take that review, what are the projected numbers in light of the changes to the death and disability policy?

**Mr HUDSON:** Certainly, we will get that information.

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**ANSWER:**

22. The NSW Police Force has advised me that in the 12 months to October 2012 the number of officers, covered by the new Death and Disability Scheme, returning to work has increased by 24%. This is a positive outcome for officers returning to employment, however, it is too early to make long term predictions of the number of officers returning to work.

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**23. DRUG SAFES**

**Mr DAVID SHOEBRIDGE:** My next question is probably best directed to you, Commissioner Kaldas. Do you know how many complaints have been received about drug fumes leaking from drug safes in local area commands over the past 12 to 24 months?

**Mr KALDAS:** I am aware of one complaint, but I am not aware of the full details of it. I am happy to take that question on notice and get back to you.

**Mr DAVID SHOEBRIDGE:** Could you provide some details about any complaints relating to drug fumes from the Greenacre police station?

**Mr KALDAS:** Certainly.

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**ANSWER:**

23. The NSW Police Force has advised me :

During 2010-11 and 2011-12, eleven incident reports in total were made relating to drug exhibits leaking in drug safes or exhibit rooms.

As there is no police station at Greenacre, an answer to this part of the Member's question is not possible.

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**24. CENTRAL SYDNEY POLICE STATION DRUG SAFE**

**Mr DAVID SHOEBRIDGE:** What about the very large drug safe at Central Sydney police station that is in the basement of that station, which is not ventilated and opens on to work areas immediately outside?

**The Hon. MICHAEL GALLACHER:** Mr David Shoebridge has better experience on drug matters than I do in relation to ventilation at Central. Be that as it may, I will seek some advice in relation to that matter.



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**ANSWER:**

24. I am advised the NSW Police Force is involved in legal action concerning this matter. I understand that the matter is set down for hearing commencing in February 2013.

Given the ongoing nature of this matter it would not be appropriate for me to provide further comment at this time.

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**25. HAZARDOUS MATERIALS IN POLICE PROPERTIES**

**Mr DAVID SHOEBRIDGE:** My next question is directed to either Deputy Commissioner Burn or Deputy Commissioner Hudson. Of the 460 police properties reported in 2011 as being affected by asbestos or other hazardous materials, how many still have not had work completed to remove the hazardous materials?

...

**Mr HUDSON:** I can indicate that I will have to take on notice the question relating to direct numbers of properties and get back to you because of the short time I have had in the portfolio. I can indicate that the overall property portfolio of the Police Force is 1,500 properties—residences and police stations. Over 90 per cent of those have been inspected for asbestos and hazardous materials. A number of inspections are ongoing. They were undertaken on a risk-based approach. Over 100 still have to be done and arrangements are being made to inspect those premises. However, in relation to the particular number, people are moved out of any premises identified as being at risk and work is undertaken.

Of the 460 you mentioned, I would have to take that question on notice and get back to you in relation to what strategies have been put in place for those properties.

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**ANSWER:**

25. I am advised:

The 2012-13 Budget provides \$16 million this financial year to the NSW Police Force to remediate and manage hazardous materials in its properties.

As previously announced by the Government, this investment is part of a broader allocation of \$61 million over four years to address concerns about materials such as asbestos and lead paint in both police stations and police residences.

This funding includes an investment in the ongoing monitoring of police properties to identify any emerging issues that may need remediation.

This program will ensure that any future problems with hazardous materials will be identified and dealt with quickly.

I am advised by the NSW Police Force that the risk based approach taken in determining remediation works is consistent with the NSW Government Asbestos Blueprint.

All original A1 and A2, which were considered the highest priority sites as set out in the Coffey report have been assessed. To date 45 sites have been remediated.

I am advised the majority of properties did not require remediation as the hazardous materials were in fact stable, in good condition and represented a low risk score.

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**BUDGET ESTIMATES - EMERGENCY SERVICES**  
**11 OCTOBER 2012**  
**PART A : HEARING QUESTIONS**

**1. EMERGENCY SERVICES LEVY REVIEW**

**The Hon. STEVE WHAN:** What research has the Government undertaken to model the application and impacts of changing to a new emergency services funding model?

...

**The Hon. MICHAEL GALLACHER:** The discussion paper is in itself quite comprehensive in the modelling and specific aspects of it. If the member is not satisfied with the amount of information that is provided in the discussion paper I will take that question on notice and seek an answer for him.

**The Hon. STEVE WHAN:** Are you aware of whether the Government has undertaken any independent modelling work to go with the discussion paper?

**The Hon. MICHAEL GALLACHER:** I am not aware but it may have occurred. I will seek an answer from the department. I will take that question on notice.

**The Hon. STEVE WHAN:** Could you provide any modelling that has been undertaken?

**The Hon. MICHAEL GALLACHER:** If there is some there that is consistent with the member's question I will seek to provide it.

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**ANSWER:**

1. I am advised :

Deloitte Access Economics carried out modelling to analyse the impacts of changing the system for funding NSW fire and emergency services. This modelling underpinned the analysis in the Discussion Paper.

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**2. RFS RESOURCES**

**The Hon. STEVE WHAN:** Commissioner Fitzsimmons, last year in estimates I asked questions about funding for fire control centres and trucks. At that time the budgets had not been finalised and you and the Minister were not able to give me that information. Are you able to tell us now how many fire control centres and new fire sheds and how many trucks will be rolled out this year, and give us a comparative figure for the previous year?

**Mr FITZSIMMONS:** I will take on notice the detail of that question regarding the breakdown of figures from the previous year. The budget is to be formally communicated shortly but I would be expecting to see expenditure on tankers, stations and control centres somewhere in the order of \$9.7 million, and on firefighting appliances in the order of \$30.1 million.

**The Hon. STEVE WHAN:** For that \$30.1 million how many new or refurbished appliances would you expect to be rolled out?

**Mr FITZSIMMONS:** I will have to take that on notice and give you a breakdown on the structure.

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**ANSWER:**

2. Allocations for 2012/2013 have yet to be finalised, however, the NSW Rural Fire Service has advised me the following in relation to 2011/12:

Fire Control Centres (new)	1
Fire Control Centres (upgrades)	6
Fire Stations (new)	41
Fire Stations (upgrades)	43
Tankers	177

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**3. RFS FIRE CONTROL CENTRES**

**The Hon. STEVE WHAN:** Are you able to provide on notice the number of fire control centres that have been built, or at least commenced, in each of the past five years?

**Mr FITZSIMMONS:** I will take that on notice. I will be able to give you a breakdown on that.

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**ANSWER:**

3. The NSW Rural Fire Service has advised me :

Over the five year period there have been 7 new Fire Control Centres and 30 upgrades commenced and/or completed.

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**4. RFS FIRE CONTROL CENTRE - CHIFLEY**

**The Hon. STEVE WHAN:** Commissioner, firefighters in the Chifley zone tell me they believe they are due to have a new fire control centre built in the coming year or so. Will that be on the agenda?

**Mr FITZSIMMONS:** I will take that on notice.

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**ANSWER:**

4. I am advised :

Allocations to local government under the Rural Fire Fighting Fund will be finalised shortly.

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## 5. RFS VOLUNTARY REDUNDANCIES

**The Hon. STEVE WHAN:** You recently engaged in a round of redundancies in the Rural Fire Service. Are you able to tell us how many voluntary redundancy applications you have accepted, if that is finalised?

**Mr FITZSIMMONS:** Yes, I can. We went through a process of expressions of interest to assist in meeting our budgetary measures, particularly in relation to labour cap expenses, and 24 voluntary redundancies have been offered. I understand we have had acceptances on those 24 redundancies, with the completion dates varying over coming weeks, subject to business requirement.

**The Hon. STEVE WHAN:** What is the estimated saving in wages that you will achieve from that?

**Mr FITZSIMMONS:** I will take that particular detail on notice, if you wish, but for the overall four-year program it has been quite public: it is \$11.7 million over the four-year budget period.

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### ANSWER:

5. I am advised :

Wages savings from the 24 officers taking voluntary redundancies will significantly contribute to the targeted \$11.7 million over the four-year budget period.

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## 6. RFS VOLUNTARY REDUNDANCIES

**Mr FITZSIMMONS:** Two positions have gone out of some regional administration or support areas in Batemans Bay and Young.

**The Hon. STEVE WHAN:** What role did they play?

**Mr FITZSIMMONS:** I would have to take that on notice. From memory, it was community safety or support areas.

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### ANSWER:

6. I am advised that the position at Batemans Bay is the Regional Community Safety Manager. The functions of this position were being redistributed as part of an earlier realignment and consequently are no longer required.

The position in Young is a Learning and Development Manager, Region West. I understand that greater use of SAP and online training has absorbed much of the work performed by this position. Training at the District level will be supported through the Head Office Learning and Development function.

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## 7. RESEARCH RE VICTORIAN BUSHFIRES

**Mr DAVID SHOEBRIDGE:** Have you reviewed the research that also came out primarily from the ANU but also from an academic in Victoria that showed that one of the prime reasons why the fires stopped in the severe fire season in Victoria was the fire running into temperate forests which have been protected as national parks and therefore have a greater degree of moisture at the undergrowth level? Have you looked at that research?

...

**Mr DAVID SHOEBRIDGE:** Has it come up in your organisation's search through the literature and the responses following the Victorian bushfires?

**Mr FITZSIMMONS:** I cannot put my hand on it and say yes but I would say that we comprehensively review and incorporate into our risk management tools and our treatment regimes a whole host of literature. If you can be more specific afterwards I am happy to take that on notice.

**Mr DAVID SHOEBRIDGE:** I am more than happy to provide you with the specific references on notice. (References provided following hearing.)

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**ANSWER:**

7. The NSW Rural Fire Service has advised me that it reviewed the paper by Lindenmayer et al *Effects of Logging on Fire Regimes in Moist Forests* (2009) and the report by Chris Taylor on the February 2009 Victorian fires following their publication in 2009.

The Bushfire Cooperative Research Centre (CRC), of which the RFS is a partner agency, conducts research into the social, environmental and economic impacts of bush fires. The CRC has also undertaken considerable research into the 2009 Victorian fires and the outcomes of the Victorian Bushfires Royal Commission.

The RFS works with the CRC and other bodies, including the Centre for Environmental Risk Management of Bushfires at the University of Wollongong, to build knowledge and to improve its understanding of the assessment of bush fire risk, effectiveness of treatments and environmental impacts of both.

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**8. EMERGENCY SERVICES LEVY REVIEW**

**Mr DAVID SHOEBRIDGE:** Did you get any advice on the proposed funding models from the Treasurer or the office of the Treasurer?

**The Hon. MICHAEL GALLACHER:** I would be mindful of what I am bound in terms of Cabinet. I will take the question on notice and respond back to you.

**Mr DAVID SHOEBRIDGE:** Could you provide the same response in relation to the Minister for Finance and Services or the office of the Minister—either the Treasury or the Finance Department?

**The Hon. MICHAEL GALLACHER:** If I am able to answer that question, I will.

**Mr DAVID SHOEBRIDGE:** I understand. I am not asking you to breach Cabinet confidence. And could you convey the substance of that advice, if you are unable to answer it?

**The Hon. MICHAEL GALLACHER:** Yes.

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**ANSWER:**

8. I am advised :

The Discussion Paper was jointly developed by the NSW Treasury and the Ministry for Police and Emergency Services.

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