

Supplementary
Submission
No 31a

**INQUIRY INTO INQUIRY INTO THE OPERATIONS OF
THE HOME BUILDING SERVICE**

Name: Mr Duncan Kennedy

Date received: 19/10/2007

Phone
Mobile
e-mail

17th October 2007

The Director
General Purpose Standing Committee No 2
Via e-mail to gpscno2@parliament.nsw.gov.au

Dear Director,

I refer to your advice by letter dated 5th October 2007 announcing the reconvening of an Inquiry into the Home Building Service and I thank you for your invitation to submit a supplementary submission.

The following is, I believe, very relevant material extracted from my campaign to clean up the security industry since GPSC No. 4 was held over pending the election. Yes, my campaign is about Security Industry Regulation which is the province of the Police Department but intertwined inexorably in all that is very serious material including the most serious of allegations relating to the Home Building Service, the Department of Fair Trading Consumer Protection issues, WorkCover, the Department of Housing [deliberate deception regarding the provision of security products for the protection of families living in Housing Commission homes] and almost every other State Government Department.

Below I have attempted to extract only that which is relevant to the Department of Fair Trading Home Building Services and therefore your inquiry..

----- Original Message -----

From: [Duncan Kennedy](mailto:Duncan.Kennedy)
To: icac@icac.nsw.gov.au
Cc: icac@parliament.nsw.gov.au
Sent: Monday, January 22, 2007 10:15 AM
Subject: Allegations of criminality not previously submitted

Phone
Mobile
22nd January 2007

The Hon. Jerrold Cripps QC
Commissioner
Independent Commission Against Corruption
icac@icac.nsw.gov.au

c.c. to The Parliamentary Committee on the ICAC

NEW ALLEGATIONS NOT PREVIOUSLY SUBMITTED

Dear Sir,

Further to my allegations e-mailed to you on 29th December 2006 and re-sent again this morning, I would respectfully request that you consider the following further allegation.

Obviously I have no more than a layman's appreciation of the law. It is an allegation though that I have been wanting to put before you for twelve months or more but the refusal of your ICAC to formally interview me on my other allegations already submitted has meant this one being put on a back burner.

Again my allegations relate to the Security Door industry and the actions of the Department of Fair Trading over the last twenty years.

My understanding of the law is that a citizen cannot be imprisoned unless that person has committed a criminal offence.

I refer you to the Security Industry Act 1997 [and its predecessor Act the Security (Protection) Industry Act 1985]. The security door industry is defined under Security Equipment (b) and Carrying on "security activities" clauses 4 (c) and (g). Clearly the security door industry is placed under this jurisdiction administered by the Police Department and is exempted from the home building licensing scheme administered by the Department of Fair Trading by clause 9 (e) of the Home Building Regulation.

Clause 7 of the Security Industry Act – Offences - provides for imprisonment for 6 months – for a breach of this Act.

For years the Department of Fair Trading have been deliberately encouraging firms selling and installing security doors to have a Department of Fair Trading Home Building license (in contravention of the law) and to disregard the Police administered Security Industry Act.

Surely then the Department of Fair Trading are encouraging or condoning a criminal act by those firms (i.e. to sell and install security doors without a police security industry licence) and that in itself would appear to me to be a criminal act (in that the penalty for selling and installing security doors without a Police Security Industry licence can be a term of imprisonment).

And we are not talking just one such act by the Department of Fair Trading but thousands of deliberate such actions all leading to those allegations which I have previously submitted.

Interestingly enough, Talk Back radio yesterday (on a totally unrelated matter which had very similar overtones) was clearly of the opinion that an encouragement to commit a crime was in itself a criminal act.

Yours faithfully

Duncan Kennedy

NOTE:- As with my previous allegations ICAC refuse to interview me and refuse to give me any reason why these allegations are not legitimate

FURTHER NOTE:- Your GPSC No. 2 might like to consider the following conundrum. Clause 41 of the Security Industry Act 1997 in essence states that where security products as defined [such as security or safety doors and window grilles] have been sold and or installed without the necessary police security industry licences then any monies paid by the consumer for that work cannot be retained by the firm carrying out that work I am saying that such monies, effectively in limbo, would well exceed \$2 Billion, possibly as high as \$5 Billion. **Seeing that the Department of Fair Trading Home Building Licensing Services have been knowingly encouraging that illegality should they be contributing to the "limbo" fund???**

- Aug 2006 – I e-mailed a 20 page submission to the Police Policy Unit, Ken Moroney and Carl Scully. **Your Committee GPSC No 4 already has a copy of this submission.**
- Nov 2006 – I rang the Police Policy Unit. They hinted that I was a known troublemaker and stated categorically that they would not have time to read my submission
- 13.02.07 – I e-mail serious allegations of criminality regarding administration of Security Industry Legislation (SIL) direct to the Premier stating that ICAC (on several occasions) and the PIC had refused to investigate and that in turn their respective "Inspectors had both categorically refused to state that in their opinion my allegations had been appropriately investigated".
- 26.02.07 – Receive e-mail from Acting Director-General Schmidt inviting me to continue chasing my tail

And so over that last 6 months I have been conducting a "Snippet" campaign directly to the Premier, each a brief one page example of the many problems in the security industry, some of them anecdotal but many of them potentially explosive.

Below are those "Snippets" which I believe relate directly to the operation of the Home Building Service under consideration by your Committee

----- Original Message -----

From: [Duncan Kennedy](#)

To: [thepremier](#)

Cc: [Joe Hildebrand](#) ; [Simon Benson](#) ; [Akerman, Piers](#) ; [Anne Davies](#) ; [Michael Gallacher](#) ; [Shelley Hancock](#) ; [Steve Barrett](#) ; [Stuart Bocking](#) ; [Phillip Clark](#) ; [Chris Smith](#) ; [Ray Hadley](#) ; [Alan Jones](#) ; [Miranda Devine](#) ; [Alex Mitchell](#) ; [John Kidman](#) ; [Piers Akerman](#) ; [Luke McIlveen](#) ; [Parliament Committee PIC](#) ; [Parliament Committee ICAC](#) ; [Barry O'Farrell](#)

Sent: Thursday, April 19, 2007 8:59 PM

Subject: Accountability or arrogance - Snippet # 3

Snippet # 3 - 130 Good St Harris Park

Dear Premier [and a good evening to you too Mr Schmidt]

Premier, you say that you are a "family" man, and I don't doubt that for a minute. I thought that it might therefore be appropriate to give you a "family" story to ponder upon over the weekend. No doubt in the future, at a time sooner than you realise, your children will want to set up their own home. You have it in your power to see that, as a father, your daughter does not have to go through the trauma below.

A true story. A young lady purchased a "security" unit at 130 Good St Harris Park. She would be living alone and she was prepared to pay a premium for that prefix "security" to provide for her personal protection while at home. I do not know how much premium she paid but it is not unusual for a purchaser to pay \$5,000 or even \$10,000 or \$20,000 and, not out of the question, \$50,000 just to get that peace of mind. The developer of course adds the prefix "security" because that allows him to charge a premium whether or not that prefix is a reality.

This young lady was raped inside her unit by three thugs. The police said "no sign of forced entry – she must have contributed to the occurrence of the rape by letting them into her 'security' unit". She said "not so". And I was asked to investigate.

I was able to get through the locked door at the rear to the units using nothing more than the earpiece of my sunglasses in under three seconds without making a sound and without leaving any sign of forced entry.

Since the rape the front door to the units had been fitted with a "security blocker plate" over the locking mechanism by locksmiths. I went to my car, found a wire coathanger, cut it with pliers and it took me under six seconds to get through the locked door. This time I made a little bit of noise but nothing that would attract attention and again I left absolutely no evidence that I had gained entry.

Now the licensed building inspector was gobsmacked. Time and time again he has come across this very scenario but had no idea how easily the locks could be circumvented.

Premier, across Sydney and NSW, hundreds of thousands of unit locking systems can be, and are being, circumvented just as easily as can the locks on hundreds of thousands of homes [and at this stage I am not mentioning security doors and security screens]. **Now Premier, place yourself in the position of the father of that young lady. Do something.**

Now the Department of Fair Trading will tell you that even in such circumstances the prefix "security" is OK because it will most likely stop a 10 year old kid and therefore, to that degree, it has an element of security. I say "crap" [excuse the French]. Under consumer protection law it is reasonable that that young lady would expect that those locks could only be opened with the designated key and no way would she expect that they could also be opened using nothing more than a piece of celluloid, a piece of cardboard, a bent screwdriver, a small 150mm engineers ruler, a teaspoon handle, a ballpoint pen, a paperclip, the earpiece of their sunglasses, a wire coat-hanger, vice grips, a concealable jemmy bar, a concealable lump hammer, a boot or a shoulder, an average knife carried by such thugs, or a dozen other similar implements. I am saying that the average householder or employer just does not have the criminal intelligence to establish for themselves the adequacy of any security product they may be considering purchasing.

With out a doubt, the above crime was preventable and the fact that it occurred therefore amounts to criminal negligence somewhere along the chain. There are many other such stories, probably the young lady at Newington for example raped in front of her family.

Next week I will return to the security stuff ups on public infrastructure before again returning to family situations.

As usual, feel free at any time to say "enough" and order an independent inquiry.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Anne Davies ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; Alex Mitchell ; John Kidman ; Piers Akerman ; Luke Mollveen ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Wednesday, April 25, 2007 3:45 PM

Subject: Snippet # 5 - Protection [security] for children inside the home?

Snippet # 5

Protection [security] for children inside the home?

Dear Premier,

About ten years ago I was called to a home at York Rd Bondi Junction. The house had wrought iron security grilling on all windows installed some twenty or so years prior, i.e. before the advent of the modern criminal and before security industry licensing came into force in 1987. The eight year old daughter had been woken at 4am – an intruder [could have been a robber or a molester] had levered the wrought iron grille off the brickwork around her window and was half way in through the window when the girl woke and started screaming. Lucky! And that is a story repeated time and time again across Sydney.

Her grandfather was a director of one of the major banks, made inquiries, was informed that my company was one of the few who knew what they were talking about when it came to this side of the industry and we were instructed to remove all the grilling from the house and replace them with proper security grilling that would meet today's criminal reality.

Now I have some 16,000 site security inspections under my belt and I know what I am talking about. I tell that story to highlight the reality of why families choose barrier security such as window screens to protect their children during the dead of night.

These days one of the so-called "modern" security window screen systems on offer comprises a woven stainless steel flyscreen mesh under the brand names Supascreen and Crimsafe. These firms have a multi million dollar annual advertising budget.

Now I estimate that in the case of about 30% of those screens I, [also read 18 year old rapist / molester] can get through them [using nothing more than common every day break and enter tools used by the modern criminal, in this case a knife] in less than 3 seconds flat and making almost no noise. In the other 70% it takes around ten seconds and makes some noise but not necessarily enough to wake the occupants of the house. **Ask yourself this Premier, "If this Kennedy fellow is right, would I trust these products to protect my children while they are asleep in their bedrooms at night"?** If your answer is "no" then do you not have an obligation to warn those families who have purchased these screens for that purpose? I remind you of the rules of law prosecuted in the Garabaldi Salami, the Leslie William Cooper and many other cases. The potential for a multi hundreds of millions of dollars class action

against your government for their failure to act to-date does not excuse those of you in the know from those obligations.

Given the experience I had had with the Department of Fair Trading over the previous five or six year period I wrote personally to the then Minister for Fair Trading, John Watkins, offering to show him video of our testing of these products. He refused to see the video and wrote back that "this screening did not breach Fair Trading legislation". I had had a customer where street kids had easily broken through these products and another lady, concerned about a poor installation of the product absolutely incredulous after looking at our video testing of the product. I rang the Department of Fair Trading and the officer was absolutely adamant that the product did breach Fair Trading legislation, [and encouraged us to submit a complaint]; until she learned that her Minister [John Watkins] had said that it was OK and she then refused to take it any further.

Likewise the Police Security Industry Unit say that it does not breach Section 33 of the Security Industry Act which states "Misrepresentation and related offences – A licensee must not (a) by any false, misleading or deceptive statement, representation or promise or (b) by any wilful concealment of a material fact, induce or attempt to induce, any person to enter into any agreement or contract in connection with the carrying on of any security activity". And there are heavy penalties for doing so.

Yet I can provide a decision by the High Court of Australia regarding barrier security products [Glass v Rivers Locking] which would indicate that these particular products do in fact breach Common Law [and Fair Trading and Security Industry legislation].

Now either I do not know what I am talking about [and please Premier feel free to say so] or else John Watkins, the Department of Fair Trading and the Police Security Industry Unit are perpetrating a major fraud on the people of NSW, not to say the criminal act of negligence should any investigation concede the rule of law in Glass v Rivers Locking and any person has suffered because of that misrepresentation. [They have].

Do we have to wait until a politician's daughter gets raped or molested after an entry through one of these screens before we get an investigation?

Again I wrote to the Police Policy Unit, Ken Moroney and Karl Scully about these issues within the last nine months but they don't seem to want to know about them.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: [Duncan Kennedy](#)

To: [thepremier](#)

Cc: [Joe Hildebrand](#) ; [Simon Benson](#) ; [Akerman, Piers](#) ; [Anne Davies](#) ; [Michael Gallacher](#) ; [Shelley Hancock](#) ; [Steve Barrett](#) ; [Stuart Bocking](#) ; [Phillip Clark](#) ; [Chris Smith](#) ; [Ray Hadley](#) ; [Alan Jones](#) ; [Miranda Devine](#) ; [Alex Mitchell](#) ; [John Kidman](#) ; [Piers Akerman](#) ; [Luke McIlveen](#) ; [Parliament Committee PIC](#) ; [Parliament Committee ICAC](#) ; [Barry O'Farrell](#)

Sent: Thursday, April 26, 2007 8:52 AM

Subject: Snippet # 6 - Janice Matthias of Oatlands

Snippet # 6 – Janice Matthias of Oatlands

Dear Premier

Back in 2001, I appeared before an ex magistrate at a Department of Fair Trading Tribunal hearing. A Janice Matthias had invested \$24,000 on domestic security doors and security window grilling on her house after twice having received advice from the Department of Fair Trading that the appropriate licence for such work was a Fair Trading Home Building Licence – Metalwork category and that the contractor she had selected to do that work was appropriately qualified to carry out that work. Once installed Janice Matthias was concerned about the adequacy of the finished product [from a security point of view it was truly deplorable] and fortunately, in the week before the hearing, she was talking to her local locksmith who urged her to contact me. The ex magistrate tribunal person had no knowledge of security industry legislation [this, some 14 years after the introduction of security industry legislation] and she sent all the participants out of the room whilst she reviewed the Security Industry Act and the exemption under the Home Building Act. Her finding was that the contractor with the Home Building licence had done the work **ILLEGALLY**, that the standard of the work was, in this case, not relevant and she ordered that the contractor remove all the security doors and security window grilles installed and repair all resultant damage and refund Janice Matthias all money paid.

And yet, in a letter to me from John Watkins, then Minister of Fair Trading dated 25th April 2001, in regard to this specific case, he states "The Department of Fair Trading advises me that the Home Building Act 1989 requires a licence to be obtained if the work being carried out is in the nature of installing security doors and security windows. I am informed that Domain Home Products Pty Ltd currently holds a Contractor licence under this Act which authorises it to contract for, amongst other areas of work, the installation of security doors and grilles".

Now this is an outright lie, not what the Home Building Act 1989 actually states and not at all what the Tribunal person found.

And so the Department of Fair Trading continue to deceive the public in relation to such security installations. And yet the Police Security Industry Unit knows this and does nothing to stop it. Hundreds of millions of dollars worth of such work done illegally and tens of thousands of people's lives at risk as a result!

Section 41 of the Security Industry Act 1997 provides

- (1) A person is not entitled to charge a fee in relation to a security activity unless the person is, or was, authorised by a licence to carry on that activity
- (2) If such a fee is charged by a person in contravention of this section, the fee cannot be sued for, recovered or retained by that person.

So Premier I put these two questions to you

- (1) Are not those tens of thousands of people who have unwittingly had their security work done illegally entitled to be told that their work has been done illegally and that under the Act they are entitled to claim their money back?
- (2) As a deliberate participant in that duplicity should not the Department of Fair Trading be ordered to not only facilitate that advice to the public but should they not make full restitution to any person who cannot recover their money from the illegal provider?

Again I wrote to the Police Policy Unit, Ken Moroney and Karl Scully about these issues back in August last year but they don't seem to want to know anything about them.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Barry O'Farrell ; Parliament Committee ICAC ; Parliament Committee PIC ; Piers Akerman ; John Kidman ; Alex Mitchell ; Miranda Devine ; Alan Jones ; Ray Hadley ; Chris Smith ; Phillip Clark ; Stuart Bocking ; Steve Barrett ; Shelley Hancock ; Michael Gallacher ; Anne Davies ; Akerman, Piers ; Simon Benson ; Joe Hildebrand

Sent: Sunday, May 06, 2007 3:00 PM

Subject: Snippet # 12 - John Watkins, a "symbol" of the lemma government

Snippet # 12 – John Watkins, a “symbol” of the lemma government?

Dear Premier,

I would like to think that, despite your former Acting Director-General's statement along the lines that henceforth I would be ignored, if not you then at least someone senior in your office would never-the-less still be reading my snippets. I would have thought snippets 1 to 11 contained some very disturbing material and by now you will have ascertained the thread of my snippets which I reconfirm I will be sending to you two or three times a week for at least the next six months.

I would expect that at some time during that six months my snippets will cease being anecdotes and will become evidence of the shambles that is your government's administration of Security Industry legislation and, as far as it relates, the shambles that is your government's administration of the Fair Trading Act.

And so where exactly does John Watkins fit into the shambles?

Let me tell you the story of John Wallis of Glenbrook. During John Watkins watch as Minister of Fair Trading John Wallis had purchased, from one of Sydney's largest advertisers of those products, some \$3,500 worth of security doors to protect his family while he was away on business. Subsequently he read an advertorial that I had written for the local paper in which I advised that anyone selling and installing these products, by law, had to have a Police Security Industry licence and not a Fair Trading Home Building licence. John Wallis rang the supplier and was assured that he had been sold proper security doors to protect his family. He asked for the manager who again confirmed that statement until challenged by Mr Wallis about not having a Police Security Industry licence at which time this manager changed his tune and stated that they did not actually sell security doors but only flyscreen doors which looked like security doors and that accordingly his Fair Trading Home Building licence was the right one.

John Wallis rang the Department of Fair Trading who were categorical that this very large firm only needed a Fair Trading Home Building licence to sell and install security doors and after a long argument he eventually spoke to a manager of the licensing department of Fair Trading. His advice was that "technically the firm were required by law, under the Security Industry Act, to hold a Police security industry licence and as such were exempt from the Home Building Act BUT", he stated that "in the view of the Department of Fair Trading the NSW Parliament had got it wrong when took away authority for the security door industry from their control and handed it over to the police department. Accordingly they would continue to advise people inquiring about such licensing to disregard the Security Industry Act and instead to look for a Fair Trading Home Building licence." [You might refer back to my snippet # 6 – Janice Matthias – Fair Trading Tribunal Hearing BU 2000/9686]

Now I have a number of letters signed personally by John Watkins. Typical is this one ref RML MOI / 1024 dated 25th January 2001.

- Paragraph 3 states that the Home Building Act 1989 requires that a licence be obtained for anyone selling and installing security doors [*wrong – in fact he was replying to a decision at a hearing by one of his Fair Trading Tribunal Members who categorically found that that was totally wrong*]
- and yet Paragraph 4 of his very same letter goes on to state that "in any event the Security Industry Act 1997 requires that anyone selling and installing security products has to have a police security industry licence" and begs the question why should he or his department get involved.

Now I well realise that this letter was written by the Department of Fair Trading for John Watkins to sign but having received so much correspondence from me and written so many letters back to me it surely was obligatory on him to query the advice from his department and to check on the facts. And don't tell me that his "see nothing, hear nothing, say nothing and worst of all do nothing" attitude would be any reasonable defence for the C.E.O. of say Telstra or BHP if they were ever to be investigated for criminal negligence leading to death, rape or injury. Certainly it was not in the case of the Garabaldi Salami director's case or the Leslie William Cooper case or a myriad of other cases that I have already put before you.

John Watkins knew or ought reasonably to have known that his then Department of Fair Trading were deliberately thumbing their noses, and I guess middle fingers, at the parliament, a practice which continues to this day and which continues to put the safety of the family in the home, and I might the elderly living in retirement villages [but I will save that for another snippet], at serious risk.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Barry O'Farrell ; Parliament Committee ICAC ; Parliament Committee PIC ; Piers Akerman ; John Kidman ; Alex Mitchell ; Miranda Devine ; Alan Jones ; Ray Hadley ; Chris Smith ; Phillip Clark ; Stuart Bocking ; Steve Barrett ; Shelley Hancock ; Michael Gallacher ; Anne Davies ; Akerman, Piers ; Simon Benson ; Joe Hildebrand

Sent: Tuesday, May 08, 2007 1:51 PM

Subject: Snippet # 14 - Louise Cook of Glendenning

Snippet # 14 – Louise Cook of Glendenning

Dear Premier,

You might read this one as a father whose children one day are going to move out into the big wide world. I am not suggesting new legislation. I am saying that you have the power to tell your Department of Fair Trading not only to stop their deception of the public, but to correct that wrong that they have been perpetrating on the public over the last twenty years.

Yes, I know that your side of politics have only been in Government twelve years and that rectification will be difficult because of the deeper and deeper hole that Fair Trading have been digging for themselves over the years. But that is no reason to let it go so that your kids will face the same problem twenty years down the track by which time it will truly be too late.

Incidentally, my "Snippet" stories are all real people, all real names, all real suburbs and all real events.

Louise Cook bought security doors on her Glendenning home for the protection of her family and her valuables. Unaware of security industry legislation she purchased security doors from a firm with a Home Building licence. These had decorative cast aluminium lace panelling [which stupidly does comply with the Australian Standards]. She arrived home one day only to find that the lace panelling had been shattered by someone kicking them in and the prospect that the thugs were still inside her home. She lost two televisions, a video, computer games, tools and personal belongings.

She presumed that she had not made it clear to the guy selling her the original security doors that she wanted them at least for the protection of her family which clearly they would not have provided.

So she again shopped around, still unaware of security industry legislation, making it quite clear this time what her expectation from those doors was. This time she spent \$1,500, again from a firm using an illegal Department of Fair Trading Home Building licence and this time steering clear of the decorative lace panels, instead selecting the traditional aluminium diamond mesh panelling. One of these new security doors was over her glass-slider and a few months later she had the glass-slider open for fresh air i.e. her small family were protected by the "security door". Her three year old daughter accidentally ran into the so called "security door" and jumped it right out of the tracking.

She was devastated and rang NRMA for guidance who asked me to go around and have a look. To cut a long story short the Australian Security Industry Association Ltd [ASIAL] formally submitted a complaint to the Department of Fair Trading alleging a breach of the Fair Trading Act [Consumer Protection Legislation] and the illegality of the work.

The response from Fair Trading was that they had spoken to the firm who supplied and installed the security door and that "contrary to the advice given by the Licensed Security Consultant Duncan Kennedy, that firm had assured Fair Trading that Louise Cook's doors had been made and installed to comply with the Australian Standards and so no further action could be undertaken". Lets look at it another way. The Department of Fair Trading said that a security door which would not stop a three year old street thug did not breach consumer protection legislation by the label prefix "security" in front of the word "door". On another occasion the Department of Fair Trading wrote to me that such action was not possible because the term "security door" was not defined under consumer protection legislation. How then do they argue the story in the paper today that GlaxoSmithKline's Ribena breached Fair Trading legislation or is Ribena defined in Fair Trading legislation? What a joke!

The true problem Premier is as admitted by a Fair Trading officer one day, the problem is just too big and they don't have the intestinal fortitude to admit that they have made a colossal stuff up that has become a multi billion dollar fraud.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone

Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; Alex Mitchell ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Wednesday, May 09, 2007 8:50 PM

Subject: Snippet # 15 - Looking after the "Oldies"

Snippet # 15 – Looking after the “Oldies”

Dear Premier,

Watching you on television I would guess that you are now at the age where at sometime in the near future you will be assisting your mother, or perhaps your mother-in-law, make a decision on where she might want to spend the rest of her active life and I would guess that one of the considerations might well be a retirement village for the over 55's. Now please excuse me if I am being presumptive but that is the very question asked of many sons and son-in-laws around your age.

You will no doubt be pleased to know that by law, a developer or manager of any retirement village in NSW must provide any prospective purchaser or lessee with a 38 page Retirement Village Booklet put out by the Department of Fair Trading entitled "Retirement Village Living – An overview of the NSW Retirement Village Laws".

You will be pleased to learn that the Department of Fair Trading, according to that booklet, are indeed most concerned about the safety and welfare of any oldie moving into any retirement village in NSW. In fact in that booklet, "security" gets a mention more than any other topic.

You will be pleased also to learn that any village developer or village manager must provide any prospective purchaser or lessee with a Statutory Declaration type document called a "Disclosure Statement" stating exactly what security is in place for the protection of your loved one.

One of the questions in that Stat Dec, which must be answered, is whether or not the villa [unit or however else described] has been fitted with "security doors" for the protection of your oldie living in that villa. And doesn't it feel great that your "oldie", should she decide to move into a retirement village, is going to be protected to that extent? **Well in reality nothing like that extent at all. It is all smoke and mirrors stuff, an illusion.**

Over the years of course the Department of Fair Trading have convinced most of us that such work requires a Home Building licence – Metalwork Category. Yet nowhere in that booklet does the Department of Fair Trading advise prospective purchasers / lessees that the installation of security doors, [whether described as such by that name or by any other name (such as a "safety" door for example)], by such a licensed firm is illegal and in fact can only be installed by a firm with a Police Department Master Security Industry license using only individually Police Licensed personnel to sell and install those products, the penalty for non compliance being the possibility of six months imprisonment. And of course the Department of Fair Trading also keep that a secret from village developers and village managers who unwittingly provide those Stat Decs that "security" doors have indeed been supplied.

According to Professor Alan Fels, the former chairman of the A.C.C.C., such an omission by a corporation would amount to a breach of consumer protection legislation for which huge fines would be applied. Yet the Department of Fair Trading do this with impunity, merely because they are p..... off that the parliament took that responsibility away from them back in 1985 and handed it over to the police department [who incidentally don't give a damn either].

Compare that with the prosecution by the Department of Fair Trading of L J Hooker Real Estate at North Ryde regarding the Gonzales family home. Although L J Hooker was never asked the question of exactly why that home was being sold the Department of Fair Trading successfully enforced a \$22,000 fine against L J Hooker merely because L J Hooker did not volunteer the information that the home was the scene of a gruesome family triple murder. Hardly likely to cause physical harm to the purchaser is it.

And yet the Department of Fair Trading are quite happy that not only hundreds of thousands of "oldies" across the State believe that they are protected by legally supplied and legally installed security doors when in fact most of that work has been done illegally and will not stop most teenage street thugs. **Yes, Premier, hundred of thousands of illegal and inappropriate security doors in retirement villages across the State waiting to be busted through.** You see the Department of Fair Trading do not give a stuff about real life situations such as the 86 year old woman living in a nursing home sexually assaulted by a man who had thrown a planter box through her locked security door to gain access. For them to make that admission might subject them to a multi billion dollar fraud investigation.

Premier, are you prepared to take that risk with your oldie?

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; Alex Mitchell ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Wednesday, May 16, 2007 10:08 AM

Subject: Snippet # 17 - Fair Trading sure took care of that pesky journalist Colleen Ford eh!

Snippet # 17 – Fair Trading sure took care of that pesky journalist Colleen Ford eh!

Dear Premier,

Yes this story is ten years old but I want you to understand the depth of the hole that your Department of Fair Trading have dug for themselves in regard to security industry legislation. It was in 1992 that the Australian Security Industry Association Limited [ASIAL] first approached the Department of Consumer Affairs in regard to the security door sector of the industry. Despite the efforts of ASIAL every rejection and procrastination by Consumer Affairs just made the mess even greater. At one point an officer of Consumer Affairs told the CEO of ASIAL and me "in confidence" that the issue was "just too big for Consumer Affairs to handle"

and that they "did not have the resources or the inclination to investigate such a major matter".

This is the story of the Choice Magazine journalist Colleen Ford.

Now I did not originally hear this story from Colleen herself but when I asked her she confirmed it.

Colleen had been assigned by Choice Magazine to research and prepare an article on how the Department of Fair Trading went about investigating complaints. Fair Trading invited her to "pick a topic". With some prior knowledge she selected the security door industry. They said "no, pick another". She insisted on the security door industry and was told "that was not an option". She asked whether they "had something to hide?"

Fair Trading then rang Choice Magazine to threaten that if they did not dismiss Colleen Ford for her arrogance then, in the future, Choice Magazine could not expect any cooperation from the Department of Fair Trading on any future investigation. Accordingly Colleen Ford was dismissed by Choice Magazine.

She went freelance and picked up an assignment to write the security segment for the annual NRMA report. NRMA told me that the Department of Fair Trading rang them on three occasions to "advise them that it would not be in their interests to employ Colleen Ford to write that article". To their credit NRMA ignored that advice.

Now I have a two page signed written statement from Colleen Ford making these statements.

- Campaign to have Fair Trading "do something" about the shonky security door industry came to the notice of the information officer at the Australian Consumer's Association
- The Fair Trading Product Safety manager, Bob Laughton argued vehemently that CHOICE should not use security door experiences – not a good example
- It was in fact typical of the stories reaching the Australian Consumers Association. I pursued it.
- Mr Laughton's emphatic argument, which was later, surprisingly, reiterated by the Fair Trading Commissioner, was that consumers did not buy security screen doors for personal safety but installed them to protect their property.
- I had previously personally canvassed a street in Castle Hill and "everyone, without hesitation, said that they had bought it for their personal protection"
- According to my managing editor, Kathy Gray, this case study was dropped "for political reasons".
- The reaction by Fair Trading was extraordinary
- I originally thought it was bureaucratic laziness and perhaps lack of resources
- However, I now think in the light of well documented, entrenched resistance and the fact that the Commissioner himself was prepared to lie about the issue to the Consumer's Association, a more serious problem exists.
- The ignorance about the security screen door industry is wide spread.
- Etc.

Premier, just another building block in the case I am mounting of criminal negligence and fraud by your Department of Fair Trading.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; Alex Mitchell ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Thursday, May 17, 2007 2:45 PM

Subject: Snippet # 19 - Sydney University Student Accommodation

Snippet # 19 – Sydney University Student Accommodation

Dear Premier,

I have so many of these trues stories that I hardly know which way to turn next.

You seem to be a loving caring family man who would be concerned about the safety of your children. Perhaps for one minute you might put yourself in the place of a farming family way out in the west of NSW. It's a tough life and of course they are doing it particularly tough at the moment. Your daughter has passed her HSC with flying colours and you want to provide her with the very best start in life. You manage to get her into student lodgings at the Sydney University Campus for the first year of her university life. You will pray every day that she will be safe in the big smoke and that she will not be attacked, molested, assaulted, robbed, raped or, heaven forbid, even murdered.

Even if you were an avid reader of the papers you would not have any inkling that the Sydney University Campus has around one thousand serious crime incidents per annum [or at least that is what it was four or five years ago] and that they included your very worst fears.

Following an incident where a student had been attacked in his room, I was asked by the University property manager to quote on some twenty eight security doors to protect university dormitories. To comply with fire regulations they had to be "auto egress" for anyone inside trying to get out, whether in an emergency or even just ducking out for coffee, but of course always locked on the outside to prevent any undesirable getting in. In other words, the only way in would be to have the designated key or to be invited in by a resident.

The property manager was aware of security industry regulation and suggested that I quote on the basis of the five security doors which had already been installed by another security industry licensed firm. I asked if I could inspect those doors more closely.

And guess what?

I was able to open each of those locked security doors from the outside using nothing but my fingers. It took less than three seconds. It made no sound. I left no evidence or indication that I had breached those locked security doors. The property manager was flabbergasted. She had no idea that those locked doors could be so easily circumvented.

Yet this is not unusual. I used no special locksmithing techniques. I have learned over the years by observation of how the thugs, crooks, rapists and murders are getting through security locks and security doors installed by people who have not been trained in how the criminals are breaching their security work. It would be no exaggeration to say that this general scenario occurs hundreds of thousands of times across the State.

Now the police security industry unit doesn't give a stuff. The Police hierarchy don't give a stuff. The Department of Fair Trading don't give a stuff.

What about you Premier? If you were in the shoes of that farmer out west, would you give a stuff?

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; Alex Mitchell ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Saturday, May 19, 2007 1:31 PM

Subject: Snippet # 21 - Young Lady - Security Unit at Redfern

Snippet # 21 – Young Lady – Security Unit at Redfern

Dear Premier,

NRMA asked me to go around and see a young lady at Redfern. She lived in a unit in a so called "security" block. She had added so called "barrier security" and yet she had had two serious break and enter incidents. Her unit was on the ground floor and the front door was accessed from a central so called "security" square surrounded by units on three levels. She had a private courtyard separated from the street by a two metre high brick fence. Her kitchen window and lounge room glass slider both faced onto that courtyard.

Now it is my experience that brick fences such as this one very much encourage break and enter attacks. The mortar lines in the brickwork provide convenient toe and hand holds and once over the fence, no one can see what the intruder is doing on the other side of the fence, even if he is making noise.

When I arrived it was also quite evident that the so called "security" intercom access to the central square was anything but "security". It could in fact be easily circumvented in several different ways.

The young lady, although not quite sure how that could be done, had never-the-less been concerned enough to add a hinged "security" door to her front door, a sliding "security" door to her glass slider and a "security" window screen to her kitchen window.

She was totally unaware of the Security Industry Act and she had selected a firm, in fact Sydney Blinds and Screens, one of the biggest advertisers of, and I quote from the Security Industry Act 1997, Clause 3 – Definitions – Security Equipment means any of the following – (b) any mechanical, electronic, acoustic or other equipment designed or adapted to provide or enhance security or for the protection or watching of any property.

Thinking she was doing the right thing she checked that they had a Fair Trading Home Building licence to do the work. What she didn't know was that that firm, at least at that time, was doing the work illegally without a Police Security Industry Licence.

She came home from work one day to find that the so called "security" screen over her kitchen window had been ripped off the window frame and she had had valuables stolen.

A week later, before she had even had time to do anything about the first break and enter, her flat mate was home by herself, she had the glass slider open and was protected by the locked so called "security sliding door". A guy climbed over the fence in broad daylight, ripped the security door off its tracking and attacked her flatmate.

By the time I got there she was so devastated that she wasn't even going to stay there. She had put the unit on the market. She was prepared to take a \$40,000 loss on her original purchase price just to get out of there. **You think that is drastic? NO. Time and time again I came across victims ready to sustain such heavy losses and the inconvenience of shifting house merely because their personal space had been so violated.**

And yet it needn't have happened.

- The Police Security Unit and the Police hierarchy obviously do not care that such a large portion of these types of security works are being done illegally in NSW.
- It is almost as if the Police hierarchy has a policy to fly in the face of the parliament and not to enforce the legislation, thereby condoning higher crime rates in buildings so that they can build their empire with more front line troops.
- Why won't the Police hierarchy tell their front line officers and media relations and Community Safety Officers that their advice to victims should include warnings that it is their own Department which controls the barrier and locksmithing industries?
- And why won't the Police Security Industry Unit supervise standards in the security industry which do not fly in the face of previous rulings, specifically on this question, by the High Court of Australia?

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Friday, May 25, 2007 9:53 AM

Subject: Snippet # 25 - How do you know? # 1

Snippet # 25 - How do you know? # 1

Dear Premier,

I got called to a home at Greenacre. Somebody had broken into their home and they were going on holiday and could I get security window grilling installed on all windows before they left? No problem BUT I recommended that they call in a locksmith and have their front and back door locking systems rectified.

The householder was most indignant. "What do you mean? The locksmith only finished fitting those locks an hour ago". I told him to lock me out. Using a cardboard business card from my pocket and nothing else I was able to open his locked door in just a few seconds. He couldn't believe it and asked me to do it again. "I saw how you did that" he said and rang the locksmith and demanded they come back immediately. The locksmith refused stating that he had installed the locks properly. The householder told the locksmith "Like hell you have. I paid you by cheque and if you are not back here within the hour then the cheque will be cancelled". Had I not been so diligent **how would that householder have known?**

I got called to a terrace house in Newtown. The family had had a break in while they were at home and the lady, who was upstairs when it happened, had had her purse stolen. I was asked to quote on security window grilles.

I recommended that she call in a locksmith and have her front door locking system rectified. "The locksmith only installed it this morning" she said. I was able to show her that I could get in through that locked door using nothing but my cardboard business card. Had I not been so diligent **how would that householder have known?**

My wife bought this house down at Jervis Bay. I recognised the deficiency with the locking systems but was a bit slow to go about getting them replaced. In fact, on a couple of occasions, I had locked myself out and I merely went to the rubbish bin and got an empty Arnott's Jatz carton, tore a piece off and let myself back in. My wife had of course, over many years, heard all my stories of problems in the security industry and I didn't want to worry her so I didn't tell her. Now on one occasion I was called back to Sydney and she locked herself out. She called a locksmith who came around and "picked" the lock and said \$135 thank you very much. He did not tell her that the lock had been so poorly installed that it could be opened with a piece of cardboard. **How professional is that?**

Tens of thousands, in fact probably hundreds of thousands of locks installed on doors and windows across the State are, in one way or another, no better. You have of course seen this done in American crime movies time and time again. In fact the "old credit card trick" doesn't actually work. Celluloid is the best. The American criminals have coined a word for it. They call it "loiding". But hey, a piece of cardboard, a bent screwdriver, a small 150mm engineers ruler, a teaspoon handle, a ballpoint pen, a paperclip, an earpiece of a pair of sunglasses, a wire coat-hanger, vice grips, a concealable jemmy bar, a concealable lump hammer, a hobnail boot, or a dozen similar implements are all in the armoury of the street thug, rapist, home invader or whatever.

More of these stories to follow.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: [Duncan Kennedy](#)

To: [thepremier](#)

Cc: [Joe Hildebrand](#) ; [Simon Benson](#) ; [Akerman, Piers](#) ; [Michael Gallacher](#) ; [Shelley Hancock](#) ; [Steve Barrett](#) ; [Stuart Bocking](#) ; [Phillip Clark](#) ; [Chris Smith](#) ; [Ray Hadley](#) ; [Alan Jones](#) ; [Miranda Devine](#) ; [John Kidman](#) ; [Piers Akerman](#) ; [Parliament Committee PIC](#) ; [Parliament Committee ICAC](#) ; [Barry O'Farrell](#)

Sent: Sunday, May 27, 2007 11:54 AM

Subject: Snippet # 27 - Floriade in Canberra

Snippet # 27 – Floriade in Canberra

Dear Premier,

At the invitation of friends from Sydney my wife and I went down to Canberra for Floriade. We stayed with them in their son's security unit in Barton while he was away.

Yes, yes, Premier, I know that Canberra is not in NSW but it is surrounded by NSW and the problem I am about to relate is standard in NSW too.

When you entered his "security" building the first thing that attracted my attention was the Body Corporate Notice Board and one of the most prominent notices was about the problems they were having with thugs getting into the unit complex and the fact that the Body Corporate had employed a firm of "patrol guards" to call twice a day (a) to check that the doors to the complex were properly locked and (b) to provide some sort of deterrent.

Now you knew when the guard had been to the complex. He left his company card slotted in between the door and the jamb as "proof" that the company was doing its job.

Now I never actually saw the patrol guard over the three days that we were there but I guess that during each twenty four hour period he spent, and let's be very generous here, say twenty minutes all up at the complex.

Now during just one of the other one thousand four hundred and twenty minutes in a twenty four hour period, I took that very company card left by the patrol guard and using that and nothing else circumvented the locked front door to the "security" complex AND circumvented the locked front door of the apartment that we were staying in.

Can we look at that another way Premier? Every time the patrol guard visited the complex he actually left a new set of keys (albeit only a piece of cardboard) to, probably not all, but certainly a good many of the doors to all the units within the complex and certainly to the front door of the complex.

Now either the guarding firm had no idea how locking systems work and this would be the most likely scenario [despite the fact that the guards must see the problem day in day out, they are just not trained to recognise these sort of security defects and probably do not have the professionalism to ask "why?"] or the guarding firm, by not telling the Body Corporate, were ripping them off by providing unnecessary guarding services.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: [Duncan Kennedy](#)

To: [thepremier](#)

Cc: [Joe Hildebrand](#) ; [Simon Benson](#) ; [Akerman, Piers](#) ; [Michael Gallacher](#) ; [Shelley Hancock](#) ; [Steve Barrett](#) ; [Stuart Bocking](#) ; [Phillip Clark](#) ; [Chris Smith](#) ; [Ray Hadley](#) ; [Alan Jones](#) ; [Miranda Devine](#) ; [John Kidman](#) ; [Piers Akerman](#) ; [Parliament Committee PIC](#) ; [Parliament Committee ICAC](#) ; [Barry O'Farrell](#)

Sent: Wednesday, May 30, 2007 4:11 PM

Subject: Snippet # 30 - A small collection of domestic security screen door stories

Snippet # 30 – A small collection of domestic security screen door stories

Dear Premier,

These are all true stories.

One of my most troublesome stories would have to be of the very old lady living in Baulkham Hills. I got a call from Chubb Security asking me to go and see her. Turns out she was home alone on a cold and wet winter's day, knitting in front of the heater, thinking she was safely protected behind her locked security screen door when a couple of street thugs, no more than kids, kicked it down and robbed her. She was crying when I got there and it didn't help to have to tell her that her so called security screen door was nothing more than a "look-a-like" model.

Mr "O" of Sylvania purchased security screen doors, with the "emphasis on security", which he made clear to the vendor. He couldn't believe how easily they were breached. Vendor argued that everyone knows that they are not designed to keep anyone out.

What about Mrs "M" of Chatswood, who purchased "genuine" security screen doors that according to the vendor "would need a four foot long crowbar to get through"? She was home alone with her baby with those security doors locked for her personal protection when young kids, using a sharp stick, broke through them and stole her purse.

I was called to a family at Dundas. Luckily dad was home when the 18 year old daughter was arguing with her ex boyfriend through the locked security screen door and the ex boyfriend had kicked the security mesh right out of the frame of the security door.

A lady at Oakhurst told me that she was inside her home, arguing with her neighbour through a locked security screen door when the neighbour kicked the security mesh out of the frame.

John Tingle MLC for the Shooter's Party told me that when they had a series of incidents in a nearby block of units the Body Corporate installed security doors. One of the ladies doing her washing forgot that it was there and walked into it as she spun around with her washing basket and knocked the security mesh out of the frame

I was called to a lady at North Sydney. She was upstairs making the bed thinking she was protected by her locked security screen door. Kids kicked the security mesh out of the frame and came in a threatened her.

I was called to a home at Kings Park. The place had been burgled while the family were not at home. The intruders had "busted" through the locked security screen door to gain entry. There was so little damage to the security screen door that with a little [very little] touch-up paint it could have been resold to some other unsuspecting householder.

And some stories from the press.

Ralph Mason of Wollongong was murdered by two twelve year old kids who had broken through his locked security screen door sold to him in breach of Fair Trading legislation and sold and installed illegally under NSW Security Industry legislation.

A 42 year old woman from Corlette had a knife held against her throat by a man who broke into her home at 4am by forcing open the rear security door. She was asleep and never heard him.

"Ex-boyfriend assault charges" – A man who ripped a locked security door off its hinges with his bare hands before allegedly assaulting three residents appeared in court

The 84 year old woman sexually assaulted after a man threw a planter box through her security screen door.

Sally the single mother who had her underwear soiled by a perverse intruder who had gained entry through her locked security screen door.

Carole Violette Campbell, dead after her security screen door was breached

David Troy Canham, dead after his security screen door was breached

The 67 year old Mrs Ma, tied up after a break-in through her security screen door.

Terri Gattenhof – Public Housing tenant who had her security screen door smashed down.

The woman from Strathfield who had a hole punched in her security screen door

The Elizabeth Bay woman tied up and robbed after a break-in through her security door

Bill Baker who had his security screen door smashed down

The Winmalee woman stabbed after an intruder got through her locked security screen door

The Sefton man tied up with telephone cable after intruders broke through his security door.

The Public Housing tenant raped after a break in through her so called "security" screen door fitted by the Department of Housing

These are just a very teeny tip of the iceberg Premier. I cannot imagine the amount of heartache that could be avoided if only your Department of Fair Trading and your Police Department [and lets not forget your Department of Housing], would fulfil their charter to the public in regard to consumer protection legislation and security industry legislation as it applies to the barrier security and locksmithing industries.

John Watkins, when he was Minister for Fair Trading, certainly didn't think that the sale of such useless security products as detailed in the above stories, which the vendor had promised could do much more, breached consumer protection legislation, but hey it wasn't his family who had been touched by such preventable crimes was it.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: [Duncan Kennedy](#)

To: [thepremier](#)

Cc: [Joe Hildebrand](#) ; [Simon Benson](#) ; [Akerman, Piers](#) ; [Michael Gallacher](#) ; [Shelley Hancock](#) ; [Steve Barrett](#) ; [Stuart Bocking](#) ; [Phillip Clark](#) ; [Chris Smith](#) ; [Ray Hadley](#) ; [Alan Jones](#) ; [Miranda Devine](#) ; [John Kidman](#) ; [Piers Akerman](#) ; [Parliament Committee PIC](#) ; [Parliament Committee ICAC](#) ; [Barry O'Farrell](#)

Sent: Thursday, May 31, 2007 5:36 PM

Subject: Snippet # 31 - West St. Umina

Snippet # 31 – West St. Umina

Dear Premier,

I was called to a new block of home units at West St. Umina. All of the owners were retirees or of retiring age. They had bought their unit "off the plan". The plans specified that the "garage area would be secure". One of the lady owners was assaulted in the so-called "secure" garage area. Apart from the fact that the automatic roller door to the garage area could be opened, when locked, from the outside using nothing but a length of wire and making no noise at all [and this is how many of these secure garages are accessed by the criminal] AND apart from the fact that the so called "security grilling" covering the very large open areas of the ground floor was nothing more than pool fencing [designed to stop young kids from straying into a pool area] and easily "spread" with the bare hands to gain access, **the entrance from the upper area [accessible from the street] was a covered pergola arrangement with no sides or entry gate.**

Their Body Corporate said to the builder something along the lines "here, hang on a minute anyone off the street can enter the so-called "secure" garage area via the pergola entry without having to commit any act of "breaking. We are told it is going to cost \$12,000 to secure that pergola entry area. Please rectify."

The builder said "Tough, the architect tells me he knows all about security requirements and that the garage area, as built, meets the requirement as a secure garage area as advertised in the sale documents".

The Department of Fair Trading told them "to go away, that it did not breach Fair Trading legislation and did not breach Home Building licensing provisions.

The Police Security Industry Licensing Unit of course was not interested in that aspect, apparently because of the exemption in the Act, along the lines that any builder doing basic security work, such as locks, during the course of construction is exempt.

So the Body Corporate hired the local locksmith to do the work of securing the pergola. Now apart from the fact that the gauge of the bar used was inadequate and the fact that the welds were inadequate [a small shifting spanner would break the welds and then it is a small matter of lifting one bar to create enough space to squeeze through **BUT, I could, by going to one side of the pergola, from the outside reach through the bars and open the gate from the inside.**

Is the Police Security Industry Unit interested that the locksmith didn't know what he was doing either? **NO!**

A bane of the serious security provider is in fact the architect, who has absolutely no practical knowledge of today's criminal reality and who will specify hopeless and inappropriate products because that was what he learned at university or what he found on the internet and no amount of explanation will change his mind because he refuses to admit that he lacks that training in today's criminal reality.

Thousands of whole home unit blocks across the State advertised and sold under the guise of "security" which in reality is just a disguise in order to get a premium on the sale price of the units.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman. Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Monday, June 04, 2007 9:54 AM

Subject: Snippet # 32 - A Montage of Crime Headlines

Snippet # 32 – A Montage of Crime Headlines

Dear Premier,

Yesterday I did a twelve hour drive in the shuttle bus up to the airport and back, including a 3 ½ hour wait at the airport for incoming passengers. You will appreciate that it gives one plenty of time to think.

And I am thinking that perhaps I have been too harsh Premier in what I have been thinking about your competence. Perhaps it is just a case of your staff calling you Mr Mushroom and informing you accordingly and selectively.

So I am thinking that perhaps you personally have no idea of

- The extent of crime across your State
- The nature of crime across your State
- The reason then why householders and business people need to select "barrier" security for their personal protection inside their home and the protection of their employees at work
- Why the Security Industry Act 1997 is so important in that regard
- Why the Security Industry Act 1997 needs to be enforced to the limit
- Why the Security Industry Act needs to be toughened up
- Why the Dept. of Fair Trading need to come clean about their dishonesty in that regard
- Why the Dept. of Housing need to come clean about their dishonesty in that regard
- Etc.

So I am thinking that perhaps what you need is a few succinct headlines that might bring that reality home to you.

- Sex attack in home raid – DT 19/04/01
- Robbery victim (throat) slashed (in bedroom) – DT 4/04/01
- Iron bar, bat in home raid – DT 5/04/01
- (91 year old) Gran tied, robbed – DT 14/04/01
- Baby held in home robbery – DT 18/04/01
- Woman, 83, beaten at home – DT 2/05/01
- Sex attack in home raid – DT 9/04/01
- Magistrate attacked (at home) – DT 18/04/01
- Home invasion injury – DT 2/05/01
- Invaders rob seven – DT 9/05/01
- Breaking-in 100 times – DT 14/05/01
- Woken by three armed men – DT 14/05/01
- Daughter foils home invasion – DT 11/05/01
- Burglars hit resident – DT 15/05/01
- Father (kicked down front door and) held knife at child – DT 21/05/01
- Grandmother assaulted (in home) – DT 16/06/01

- Home invaders target Police Commissioner's neighbour – S-H 10/06/01
- Fears as Mosman home invader grows bolder – DT 18/06/01
- Grandma found in home strangled – DT 20/06/01
- Home intruders foiled – ST 8/07/01
- Burglary was rude awakening – ST 8/07/01
- Man beats home invaders – S-H 8/07/01
- Grandma beats intruders – DT 11/07/01
- Two quick break-ins (to homes) – DT 11/07/01
- Two tied up in (home) robbery – DT 25/07/01

Just an infinitesimal selection of what Mr and Mrs Honest Citizen digest when they read the newspapers or watch the television news

Read in that light the deceit of the Departments of Fair Trading and Housing and the refusal of the Police Security Industry Unit to enforce the legislation is a frightening reality is it not Premier?

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda Devine ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Thursday, June 07, 2007 4:59 PM

Subject: Snippet # 34 - State Government Assistance Funding for Illegal Enterprises?

Snippet # 34 – State Government Assistance Funding for Illegal Enterprises?

Dear Premier,

Please treat this one with discretion. The owner of this particular business has already threatened me, on a building site, with physical harm a couple of years ago. He had contracted to supply and install security screen doors [in accordance with the Developer's Statutory Declaration to purchasers as required under the Retirement Villages Act] at a 300 villa retirement village development without the necessary Police Master Security Industry licence. At the time I was assisting the Project Manager and I had challenged the guy's security credentials.

This story appeared in our local newspaper late last year [13th November 2006], under the headline "Local firm grows" and went on to say

- Murray's South Side Blinds and Security" – [yes "security" is part of their name.]
- Set to move to a bigger site
- Create five new jobs
- **The company has secured NSW Government support to help them with their expansion**

- **David Campbell** announced will receive help through the Illawarra Advantage Fund
- Member for Kiama **Matt Brown** said
- Expansion achieved through rigorous quality control

Now I believe that this company did have the correct Fair Trading licence for the "blind" side of their business but they are using that same licence to sell security doors, safety doors and security window screens when they know full well that **that is illegal under the NSW Security Industry Act 1997** in that the company does not have a Police Master Security Industry licence to enable them to sell such security products and that every employee, including the owner, that sells or installs those products, as defined under the Security Industry Act, potentially faces a term of imprisonment of 6 months as provided for under the Act.

Not only that, but under a specific provision of that Security Industry Act, potentially they could have to refund to their customers every cent that they have ever been paid for security doors, safety doors and security window screens supplied and installed since they set up business in 1998.

And this mess may not even be entirely the owner's fault. The total deception by the Dept. of Fair Trading in regard to these matters and the absolute failure of the Police Security Industry Unit to enforce security industry legislation surely have to account for some of the blame.

Now of course the Police Policy Unit and the Police Commissioner Ken Moroney know about this particular company [and to be fair to Murray's Southside Blinds and Security, the Police also know about hundreds of other companies across the State as well] but they do nothing to stamp out the illegal trading apparently supported by the Government itself. Now, **Matt Brown** at the time was Parliamentary Secretary for Police and **David Campbell** is now Minister for Police, the very Police Department whose responsibility it is to administer security industry legislation (and of course that has been the case for the last twenty years).

Let me spell that out one more time. The government is knowingly funding and supporting illegal security sales, manufacturing and installation operations throughout NSW.

What a joke!

Of course I am assuming incompetence here rather than outright criminality, right? [On the other hand I have always understood that to provide funding for and / or to give encouragement to an entity to commit an act for which those recipients of the funding and/or encouragement would face a potential six months imprisonment would constitute a criminal act in itself would it not? But then I guess I am just an honest Joe who doesn't understand the technicalities of the law]

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Akerman, Piers ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Alan Jones ; Miranda

Devine ; John Kidman ; Piers Akerman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Tuesday, June 19, 2007 4:14 PM

Subject: Snippet # 35 - L J Hooker North Ryde

Snippet # 35 – L J Hooker North Ryde

Dear Premier,

You will of course have noticed that I have given you a week's respite from my "Snippets" to enable you to take care of the natural disaster that is the Hunter Valley.

Today I am going to put these questions to you.

- **Where is the justice?**
- **Where is the equality of the law?**
- **Why do you have one law for us your constituents, yet seemingly in some respects another much lesser law for your government and public servants?**

I refer to the story in the Saturday Telegraph dated 2nd September 2006 under the heading "Sef house agents lose case" heard by ADT judicial member Peter Molony and I believe a subsequent appeal has also failed.

As I understand the case, the Department of Fair Trading found that the L J Hooker Agent Ereca Hinton deliberately failed to inform [i.e. she did not actually state a lie] prospective buyers that a house in Collins St, North Ryde was the scene of the gruesome slayings of the Gonzales family in 2001 and they [the Department of Fair Trading] imposed a fine of \$22,000 against Ms Hinton, her father and the pair's North Ryde real estate agency. In other words the Department of Fair Trading had claimed Ereca Hinton had **lied by omission**.

Talk about the pot calling the kettle black!!!!

The Department of Fair Trading themselves have been deceiving the public of New South Wales for nearly twenty years in regard to Security Industry Regulation first enacted by the NSW Parliament in 1985, [and this was confirmed by the Department of Fair Trading's very own Tribunal finding BU2000/9686] and for at least the last ten of those years, not just "failing to inform", but knowingly and deliberately deceiving the public. This has led to otherwise preventable crimes taking place where people have been killed in their homes [Ralph Mason of Wollongong for example], girls have been raped in their homes [the girl at 130 Good St Harris Park for example], bank tellers have had guns put at their heads and knives put at their throats, people have been the victims of home invasions and of course tens of thousands of people have suffered preventable robbery. It is my estimation that the deception by the Department of Fair Trading has led to the people of NSW purchasing somewhere between \$2 and \$5 Billion [i.e. thousand million] of illegal and worthless security doors, worthless security window grilling, worthless security shutters, worthless security glass, worthless security film for windows, worthless security trellis and worthless security locking systems.

The omission of Ereca Hinton would not have led to any physical harm to any purchaser of that property. Yet that \$22,000 fine and legal expenses would have had to have come directly out of her own pocket.

Yet, those very officers of the Department of Fair Trading, continue to not only lie by omission but in fact by deliberate deception. Are they going to have to personally cough up a \$22,000 fine for every deception? Are they going to have to pay for their own legal representation? Of course not, (a) because you will not allow my allegations a thousand times more serious than the Ereca Hinton matter, to be independently investigated and (b) because it would seem that your government do not recognise the equal application of the law to your constituents and those who administer the law alike.

Then again perhaps I am talking through a hole in my head. I might as well. You certainly aren't listening.

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Miranda Devine ; John Kidman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell

Sent: Monday, June 25, 2007 10:55 AM

Subject: Snippet # 37 - Department of Fair Trading - Advice to Seniors

Snippet # 37 – Department of Fair Trading – Advice to Seniors

Dear Premier,

Here is a conundrum for you Premier: I refer today to the publication by the Department of Fair Trading "The Senior's Guide – Consumer information for older Australians – March 2005".

This "Snippet" is another building block in my campaign to get you to order an independent investigation into my allegations of criminality by the Department of Fair Trading in regard to Security Industry Legislation. Now according to statements in Parliament by Carl Scully and David Campbell [re the handling of the Patrick Power matter by Greg Smith and the DPP], if you were to forward this "Snippet" to the Department of Fair Trading, as you already have done for at least three of my snippets, that would constitute "tipping off" and potentially a criminal act and yet not to do so would seemingly make you complicit in their duplicity. It seems to me then that this "Snippet" gives you no other choice but to order an independent inquiry into my allegations.

According to the Minister's message in the publication "The Senior's Guide" [at the time it was John Hatzistergos]

- The government has a deep commitment to ensuring seniors are treated fairly and with the high respect you deserve
- Inside you will find information on home security.

Now "Protecting your home" takes up two pages and would therefore seem to be significant advice.

The very next page goes on to state that "For work that will cost over \$1,000 (labour and materials) all builders and tradespeople involved must be licensed by the Office of Fair Trading". And of course advertising by the Department of Fair Trading over the years has reinforced that very message.

But that is deceitfully wrong and the Department of Fair Trading know that.

In a letter to the Australian Security Industry Association Ltd [ASIAL] dated 8th July 1997 former Minister for Fair Trading, Faye LoPo, wrote "Security work is regulated by the Security (Protection) Industry Act. Accordingly, any work for which a licence or other authority is

required under the Security (Protection) Industry Act is excluded from the definition of residential building".

This opinion was clearly supported by the Department of Fair Trading's own Tribunal finding BU 2000/9686 held on 6th March 2001.

According to the former chairman of the A.C.C.C. Professor Alan Fels, such an error of fact [erroneous statement] or omission [i.e. not to properly advise the consumer that the correct licence for all security work around the home is a police security industry licence] by a private sector company would make them liable to a fine of up to a million dollars. For a non public company that fine would then of course come out of the pocket of the owner.

And who would prosecute that company? The Department of Fair Trading of course, the very Department who cannot get their own advice to the consumer correct. And if I am right, is a commensurate fine going to come out of the pocket of those responsible in the Department of Fair Trading - of course not? And are we going to advise all those seniors who have taken the Department of Fair Trading at their word that their security provided under a Fair Trading licence is most likely defective? In the light of the home invasion murder at Castle Hill yesterday morning I again say to you that you have no option other than to provide that advice to them.

It is also interesting to read the "Acknowledgments" in that publication. Not one mention of any of the recognised security industry associations like:-

- Australian Security Industry Association Ltd [ASIAL]
- Institute of Security Executives [ISE]
- Master Locksmith Association of Australia [MLAA]
- Locksmith Guild of Australia [LGA]
- American Society for Industrial Security [ASIS]

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Ray Hadley ; Miranda Devine ; John Kidman ; Parliament Committee PIC ; Parliament Committee ICAC ; Barry O'Farrell ; Paul Christenson

Sent: Friday, July 20, 2007 9:49 AM

Subject: Snippet # 44 - Four break and enters in one week!!!!!!

Snippet # 44 – Four break and enters in one week!!!!!!

Dear Premier,

I was called to a brand new "security" block of home units on the Pacific Highway at Chatswood. The developer had made a financial killing merely by adding the promotional prefix "security" to his advertising literature.

The block of units had had four break and enter robberies in one week. And every one of those would potentially have been an assault, a molestation, a rape or a murder had one of

the family members arrived home unexpectedly. And that is not to discount the trauma a homeowner feels when their personal space has been violated by a break and enter robbery.

I was able to get through the locked (so-called) "security intercom door" at the entrance to the unit block using nothing but a bent screwdriver without making any noise and without leaving any sign of forced entry. In any event, even had the locking system been installed correctly, to describe it as a "security" intercom door is to totally deceive the honest citizen not familiar with the workings of the street wise thug. Such an intercom entry system protecting more than one family just cannot be any more than a "convenience intercom" simply by the fact that one cannot trust one's neighbour to be totally diligent at all times.

I was also able to get though the locked entry door to most of the individual units using nothing but a piece of celluloid.

I was also able to get into the "secure" garage area (an hence into the hallways to the units) through the locked roller grille car entry door simply by disengaging the internal controller arm with a length of hooked wire poked through the diamond mesh of the roller door.

I was also able to get through the locked pedestrian security door into the "secure" garage area using several different options such as a bent screwdriver or even just a wooden stick.

Now these "security" deficiencies are replicated thousands upon thousands of times across Sydney and the State and yet your Department of Fair Trading say that under Fair Trading legislation there is nothing deceptive in the above scenario. I know that I am no lawyer but frankly I just don't believe them.

Your Police Security Industry Unit, I guess on the basis that the builder / developer is seemingly exempted from the Security Industry Act, doesn't care about such a scenario either. Again I am no lawyer but I do not reckon that the Act exempts this type of situation if read in conjunction with the aims of the Act.

And what do the front line police officers say when attending these preventable crime scenes. I have met many of them on site and they generally say something along the lines "I just wish somebody would do something about this crap security".

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Miranda Devine ; John Kidman ; Parliament Committee PIC ; Parliament Committee ICAC ; Paul Christenson ; LOP ; Jaymes Boland-Rudder

Sent: Monday, September 03, 2007 10:31 PM

Subject: Snippet # 55 - Deception by Department of Housing

Snippet # 55 – Deception by Department of Housing

Dear Premier,

Once upon a time [in fact in 1989], I appeared before the NSW Standing Committee on State Development investigating Public Sector Tendering and Contracting in New South Wales. At that time, under a NSW State Government contract, my firm was the only one authorised to carry out security window grille and security door work being paid for out of State Government budgeting and yet I believed that we were being given less than 1% of the available work.

In response to a question from one of the Committee Members expressing concern about my testimony as it related to "a \$25 million program to upgrade the security in the Department of Housing properties because of the amount of break-ins and to ensure that the tenants could have insurance cover", I put forward two facts (1) the inadequacy of standards and (2) the lack of compliance with the Security (Protection) Industry Act 1985.

The Department of Housing took exception to this and advised me that they had written to the Committee advising them that I had misled that Committee [I might add that I was under oath]. And there the matter stood whilst for the following two years I battled it out directly with the Department of Housing before eventually I received a letter from them admitting that in their opinion the Australian Standards for security screen doors did not meet the criteria laid down by the NSW Security Industry Legislation and that from that point of time onward they would not designate their doors as having any security value and in fact would henceforth refer to them only as "heavy duty flyscreen doors" and by doing that, in their opinion, "they would not be bound by the NSW Security Industry legislation". And of course that is a total misinterpretation of the NSW Security Industry legislation but it just wasn't worth arguing the point with them any further.

And then in 1992 a public announcement was made with great fanfare that public housing tenants would be given a "New Year present under a State and Federal Government plan to spend more than \$12 million renovating hundreds of houses. Major works would include fitting security doors to homes and units, revamping bathrooms and kitchens, etc"

My firm still held the sole contract with the State Government to supply and install security window grilles and security doors and so I contacted each of the Regional Managers and asked that, as the announcement had made specific mention of "security" screen doors rather than flyscreen doors, could we quote and I was told "no, the Department of Housing had their own contractors for security screen doors". I reminded them that their contractors were not licensed to carry out "security" screen door work and that the work their contractors were carrying out related only to flyscreen doors as stated in letters that I had received from the Department of Housing to that effect. Their answer was that "they had forgotten about that and that what the Minister had meant to announce was that the upgrade related only to the installation of heavy duty flyscreen doors, not security screen doors". I asked whether the Minister would correct his announcement and I was told "no, he wouldn't".

In 1995 the State Government announced under a newspaper headline "Plan to put crime down for the count", a further \$1.8 million to be spent improving home security. And I remind you that all this work continued to be done illegally under NSW Security Industry legislation.

And then in 1997 a young mother was raped inside a Department of Housing townhouse at Claymore and guess what? **Suddenly the Department of Housing's response was that their obligation was to supply "only heavy duty flyscreen doors"**. In other words, in the first place they attempt to allay the fears of their tenants about their personal protection inside their home or townhouse by being quite specific that proper security screen doors were being fitted, (despite the fact that they knew that was not the case), but when an adverse event happens their excuse is no, no, no, all we have installed is flyscreen doors and, despite what our press statements have said, it is your mistake that you thought they were "security" screen doors.

When I walked away from the industry in 2002 I was still fielding phone calls from distressed Department of Housing tenants about being told by DoH officials that proper security screen doors were being installed when even the tenant had doubts. In one particular case the

parents of a mentally deficient person rang me concerned that they had been told by a departmental officer that a proper security screen door had been fitted to their daughter's unit when even they, as honest citizens, had serious doubts about the actual resistance to attack that those doors might provide.

I remind you Premier of the underlying principle of the Security Industry legislation that it is the intent for which a product is used that defines whether or not it is covered under the legislation, not how it is described. In other words one cannot opt out of the legislation by defining it as a flyscreen door if the intent is that it provide or enhance security of a building. All of the propaganda of the DoH regarding the screen doors they are installing leads to the conclusion that the screen doors that they are installing falls under the Security Industry Act. So all of this work (forty or fifty million dollars worth) has been done illegally. If the Auditor-General was to do his job in the interest of the NSW taxpayer then he would see that all of that money was repaid by the various contractors in accordance with the legislation. But then I guess those contractors would claim that the DoH had encouraged them to break the law.

And of course that illegality continues to this day

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Miranda Devine ; John Kidman ; Parliament Committee PIC ; Parliament Committee ICAC ; Paul Christenson ; LOP ; John Ajaka

Sent: Monday, September 10, 2007 5:39 PM

Subject: Snippet # 56 - Building Design

Snippet # 56 – Building Design

Dear Premier,

It is the day after the conclusion of APEC and I am very tempted to write this "Snippet" about the totally hypocritical response from the Police Minister David Campbell and the Police hierarchy following the "Chaser's War On Everything" breach of APEC security.

Make no mistake, I am NOT saying that their outrage was misplaced. What I am saying is that given their total indifference to the administration of Security Industry legislation, placed under their jurisdiction by the NSW Parliament twenty years ago, security legislation designed to protect the everyday householder consumer and everyday employer/employee consumer, that to comment on the Chaser's stunt in outrage was totally hypocritical.

On the other hand, you and the NSW Police have my congratulations on an APEC security job well done.

Instead I thought today that I would give you one incident about building design and security. I have intimate knowledge of the building site practice on a local 300 villa retirement village

development which essentially is no different to most other building practices regarding building design security that I have come across over the last twenty two years or so.

Let me ignore the matter of the misleading "Statutory Disclosure Statements" regarding security screen doors which were the subject of one of my former "Snippets".

The "Statutory Disclosure Statement" (in regard to retirement villages) also demands a statement disclosing whether a "master key" is held by the village operator to access all villas in case of emergency and of course the answer is invariably "yes". As previously advised the Department of Fair Trading put great emphasis on "security" at retirement villages. Now in this case the village developers did not know the difference between a "master" key [which can be copied anywhere by anybody no questions asked] and a "restricted" key [which can only be copied by a single locksmith firm upon receipt of written instructions by an authorised person and the resultant key is numbered and accountable]. In this case the developers were under the impression that a "master key" could not be copied without consent. And so "master" keys were handed out willy-nilly to plumbers and plumber's apprentices, and electricians and electrician's apprentices, and to the carpet man, and painter and airconditioning man and kitchen man and bathroom man and to all and sundry tradesmen and their apprentices and the on-site labourers. And none of the locks were changed when a new owner moved into a new villa in the village and even had they been changed the "master" key, a copy of which could now be in the hands of criminals, perhaps even the plumber's apprentice criminal, would still open the villa door without making any noise or leaving any sign of forced entry.

The village's emergency response system from each villa passed through a locked PABX room attached to the remote bus shelter and the electricity to every villa passed through another locked electrical control room also attached to the same remote bus shelter. The village's emergency response system was for both security and medical purposes. Yet the response centre did not hold a police security control room licence. The locks on the doors to both the PABX room and the electrical control room could be easily opened with a pocket knife, or any one of a dozen other such implements, without making any noise or leaving any sign of forced entry. The manhole into the ceiling of this entire building was above the bus shelter and therefore easily accessible by street kids wanting to vandalise the phones or electricity, or by a gang wanting to disable those systems in order to commit crimes within the villas, merely by climbing on the bus shelter seating, up through the ceiling and down into the locked PABX or electrical room.

The local locksmith on being asked to rectify the locking systems stated "if I quote to do it properly, it will be too expensive for you and you will get someone else to do it cheaper and you just won't know that it has not been done properly".

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

Phone
Mobile

----- Original Message -----

From: Duncan Kennedy

To: thepremier

Cc: Joe Hildebrand ; Simon Benson ; Michael Gallacher ; Shelley Hancock ; Steve Barrett ; Stuart Bocking ; Phillip Clark ; Chris Smith ; Miranda Devine ; John Kidman ; Parliament Committee PIC ; Parliament Committee ICAC ; Paul Christenson ; LOP ; John Ajaka

Sent: Wednesday, September 19, 2007 9:13 PM

Subject: Snippet # 59 - Firms offering "Tradesman Finding Services"

Snippet # 59 – Firms offering “Tradesmen Finding Services”

Dear Premier,

Believe me Premier, this story is typical of probably all “Tradesmen Finding Services” being advertised on radio and on the internet as they relate to services in NSW, not to mention a large proportion of those advertising directly in the Yellow Pages, in the Daily and Local papers, in magazines and directly on the internet.

I refer specifically to the extensive radio advertising by a firm called ServiceCentral. You give them a ring. You tell them what service you want. They ask what suburb and how many quotes you want. **And (according to the advert) they give you a guarantee that they have checked out the qualifications of all tradesmen who will contact you.**

Just out of interest, yesterday I rang the number given [1800 service] and I explained to the operator that my daughter lived in Castle Hill and that I wanted to provide her with a proper security screen door to protect her and her family inside their home. I confirmed that their advert guaranteed the qualification of all contractors and asked that, for my own peace of mind, could they confirm the type of licence necessary to carry out that work.

The operator in Sydney did not know but stated that he would transfer me to their Head Office in Victoria. I spoke to a Karen and I posed the same question. She too did not know the answer but said that if I gave her a minute she would check with their internal department that handled all that qualification and insurance checking criteria.

She came back to me and advised that “any firm selling and installing security screen doors in NSW was not required to hold any licences at all”. She added that “apparently anyone could set up such a business and carry out that work without any qualifications whatsoever”.

Now of course that is totally wrong.

For twenty years it has been illegal [given that the Act carries provision for imprisonment it might even be criminal] in NSW to carry out that sort of work without a Master Security Industry license administered by the Police Security Industry Unit and without an individual Security Industry license for each salesperson and installer of those products also administered by the Police Security Industry Unit. The Police Security Industry Unit have known about this deceptive practice of these companies for at least 6 or 7 years but they are happy to ignore it.

Likewise the Department of Fair Trading argue that to give such an erroneous guarantee does not breach NSW Fair Trading legislation, and you know Premier, **I just don't believe that.**

Let me give you some headlines from the last few days

- The Daily Telegraph 13/09/07 – Bashed granny dies in hospital [91 year old woman was attacked as she slept in her home in Melbourne]
- The Daily Telegraph 14/09/07 – Sisters tell of their home invasion terror – They threatened to cut off our fingers and hurt mum
- The Sunday Telegraph 19/09/07 – Brazen bid to snatch toddler – Father foils abduction from inside home
- South Coast Register 17/09/07 – Theft leaves heavy toll [stole Nintendo, Playstation, CD player etc from the bedroom of young lad with Asperber's Syndrome]

Now forget whether these people had appropriate, indeed any, security that may have prevented these crimes. Families read these headlines and stories and they go out and order security doors etc. to protect them and their families inside their home.

My argument is that every break and enter into a home is potentially a murder, rape, assault, molestation, or trauma and if the home owner wants to buy protection for their family then they are entitled to rely on the law to ensure that they get a product that will meet their reasonable expectation.

Little do those consumers suspect that the Police Security Industry Unit [charged with the responsibility of ensuring that (a) the work is not done illegally under NSW law, (b) that appropriate standards are set for such products and (c) that those standards are adhered to], don't seem to care.

Little do they suspect that the Department of Fair Trading not only encourages that work to be done illegally in breach of NSW Security Industry legislation but the Department of Fair Trading are quite happy to have these firms mislead the consumer about the competence of all those firms they will be referring, and I would argue in clear breach of Fair Trading legislation.

It seems to me Premier, reading the Security Industry Act 1997 (and its predecessor Act), that after twenty years of deception it is going to be one hell of a mess for your government to now clean up **especially if the consumer's entitlement as provided for under Section 41 of the Security Industry Act is to be honoured.**

As usual, feel free at any time to say "enough" and order an independent inquiry into my allegations and into the security industry in general.

Yours sincerely
Duncan Kennedy

I trust that this further information provides your Committee with serious matters for their contemplation. I trust also that from reading these extracts you appreciate my resolve to have my concerns and allegations properly addressed by the Parliament of NSW.

You might also refer to the Adjournment Speech by John Ajaka MLC in the Legislative Council on Tuesday 25 September 2007 at 2:30pm

Yours sincerely

Duncan Kennedy