

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Wednesday 20 August 2014

Examination of proposed expenditure for the portfolio areas

POLICE AND EMERGENCY SERVICES, SPORT AND RECREATION

CORRECTED

The Committee met at 9.00 a.m.

MEMBERS

The Hon. S. Mitchell (Chair)

The Hon. T. Khan
The Hon. C. J. S. Lynn
The Hon. P. G. Sharpe

Mr D. M. Shoebridge
The Hon. L. Voltz
The Hon. S. J. R. Whan

PRESENT

The Hon. Stuart Ayres, *Minister for Police and Emergency Services, Minister for Sport and Recreation, and Minister Assisting the Premier on Western Sydney*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

CHAIR: Good morning everybody and welcome to the public hearing for the inquiry into budget estimates for 2014-15. Before I commence, I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders, past and present, of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Ayres and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Police and Emergency Services, and Sport and Recreation. Today's hearing is open to the public and is being broadcast live via the Parliament's website.

In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete your evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could answer only if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Minister, I remind you and the officers accompanying you are that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. I remind everybody to turn off their mobile phones for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

PETER SELBY HASTINGS, Commissioner, New South Wales Crime Commission, and

VICKI D'ADAM, Chief Executive Officer, Ministry of Police and Emergency Services, affirmed and examined:

ANDREW PHILLIP SCIPIONE, New South Wales Commissioner of Police,

NAGUIB KALDAS, Deputy Commissioner, Field Operations, NSW Police Force,

DAVID HUDSON, Deputy Commissioner, Corporate Services, NSW Police Force, and

CATHERINE BURN, Deputy Commissioner, Specialist Operations, NSW Police Force, sworn and examined:

CHAIR: I now declare the proposed expenditure for the portfolio of Police and Emergency Services, Sport and Recreation open for examination. For the information of the Minister and witnesses, there will be no questions from Government members and the Committee has resolved to question the portfolio of Police from 9.00 a.m. until 10.30 a.m., Emergency Services will run from 10.30 a.m. to 11.30 a.m., at which point we will have a break and resume at 12.15 p.m. to examine the portfolio of Sport and Recreation until 1.05 p.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. PENNY SHARPE: Minister will you inform the Committee what the current authorised strength of the Police Transport Command [PTC] is?

Mr STUART AYRES: The authorised strength of the Police Transport Command currently stands at 520, with 40 positions being added in August.

The Hon. PENNY SHARPE: Will you let the Committee know what the current operational full-time equivalent of the command is?

Mr STUART AYRES: I will refer that question to the commissioner.

Mr SCIPIONE: I am happy to take the question. Deputy Commissioner Burn has executive responsibility so I might hand it over to Ms Burn.

The Hon. PENNY SHARPE: Yes, I am aware of that. I am happy to ask Ms Burn. Whoever has the numbers, I am happy to hear them.

Ms BURN: You want the operational—

The Hon. PENNY SHARPE: I want to know how many officers there are.

Ms BURN: Currently there are 442 officers. That is the actual strength. We have just been given 40 additional authorised positions, which brings it up to 520 authorised. We were 40 under; we are now 80 under, which is 442.

The Hon. PENNY SHARPE: Can you confirm how many of those within that 442 are seconded from other local area commands? Are there still 45 secondments?

Ms BURN: Yes, we still have 45 secondments, 15 from each of the three metropolitan regions. As part of our strategy in the Police Transport Command we will continue a small portion of the strength as being secondments.

The Hon. PENNY SHARPE: So it is safe to say that, even though the strength is at 521, only 397 permanent officers are working in the command?

Ms BURN: In regard to permanent officers as of today. But it is important to say that as at the end of August we will have completed recruitment action for the majority of another 40 positions and we have selected those officers. We are just waiting on transfer dates and they are permanent positions. We have recruitment

action out and we are negotiating other transfer dates. So of the 80 that are currently not filled we will have a residual of only seven vacancies which we will put back out to recruitment action.

The Hon. PENNY SHARPE: I would argue that there are 124. Can you confirm that, on average, the PTC has recruited about 10 officers a month?

Ms BURN: It is probably a bit more than that. We have been doing a lot of proactive recruitment strategies and we are hitting a very good time now, with the command now established. We are getting some good results and we are attracting people to the command in greater numbers.

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

Ms BURN: In attrition?

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

Ms BURN: I will have to take that on notice.

The Hon. PENNY SHARPE: I have documents from you that say—

Ms BURN: I do not know the exact figure.

The Hon. PENNY SHARPE: So it is net that you are getting about six officers a month, is that right?

Ms BURN: I do not know the exact figure but it is not unusual to have officers moving in and moving out regularly.

The Hon. PENNY SHARPE: Sure, but on those figures it is clear that there is no way that the Police Transport Command will have enough officers. Minister, do you acknowledge today that the PTC will not have the 610 officers by December 2014—something to which both Ministers for Police, the Minister for Transport and both Premiers are committed?

Mr STUART AYRES: No, I am confident that by December 2014 we will have the 610 authorised officers. Taking into consideration—

The Hon. PENNY SHARPE: Is that permanent officers recruited to the command? You believe there will be the 610 to which this Government is committed, even though you are currently 124 under and recruiting six a month?

Mr STUART AYRES: Yes, I believe we will get to 610 on our authorised strength, recognising that we look for a target well in excess of 90 per cent from an operational capacity. Given that we recruit police officers three times a year and there is movement across all our commands and the allocation of those—

The Hon. PENNY SHARPE: The recruitment to this command has been a complete failure.

The Hon. TREVOR KHAN: Point of order: The member is clearly speaking over the Minister. The Minister is answering the question quite reasonably and is clearly relevant yet this member continues to talk over the top of the Minister. He should be allowed to answer the question without rude interruption.

CHAIR: Order! I uphold the point of order. The Minister should be able to finish his answer.

Mr STUART AYRES: The allocation of resources is for the commissioner and the Government's commitment is for 610. I am confident that the Government will meet that authorised target of 610.

The Hon. PENNY SHARPE: Yes, I realise that you understand the difference between authorised and actual officers in the field. Commissioner, are you confident that you are going to get to 610 officers by December 2014—officers permanently allocated to the Police Transport Command?

Mr SCIPIONE: Ms Sharpe, I think there are a couple of things here. First and foremost, I think the Government's commitment is to increase the strength to 610 by December.

The Hon. PENNY SHARPE: Yes, Commissioner, I understand that but—

The Hon. TREVOR KHAN: Point of order—

The Hon. PENNY SHARPE: No, I am clarifying the answer. Stop running cover for the Minister. I want to clarify with the commissioner exactly what I am asking.

CHAIR: Order! The Hon. Trevor Khan has taken a point of order and he is entitled to do so.

The Hon. TREVOR KHAN: It is clear that the member is becoming excitable. The commissioner is answering the question reasonably and is entitled to complete his answer without the member jumping down his throat.

CHAIR: Order! The commissioner will answer the question that was asked of him.

Mr SCIPIONE: Ms Sharpe, as I indicated, the Government's commitment is that there would be an increase in authorised strength to 610 by December 2014. We are expecting that that will be the case because we know we are budgeted for extra salaries as and from December. There is always a lag between when we have an increase in strength to when we recruit against those numbers. For a whole host of reasons we need to either second or permanently transfer and that is on the basis that people are available. If we are taking them from other command areas, which is invariably where they will come from, they have to clear their commitments. They could well have leave commitments, court commitments—a whole range of reasons why they may not be there in December. But we are working towards filling that 610 as quickly as we can because we will be funded for those positions as and from December.

The Hon. PENNY SHARPE: Yes, I understand the funding arrangements; it is the actual officers on the ground. Commissioner or Minister—whoever wants to answer the question—why was advice in May provided that said that on current arrangements it is anticipated that the actual numbers of officers by December this year will be 428 rather than 610?

Mr STUART AYRES: I can take that on notice.

The Hon. PENNY SHARPE: So you are saying that even though you are confident you have had advice there has been advice from within police that on current trends there will be only 428 permanent officers allocated to the command. You are saying that you are going to take that on notice even though you are completely confident that we will get to 610?

Mr STUART AYRES: Yes.

The Hon. PENNY SHARPE: There is a range of matters and I know that the command is trying hard to fill the numbers but simply cannot get police to work for the Police Transport Command. There has to be some drastic action. Can I check what number of temporary transfers you are expecting to have by December 2014?

Ms BURN: Temporary transfers in terms of secondments?

The Hon. PENNY SHARPE: Well, secondees from other areas. There are 45 now.

Ms BURN: By the end of December we will probably have about 35 secondees.

The Hon. PENNY SHARPE: Is that on top of the 45 you currently have?

Ms BURN: No, it will probably be about 35 because the recruitment action we have currently is for permanent members. We keep a small proportion, so we are keeping 35 at least to be seconded in. We think that is a good strategy, to rotate officers in and out, rather than to have them there permanently. But our recruitment—

The Hon. PENNY SHARPE: Is that because you simply cannot get officers who want to work permanently in the command?

Ms BURN: Not necessarily because at the moment—

The Hon. PENNY SHARPE: Even though every position has been designated as hard to fill? Every time there has been a recruitment round there has been a insignificant number of applications, even for the positions that have been there. When are you going to admit that police simply do not want to work in the Police Transport Command?

Ms BURN: I think that is an unfortunate statement for the 442 officers who are there.

The Hon. PENNY SHARPE: I am glad they want to do that.

The Hon. TREVOR KHAN: Point of order—

Ms BURN: I think that they—

Mr DAVID SHOEBRIDGE: The witness is taking issue with the question; is that your point of order, Trevor? The witness is cavilling with the question?

The Hon. TREVOR KHAN: If you want to take the point of order, David, you can do so. But I will take this point of order.

Mr DAVID SHOEBRIDGE: I will take that point of order.

CHAIR: Order!

The Hon. TREVOR KHAN: Point of order: My point of order remains the same. The witness is entitled to answer the question without the member running over the top of her. The witness was answering the question and she is not getting the opportunity of completing her answer before Mr David Shoebridge asks a further question. It is unreasonable interference with the witness answering.

The Hon. STEVE WHAN: Called to order for your silly, trivial points of order.

CHAIR: Order!

The Hon. PENNY SHARPE: A point of order that goes for a minute is over the top.

CHAIR: Order! I do not up uphold the point of order, but I ask the witness to finish her answer to the question.

Ms BURN: The officers we have at the Police Transport Command are doing an absolutely tremendous job and they want to be there. I go out and I visit them. I have been to their office at Central and at Parramatta. I go out and I talk to them.

The Hon. PENNY SHARPE: Thank you, Deputy Commissioner, that is fine. I understand that and I respect the work of the Police Transport Command. It is a very difficult job working on the rail network. My concern is that we do not have enough of them and we cannot get enough of them actually working in the area. Can I confirm that when you talk about filling the numbers that you have brought forward the establishment of a satellite command at Morisset?

Ms BURN: We have. We have brought forward the establishment of Morisset and all those positions have now been filled.

The Hon. PENNY SHARPE: Do you think the main reason for that is that it is a desirable location and that is how you have been able to bolster the numbers by 18?

Ms BURN: I do not know why people would necessarily want to work there but it is a good location and it is a location where we certainly need a presence.

The Hon. PENNY SHARPE: I am not quite sure to whom to direct this question. Is the command considering adding special constables to prop up the numbers of the Police Transport Command in the future?

Ms BURN: We have not considered adding special constables. At the moment the recruitment is going very well; we have surplus numbers.

The Hon. PENNY SHARPE: You are 100 short.

Ms BURN: Yes, because we have just had 40 added last week. We have just had 40 authorised trained added.

The Hon. PENNY SHARPE: You have been consistently under.

Ms BURN: And we will have another 89 added by the end of December. So we are going to have to continue the recruitment action. That definitely is a given, but employing special constables has not been a strategy that I have looked at whilst I have had that command.

The Hon. PENNY SHARPE: Has it been looked at previously?

Ms BURN: I am not aware of that.

The Hon. PENNY SHARPE: Minister, while a lot has been made of the large, visible operations—I noticed the grandiosely named one put forward yesterday—do you acknowledge that concerns of commuters around security are far less about peak times and large operations than day-to-day train travelling in out-of-peak hours, and wanting to feel safe but not seeing any visible security presence?

Mr STUART AYRES: The feedback I have received from the public is that they are very happy to see police officers—

The Hon. PENNY SHARPE: When they see them, sure.

Mr STUART AYRES: They are very happy to see police.

The Hon. PENNY SHARPE: I am asking about outside your Colossus operation?

Mr STUART AYRES: The feedback I have from the public is that they are very happy to see police across all modes of transport, not just trains. We also have Police Transport Command on transport hubs utilised by commuters who use ferries, buses and trains. The statistics and figures that support the transport command and its presence are overwhelming. We have seen in the two years of operation—

The Hon. PENNY SHARPE: Yes, that is fine. I have those figures, thank you. They are already public.

Mr STUART AYRES: —5,000 arrests, 9,000 charges laid, over 100,000—

The Hon. PENNY SHARPE: So, Minister, you are not acknowledging—

The Hon. TREVOR KHAN: Point of order: The Minister is answering the question.

The Hon. PENNY SHARPE: No, he is not.

The Hon. TREVOR KHAN: He is being relevant—

The Hon. PENNY SHARPE: He is not.

The Hon. TREVOR KHAN: —to the question and he should be allowed to answer it without this member constantly jumping over the top.

The Hon. LYNDA VOLTZ: You have interrupted every single answer.

The Hon. TREVOR KHAN: No, I actually have not.

The Hon. LYNDA VOLTZ: Yes you have.

The Hon. TREVOR KHAN: I could have, Lynda, but I have chosen to give the member a degree of latitude.

The Hon. STEVE WHAN: I think people watching should know that the Government is running interference for the Minister.

The Hon. LYNDA VOLTZ: You are running interference.

CHAIR: Order!

The Hon. STEVE WHAN: You have no confidence in your Minister, is that your problem?

CHAIR: Order! Committee members will come to order.

The Hon. LYNDA VOLTZ: So the Minister is incompetent?

CHAIR: Order! The Minister can conclude answering the question.

The Hon. PENNY SHARPE: No. There is no need for the member to be rude or run interference for the Minister.

CHAIR: Order! Opposition members will cease interjecting and give the Minister the courtesy of listening to his answer.

The Hon. PENNY SHARPE: No, actually I want to move on from that. Is the dumping of the guardian services—

CHAIR: Order! I have ruled that the Minister can conclude his answer to the question the member asked.

The Hon. PENNY SHARPE: He is telling us what he did at a press conference yesterday. We have seen it.

Mr STUART AYRES: The Police Transport Command has issued over 1,000 infringements. It has conducted more than 470 structured operations—

The Hon. PENNY SHARPE: That is good Minister. What do you say to the women—

Mr STUART AYRES: —and the public continue to see—

The Hon. PENNY SHARPE: —in this city who do not like travelling at night because they never see a security presence?

Mr STUART AYRES: Women who travel on the train will see a security presence through—

The Hon. PENNY SHARPE: They do not. Thirty-eight per cent of people say that security on the rail network is their number one issue. Large operations have their place; no-one is denying that. My question to you is: What do you say to the people who do not see a security presence, day in and day out, when they are trying to travel around the city, particularly at night?

Mr STUART AYRES: I think the presumption that the only thing the Police Transport Command does is structured and organised operations would be a false assumption.

The Hon. PENNY SHARPE: That is not what I am saying at all. I am asking you how do you think commuters feel, given they identify security as their number one issue? How are you responding to that when the Police Transport Command is grossly understaffed?

Mr STUART AYRES: We have continued to recruit for the Police Transport Command, as you have heard today. We will continue to run structured operations and we will continue to tackle crime right across the transport networks. The overwhelming response from the public is that they like to see police officers in major transport hubs and across the transport network.

The Hon. PENNY SHARPE: My next question is based on something from last year's budget estimates hearings: The issue of people on trains calling 000. Commissioner, last year I asked a question about announcements I heard about what to do if people are seen smoking or whatever. I am aware that new stickers have been posted inside carriages across the train network that, basically, give commuters only one option if they are concerned about what they see, and that is to call 000. How comfortable are you with that?

Mr SCIPIONE: Not having seen the stickers you talk about, nor having had any of those brought to my attention, the reality is that when people are in a train or if they are anywhere and see a crime being committed and they believe there needs to be a response immediately by police, then 000 is an appropriate number to ring.

Mr DAVID SHOEBRIDGE: Minister, it is good to see you at your first budget estimates hearing. Commissioner, what is the current number of serving police who have criminal convictions?

Mr SCIPIONE: The most recent advice I have—and this is as recent as March this year, I think—is that we currently have 430 officers who have some previous conviction.

Mr DAVID SHOEBRIDGE: So your evidence is that as of March there were 430 police officers with a previous conviction. What do you mean by "previous conviction"?

Mr SCIPIONE: That have a conviction.

The Hon. TREVOR KHAN: Priors, you mean?

Mr DAVID SHOEBRIDGE: Are they currently serving officers who were convicted prior to their recruitment with the NSW Police Force?

Mr SCIPIONE: No, not necessarily.

Mr DAVID SHOEBRIDGE: The figures provided by the NSW Police Force under a Government Information (Public Access) [GIPA] Act request in March show there were 421 officers with pre-employment convictions. Are they the figures to which you are referring?

Mr SCIPIONE: No, because I think the question you asked me was how many serving officers had convictions.

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

Mr SCIPIONE: I would have to take that on notice. I need to clarify that.

Mr DAVID SHOEBRIDGE: How many officers did you say had convictions?

Mr SCIPIONE: In March 2014 I am advised that the number is 430.

Mr DAVID SHOEBRIDGE: And how many of those convictions were prior to their engagement as New South Wales police officers?

Mr SCIPIONE: The advice is, in terms of those convictions, 414 pre-date 1 September 2007.

Mr DAVID SHOEBRIDGE: But if you could answer my question: How many of those were convictions prior to their recruitment as police officers?

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

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

Mr SCIPIONE: So I am advised.

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

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

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

Mr SCIPIONE: No. I would have to take that on notice.

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

Mr SCIPIONE: I would have to take that on notice for you.

Mr DAVID SHOEBRIDGE: Commissioner, when the issue of police convictions was first raised in public, in a statement that was published in the *Daily Telegraph* you said, "In the majority of cases, these officers will have been convicted of a low range PCA or similar offence." Do you stand by that statement?

Mr SCIPIONE: I clarified this publicly since that was published and, to make it abundantly clear, when that statement was made, it was on the basis that when we talk about a conviction for a PCA offence, we do not necessarily discriminate between low, medium and high range, although there are differences. It is a bit like when we talk about a sexual offence. We do not talk necessarily about the variations—everything from an indecent assault through to a serious sexual assault or committing an act of indecency. What we talk about is the offence, and the offence of low-range PCA or similar falls into the category of driving with a prescribed concentration of alcohol in the bloodstream.

Mr DAVID SHOEBRIDGE: Commissioner, a low-range PCA offence is in no way similar to a high-range PCA offence. One carries a very serious jail term and it is treated as one of the most serious criminal offences on the statute books. However, a low-range PCA is a far lesser offence. They are not apples and apples, are they?

Mr SCIPIONE: If you are talking about the penalties, they are different; but if you are talking about the ingredients there is only one that changes and that is the level of alcohol in your bloodstream. If it is driving a car on a road with alcohol in your system, they are pretty consistent. The others are the quantity and then, of course, there is an outcome that comes from being caught and convicted.

Mr DAVID SHOEBRIDGE: Commissioner, the moral culpability is far more severe for driving with high-range PCA, completely drunken and being an absolute unmitigated menace effectively in charge of a lethal weapon. That is treated as one of the most serious offences on the statute books.

Mr SCIPIONE: Clearly, it is serious—so much so that if you have a driving conviction and you want to join the NSW Police Force, if it is high-range you will be excluded for 10 years and two years if it is low. There is a difference, clearly, in terms of the outcome, but the ingredients of the offence are clearly one and the same in many of the issues and examples I have given you.

Mr DAVID SHOEBRIDGE: Commissioner, when you gave that statement to the *Daily Telegraph*, it was simply untrue to say, "In the majority of cases, these officers will have been convicted of a low range PCA or similar offence," because even within the range of prescribed content of alcohol offences, only 21 per cent of those were low range and 79 per cent of the drink-driving offences were of mid or high range. You know that now, do you not?

Mr SCIPIONE: If the question you are asking me is—

Mr DAVID SHOEBRIDGE: No, I am putting the proposition to you quite clearly that the statement that you gave to the *Daily Telegraph* was blatantly and palpably untrue.

Mr SCIPIONE: No, not in my mind.

Mr DAVID SHOEBRIDGE: I make it very clear that is what I am putting to you.

Mr SCIPIONE: Again, you need to understand that is what operated on my mind. That was my view.

Mr DAVID SHOEBRIDGE: You thought a low-range PCA was the same as a high-range PCA, notwithstanding the fact that one carries a very serious criminal penalty—including substantial imprisonment—and the other does not? Is that what are you telling the Committee.

Mr SCIPIONE: All drink-driving is a crime—low range, medium range or high range.

Mr DAVID SHOEBRIDGE: Yes, but high-range PCA is a far greater crime than low-range PCA.

CHAIR: Order!

The Hon. TREVOR KHAN: Point of order: The member is falling into the same trap. His blood temperature is clearly rising. He is not allowing the Commissioner—

The Hon. LYNDA VOLTZ: Can you not call a point of order without insulting people?

The Hon. TREVOR KHAN: The Commissioner is entitled to answer the question without interruption from the member and the Commissioner is not being granted that opportunity at the present time.

CHAIR: Once again, I uphold the point of order. The Commissioner can answer the question that has been asked of him.

Mr SCIPIONE: As I have said, all drink-driving is a crime—low, medium, high range. I acknowledge there is certainly greater penalty and greater severity around a high-range driving offence, and when I made those comments earlier in the year, they related to drink-driving traffic offences primarily.

Mr DAVID SHOEBRIDGE: Commissioner, that statement you made was the subject of a complaint under Part 8 of the Police Act to the NSW Police Force, was it not?

Mr SCIPIONE: I understand that it was, yes.

Mr DAVID SHOEBRIDGE: You know it was the subject of a complaint, do you not?

Mr SCIPIONE: Certainly there was a complaint that was received, yes.

Mr DAVID SHOEBRIDGE: About that statement?

Mr SCIPIONE: I am not sure if it was about that statement, but certainly I presume the complaint that was made was something that related to my statement that was made, yes.

Mr DAVID SHOEBRIDGE: Well, someone in the NSW Police Force—someone whom you are in charge of—undertook an investigation of the complaint, did they not?

Mr SCIPIONE: Yes.

Mr DAVID SHOEBRIDGE: Who was that?

Mr SCIPIONE: I understand it was the Professional Standards Command [PSC]. I do not know who it was, but the command was the PSC.

Mr DAVID SHOEBRIDGE: The Professional Standards Command that you are in charge of dismissed the complaint against you, did they not?

Mr SCIPIONE: I was not advised there was a complaint until after the complaint had been investigated and the advice had been provided that the matter had been dismissed.

Mr DAVID SHOEBRIDGE: Let me get this right: There was complaint about the accuracy of your statement, it was investigated by the Professional Standards Command, under your command, and they never asked you about it?

Mr SCIPIONE: Correct.

Mr DAVID SHOEBRIDGE: Do you not recognise that that is a mock complaints process? There is someone under your command subject to your direction investigating you and they do not even have the capacity, it would appear, to ask you questions about it?

Mr SCIPIONE: They can ask me any question they might like but at the end of the day they did not because they believed they had enough information, clearly, I would assume, to finalise the complaint. The complaint was not only made to the NSW Police. I understand it was made somewhere else or that there was a complaint that had been raised with the Ombudsman.

Mr DAVID SHOEBRIDGE: You spoke to the Ombudsman, did you not, about the complaint that was raised?

Mr SCIPIONE: Not about a complaint against me.

Mr DAVID SHOEBRIDGE: Did you not talk to the Ombudsman on 2 April about the complaint that had been made against you and was being investigated by the Ombudsman?

Mr SCIPIONE: Not about the complaint against me, no.

Mr DAVID SHOEBRIDGE: Are you sure about that?

Mr SCIPIONE: I have a regular meeting with the Ombudsman and that Ombudsman's meeting is about issues that touch on the day-to-day business of the NSW Police Force. That is a regular meeting and certainly it did happen in April. I had not been advised of the complaint until after the complaint had been investigated.

Mr DAVID SHOEBRIDGE: Did you speak to the Ombudsman on 2 April about concerns you had about comments that had been made by an Ombudsman's officer regarding a complaint about you?

Mr SCIPIONE: No.

Mr DAVID SHOEBRIDGE: Commissioner—

Mr SCIPIONE: I might just finish that though. I have since been written to by the Ombudsman who agrees that the matter is finalised, finished.

Mr DAVID SHOEBRIDGE: You must have a different copy of the letter from the Ombudsman than I do because the Ombudsman indicated that, given the matter would be subject to scrutiny at budget estimates, he would not be progressing the complaint any further.

Mr SCIPIONE: That is right, from his perspective, finished—would not be progressing the matter any further.

Mr DAVID SHOEBRIDGE: When you or the police on your behalf sought to justify your statement on the basis that a low-range PCA or similar offence includes reference to mid or high range, the Ombudsman commented on that proposition. In a report from the Ombudsman to the complainant, Mr Barbour said—

The Hon. TREVOR KHAN: Point of order: Is this a question?

The Hon. STEVE WHAN: How can it be a point of order?

The Hon. LYNDA VOLTZ: He is reading from a letter.

The Hon. TREVOR KHAN: It can be. This is about asking these witnesses questions, not reading material onto the record for some other purpose. If he has a question, he should ask a question, not use it for what essentially is another purpose.

CHAIR: Order! Mr Shoebridge can continue the statement but he should get to his question quickly.

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

Mr SCIPIONE: I would like to read the words but, having said that, from my perspective if you would like me to do so I am happy to take it on notice and get back to you. As I have said to you previously, my view was my view, and my view related to drink-driving traffic offences primarily and it was that a PCA is a PCA. There are differing levels clearly, as I have already indicated, but my view was that on this occasion at least these matters fell into the drink-driving traffic offence category.

Mr DAVID SHOEBRIDGE: But you did not say drink-driving traffic offence category, did you? You said low-range PCA or similar. You were very clear about citing low-range PCA.

Mr SCIPIONE: I was.

Mr DAVID SHOEBRIDGE: When only a handful, 21 per cent, of the PCA offences were low-range PCA; the great majority, 79 per cent, were mid- or high-range PCA. You gave that answer seeking to mislead and minimise the extent of the criminal convictions, did you not?

Mr SCIPIONE: Absolutely not. I would refute that. It is rude to suggest that I would do that to minimise or hide because that is not the way I operate.

Mr DAVID SHOEBRIDGE: This is called accountability, not rudeness.

Mr SCIPIONE: I am happy to be accountable.

Mr DAVID SHOEBRIDGE: When you make false statements you get held to account.

Mr SCIPIONE: Sir, I would suggest that the way you are presenting it is probably rude, and certainly I take some offence at it because I have based a career on making sure that we are transparent; that we do the right thing. My advice and my response to you are quite clear: At the end of the day I formed a view that this was a traffic matter—when we talk about PCAs they are very serious offences—but when I said low-range PCA or similar I was talking about similar types of offences, namely, the same ingredients, different level of alcohol in the system. As I have said, all PCA matters, all drink-driving is a crime.

Mr DAVID SHOEBRIDGE: Are you satisfied with the basis on which Professional Standards dismissed the complaint against you—namely, that the statement ought not to be attributed to you because you relied in giving the statement upon briefings from senior officers in the police that were incorrect? Are you satisfied with the basis upon which Professional Standards dismissed the complaint against you?

Mr SCIPIONE: All the matters that were attributed to me are my responsibility.

Mr DAVID SHOEBRIDGE: So when Professional Standards— [*Time expired.*]

The Hon. STEVE WHAN: On 20 November 2013 former Minister Gallacher and Parliamentary Secretary Provost announced additional officers for the northern region: 90 officers. You still have 60 to deliver—30 by December 2014 and 30 by May 2015. Are you still committed to delivering those 60 officers in that time frame?

Mr STUART AYRES: Five hundred and ninety additional positions have been brought online across the NSW Police Force since 2011. Of those, 67 positions have been added to the northern region. This includes 30 of the 90 positions committed to that region by the Government and another 60 are on the way in 2015. Since May 2011, 308 new police officers have been allocated to the Northern Region Local Area Command, including 117 to commands on the North Coast.

The Hon. STEVE WHAN: Will those extra 60 police be delivered to the northern region by 30 May 2015 or are the rumblings here in the corridors about the dates being pushed back true?

Mr STUART AYRES: No, we are confident that the next 60 will be in place by May 2015.

The Hon. STEVE WHAN: Many injured police officers, particularly those with post-traumatic stress disorder and other related conditions, and their families are contacting the Opposition complaining about their treatment by MetLife. Is the Government doing enough to help these injured officers?

Mr STUART AYRES: I will make some comments and I will ask Deputy Commissioner Hudson to provide some additional information. I am seriously concerned that former officers are experiencing delays in having their total and permanent disability claims with former insurer MetLife considered. I understand there are a number of claims before the Industrial Relations Commission [IRC] and other courts and it would be inappropriate to comment on specific matters. The NSW Police Force has advised me that it has met with MetLife and First State Superannuation Trustee Corporation to advise of delays in assessing claims. I am also advised that MetLife has now engaged additional claims and legal staff to progress outstanding claims and is streamlining its decision-making process.

MetLife has also raised concerns with former officers refusing to access workers compensation records and attending independent medical examinations. I am advised that these measures are starting to make an impact and the number of outstanding claims is reducing. This is a pleasing outcome, and one that I will continue to watch closely. The NSW Police Force, MetLife and First State Superannuation Trustee Corporation will continue to meet regularly to monitor the progress and address any further delays. I have asked the NSW Police Force to keep me informed of any progress in this matter on a regular basis. Deputy Commissioner Hudson will also inform the Committee about some of the work he has done in this space.

Mr HUDSON: The Minister's comments are accurate. The NSW Police Force has had significant concerns as to the delays of MetLife in assessing claims. We have received complaints from former members ourselves in relation to the assessment of total and permanent disability claims. Some of the lengths of time were very concerning. We repeatedly tried to meet with MetLife but were unsuccessful until quite recently with the appointment of a new chief executive officer in July this year.

The Hon. STEVE WHAN: Can you clarify that? Did you say that they would not meet with the police about this?

Mr HUDSON: The contract is administered through First State Super. We had a number of meetings with First State Super trying to clarify issues. Our advice from First State Super was that MetLife would not meet with us at that stage and that all our communication needed to go through First State Super, the administrator of the contract. As I said, recently that has changed. A new executive officer was appointed in July this year. I have met with her twice with First State Super. They have advised us of the status of the current outstanding claims that they are assessing, which is the first visibility we have had of the number of outstanding claims they are assessing.

There has been a pattern of reduction over the past 12 months in those claims. They have informed me of the work they have done in relation to enhancing the number of claims officers looking at the police portfolio and expect ongoing inroads to be made into those outstanding claims. They have agreed to have monthly meetings with me to assess the progress of the assessments. I have met with them twice now and those relationships seem to be positive. I think there is a general intent between First State Super, MetLife and us that the actual claims are assessed in a timely manner and a decision is made as to whether to accept or decline so, if it is declined, an appeal process can take place.

The Hon. STEVE WHAN: How does the NSW Police Force stay in touch with officers while they are going through this process and what supports do you offer those officers?

Mr HUDSON: Under the old scheme once an officer disengaged from the organisation they received a partial disability claim, which was a lump sum paid for by the police. Obviously the option is then open for them to claim through the insurer a total claim.

The Hon. STEVE WHAN: Does anyone ring up and say, "How are you going?"

Mr HUDSON: A lot of the contact post disengagement has been informal. We are looking at strategies to try to improve that. We are considering whether we can work with NSW Police Legacy as an enhancement to remain in contact and with the Retired Police Association. We do see a gap there. Under the current scheme payments are maintained for seven years after disengagement so there is some contact and ongoing maintenance, but certainly we accept that under the former scheme once someone did receive their partial and permanent disability payment there was no reason or onus on the police to maintain contact with them.

One of the workforce improvement projects we have implemented is the human resource support team. It not only helps those officers, helps commands manage people in the workplace, manage their claims and provides detailed advice in relation to those claims, but also is a point of contact for those who are off sick and going through the process, perhaps having difficulty with their pay and/or payments. So there is one point of contact within the police rather than having to ring four or five people to try to get some resolution.

The Hon. STEVE WHAN: Budget Paper No. 3 shows that the recurrent budget for police has dropped in real terms since the Coalition Government came to office by \$28.7 million. As Minister for Police, how do you justify the fact that your Government has overseen a real cut in recurrent funding for police in its time in office?

Mr STUART AYRES: Total budget expenses for 2014-15 are at a record high of \$3.418 billion. That is an increase of \$26 million. We have also seen a budget allocation—

The Hon. STEVE WHAN: Minister, there has been inflation. Do you understand what I mean by "real terms"? That is what I am asking about: The budget in real terms.

Mr STUART AYRES: Yes, I am answering the question.

The Hon. LYNDA VOLTZ: But you are not factoring in the inflation.

Mr STUART AYRES: I am answering the question.

The Hon. STEVE WHAN: Please get to that.

Mr STUART AYRES: The capital works budget also includes our highest ever allocation—\$177.5 million. The budget also includes \$153 million in recurrent funding over four years for an additional 309 police officers, which will allow the Government to meet its authorised strength target of 16,665 by August 2015.

The Hon. STEVE WHAN: Minister, what in real terms is the change in the budget since this Government came to office? Is it correct that in real terms, when inflation is taken into account, there has been a drop in recurrent funding for the police of some \$28.7 million? Do you dispute that?

Mr STUART AYRES: My point here is that the NSW Police Force is receiving more money from this Government than it has—

The Hon. STEVE WHAN: In dollar terms, but not in real terms.

Mr STUART AYRES: It is of \$3.418 billion. There is more money being invested in the NSW Police Force under this Government than under any previous Government.

The Hon. STEVE WHAN: Have you heard of inflation?

Mr STUART AYRES: Yes, I have heard of inflation.

The Hon. LYNDA VOLTZ: Well, have you have factored it in?

The Hon. TREVOR KHAN: Point of order: This seems to be turning into a gang exercise. Be that as it may, the Minister is entitled to answer the question without members speaking over the top of him and he should be given that courtesy.

CHAIR: Has the Minister concluded his answer to that question?

Mr STUART AYRES: Yes.

The Hon. STEVE WHAN: I have finished on that question for the moment. Minister, there have been more than 380 shootings since the 2011 election. Is that a statistic that the Government is proud of?

Mr STUART AYRES: Shootings of any nature are of great concern to our Government. It is also one of the reasons why we have undertaken a series of actions to reduce shootings, particularly the work being undertaken by Strikeforce Raptor and Strikeforce Talon. As at July 31 this year, Operation Talon has made over 712 arrests, laid 1,024 charges, conducted 3,368 person searches and 1,523 vehicle searches, issued 96 firearm prohibition orders, and seized 23 firearms and six replica firearms. We have also made significant changes to our organised crime squads. The reinvigorated Organised Crime Squad now incorporates the Asian Crime Squad, the Organised Crime (Targeting) Squad, and the Casino and Racing Investigation Squad.

We have established consorting laws. According to the latest figures from the NSW Police Force, six bikie gang members or associates have been charged with consorting and 126 have been given warnings. I note that a legal challenge to our consorting laws is currently underway before the High Court. We introduced the Firearms and Criminal Groups Legislation Amendment Bill 2013. Since the commencement of the amendments contained in that bill on 1 November 2013, police have been empowered with firearms prohibitions orders against persons considered unfit to possess a firearm. The New South Wales Police Force is making good use of those orders. They are also using the Acts' restricted provisions on targeting bikie club houses.

I am advised that, since the bill passed, the NSW Police Force has issued 277 new firearms prohibition orders, and a further 98 orders have been approved and are ready for use. I would also take this opportunity to recognise the importance of national cooperation when dealing with firearms, noting that most of these firearms are imported. In fact all of the firearms that we see confiscated are imported firearms. Close collaboration between the New South Wales Government and the Commonwealth Government to ensure that those firearms do not even get into the country is also important.

The Hon. STEVE WHAN: The Minister mentioned that there some figures on seizures of firearms. Commissioner, has the number of seizures changed? Has it gone up or down over the last year?

Mr SCIPIONE: Certainly they have gone up. Only yesterday we took out of circulation a Colt AR-15 military assault rifle, an M-11 machine pistol and 0.388 calibre sniper rifle. So they are continually changing as we seize more and more weapons from criminals.

The Hon. STEVE WHAN: Minister, in response to a question asked last year about this Minister Gallacher said:

Let me talk about guns for a minute, Mr Whan, because, no matter how hard our cops work on the streets, it is your colleagues in the Federal Government who leave the back door open.

Minister, as we have heard, the seizures of guns and the shootings are continuing unabated. So why is Scott Morrison leaving the back door open?

Mr STUART AYRES: I do not think Scott Morrison is leaving the back door open.

The Hon. STEVE WHAN: So you think he is doing a fine job?

Mr DAVID SHOEBRIDGE: It is the front door.

The Hon. STEVE WHAN: Oh, it is the front door.

Mr STUART AYRES: I think there is a strong focus from the Commonwealth Government on ensuring strong levels of border protection. Just this year we renewed funding around Operation Polaris to ensure that there is a strong focus on criminal activity across our wharfs and border locations. One of the things that we should continue to note is that shooting into premises is at its lowest level since 1995.

The Hon. STEVE WHAN: Minister, very little has changed since last year except for the political stripe of the Federal Government. So now this year they are doing a great job and last year they were not?

Mr STUART AYRES: If that is your view then that is your view, Mr Whan.

The Hon. STEVE WHAN: No, it is not; it is clearly yours. Minister, on several occasions your Government's former Attorney General said, "We're ready to go with respect to putting laws back before Parliament to have outlaw motorcycle gangs declared as criminal organisations." Former Minister Gallacher said this time last year at estimates:

We most certainly are ready to go, and have been for some time. In fact, we have gone beyond ready to go ...

Minister, why have we not seen a single outlaw motorcycle gang declared?

Mr STUART AYRES: The Government brought a new Act into being on 29 June 2012 to remedy a number of defects that existed relating to the High Court striking down the 2009 Act. Following the results of the High Court challenge to Queensland's criminal organisation legislation, our 2012 Act was again amended in 2013. This brought the scheme into line with Queensland's model and has now been upheld by the High Court. These amendments commenced on 2 April 2013. The adoption of a more legally secure Queensland model has meant that police need to undertake significant work to ensure material supports the Commissioner's application and meets the new evidentiary requirements. This work has been undertaken under the direction of senior counsel. The NSW Police Force Criminal Organisation Unit has 10 staff members and is situated within the State Crime Command Gangs Squad. Officers of that unit are hard at work preparing an application for the first declaration under the new legislation.

Mr DAVID SHOEBRIDGE: Commissioner, in terms of those police officers who had a pre-employment conviction—and I believe there were some 400-odd who had pre-employment convictions—277 of those pre-employment convictions were for offences that carry a penalty of imprisonment. Commissioner, would you accept that offences that carry the penalty of imprisonment are more serious than a low-range proscribed concentration of alcohol [PCA] offence which does not include a penalty of imprisonment?

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

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

Mr SCIPIONE: I think they are.

Mr DAVID SHOEBRIDGE: How many of them are juvenile offences then? Or are you just speculating, Commissioner?

Mr SCIPIONE: No, I will need to take that on notice and we can work through that. At this stage we do know that some of those offences that are in there that were declared in pre-employment checks go back many years. Some of those offences go back five decades. So whilst those matters carry potentially a term of imprisonment, one would think that potentially somebody who was charged and convicted of a low-range PCA may have been involved in an accident with a motor vehicle where the outcomes could have been catastrophic.

Mr DAVID SHOEBRIDGE: Commissioner, perhaps you did not understand the question. I am not talking about low-range PCA; I am talking about those offences which carry penalties of imprisonment. I will give you an example of them—the 14 offences for break, enter and steal which carry a maximum imprisonment of 10 years. Break, enter and steal, with a maximum imprisonment of 10 years, is not comparable to a low-range PCA, is it?

Mr SCIPIONE: It is a very different offence. I am advised that approximately one quarter of all of the pre-employment convictions occurred when the officer was 17 years of age or younger. So a juvenile who broke into premises and was arrested and convicted, and who subsequently joined the NSW Police Force some decades later, where the conviction has effectively been spent, has not been considered or excluded on the basis of that particular matter.

Mr DAVID SHOEBRIDGE: Break, enter and steal is not comparable with a low-range PCA, is it?

Mr SCIPIONE: No, it is not.

Mr DAVID SHOEBRIDGE: Your statement to the *Daily Telegraph* that suggested it was comparable was false.

Mr SCIPIONE: What was my statement that you are alluding to?

Mr DAVID SHOEBRIDGE: That the majority of offences were low-range PCA or similar. Break, enter and steal is in no way similar to a low-range PCA.

Mr SCIPIONE: I was not talking about—

Mr DAVID SHOEBRIDGE: Were you talking about the 94 high-range PCA pre-employment offences?

Mr SCIPIONE: No, I was talking about traffic-related drink-driving matters.

Mr DAVID SHOEBRIDGE: I will give you some of the figures for pre-employment offences that you say the majority of which were similar to low-range PCA offences. There were 14 break, enter and steal offences; 24 high-range PCA offences; 94 mid-range PCA offences; 14 malicious damage offences; and 39 stealing offences. I have not included in that the array of offences for stealing motor vehicles and the like. Those offences are in no way comparable to low-range PCA and when you sought to say they were you were misleading the public.

Mr SCIPIONE: I was not misleading but perhaps you need to have a look at the list: not display P-plates, not produce licence, not signal intent, and not stop at a stop line on the road.

Mr DAVID SHOEBRIDGE: None of those carry imprisonment and they are not any of the 277 offences that carry imprisonment to which I am referring. You are now trying to mislead this Committee.

Mr SCIPIONE: I am not misleading the Committee. I am telling you what is in the document in terms of offences that were notified to us prior to people joining us.

Mr DAVID SHOEBRIDGE: I am asking you about the 277 pre-employment convictions for offences that carry imprisonment.

Mr SCIPIONE: Some of which go back 50 years.

Mr DAVID SHOEBRIDGE: I am asking about the character of them. When you characterised them as similar to low-range PCA you were falsely characterising them.

Mr SCIPIONE: Would you suggest that a child who makes a mistake, is convicted and then subsequently decides that they want to turn their life around, go into a life of service and join the NSW Police Force some 10, 15 or 20 years later when they have made no more mistakes, they have not been convicted and they have not even come to police notice should be excluded?

Mr DAVID SHOEBRIDGE: You are deliberately avoiding the issue. Whether or not a person has had a blameless record for a period afterwards does not change the nature of the conviction. Your statement was not about whether or not they had led a blameless life since a juvenile conviction. Your statement was about the character of the offence and your statement was false and misleading.

Mr SCIPIONE: No, it was not. That was in your mind, Mr Shoebridge. The way I interpret it is what is in my mind, as you say.

Mr DAVID SHOEBRIDGE: How many police have been charged with criminal offences this calendar year?

Mr SCIPIONE: To make sure that we do not in any way get this wrong I will take that on notice.

Mr DAVID SHOEBRIDGE: If I put to you the proposition that 39 police had been charged with criminal offences as at 14 August this year would that figure be about right?

Mr SCIPIONE: I have learnt from experience that we do not talk about "may be right". Let us get the number for you.

Mr DAVID SHOEBRIDGE: You have learnt from experience not to give false statements in answer to these specific questions. Is that what you are saying?

Mr SCIPIONE: No, we have learnt that if I give you a figure that is not quite right even though you might have asked me you will come back and you will say that I have misled again.

Mr DAVID SHOEBRIDGE: You gave a false statement to the *Daily Telegraph* and then you effectively sought to repeat it to the ABC in an interview. They are the statements I have been asking about; not statements you gave to me. You understand that, do you not?

Mr SCIPIONE: Yes, but having said that you are now asking me a question about matters that I did not talk to the ABC about because I could not have talked to them about matters that have happened since April until today. You have asked me how many people have been charged this year. I did the interview in April. It is now August.

Mr DAVID SHOEBRIDGE: You will give that figure on notice?

Mr SCIPIONE: Correct. I have said I will take it on notice.

Mr DAVID SHOEBRIDGE: Including details of the offences?

Mr SCIPIONE: Again, it depends on what matter it is that we are talking about. I am not sure whether there would be some matters that I cannot provide details on but if I can I will, yes.

Mr DAVID SHOEBRIDGE: How many police are currently suspended as a result of criminal charges?

Mr SCIPIONE: Again, I will take that on notice.

Mr DAVID SHOEBRIDGE: Could you advise us of the amount that the New South Wales taxpayer is paying in relation to those suspended officers?

Mr SCIPIONE: I will take that on notice.

Mr DAVID SHOEBRIDGE: Minister, you were asked some questions earlier about MetLife and the appalling manner in which MetLife has been dealing with injured police. Have you considered whether or not the New South Wales Government ought to be materially assisting those injured police with legal assistance and other payments so they can have a fair battle with that large international insurer MetLife?

Mr STUART AYRES: No, I have not considered that.

Mr DAVID SHOEBRIDGE: Why not?

Mr STUART AYRES: Because I understand that there are a number of claims currently before the Industrial Relations Commission [IRC]. I also understand there is a process in place where the police, as you heard earlier from Deputy Commissioner Hudson, are taking quite considerable action to ensure that the delays

that have been exhibited by MetLife are corrected in the best possible way. And at this stage I do not believe that is a required action.

Mr DAVID SHOEBRIDGE: Are you troubled by the repeated concerns of former police who have psychological injuries who have been subject to appalling levels of covert surveillance from private investigators employed by MetLife? Does that trouble you?

Mr STUART AYRES: No-one has raised the issue of covert surveillance with me so I would not be able to make a comment on it. But the state of mind of any person who has been a member of the police force whether formerly or serving is definitely of concern to me.

Mr DAVID SHOEBRIDGE: Are you seriously telling this Committee that no injured police officer has raised with you or your office concerns about the level of covert surveillance by MetLife and its private investigators? Are you seriously telling the Committee this?

Mr STUART AYRES: To the best of my knowledge.

Mr DAVID SHOEBRIDGE: Do you just block it out when bad news comes into your office? Do you just block it out and forget it?

Mr STUART AYRES: No. I have met with a number of people who have dealt with claims to MetLife. I have seen the serious nature of post-traumatic stress disorder [PTSD] issues that impact police officers. It is something that I took a very personal focus on from the moment I became Minister to ensure that those people who are currently serving in the police force and those people who are no longer in the police force have the support that is required.

Mr DAVID SHOEBRIDGE: Are you saying that in those meetings those injured police did not raise with you the issue of covert surveillance and the psychological intimidation they feel the level of surveillance by MetLife causes them? Is that your evidence to this Committee?

Mr STUART AYRES: In the meetings I have been in no-one has raised covert surveillance with me.

Mr DAVID SHOEBRIDGE: Deputy Commissioner Hudson, has anyone raised with you and the NSW Police Force concerns about the level of covert surveillance of injured police being undertaken by that rapacious insurance company MetLife?

Mr HUDSON: In answering that I can say that nothing has been directly raised with me by any of the injured officers. I am aware of the practice. I am aware of complaints made by media outlets and talk back radio about the practice. However, when those issues came up we looked at it. It is a practice that we do not have any control over. Obviously it is a matter for the insurance company as to how it manages its claims or its claimants.

My understanding is that it is quite a common practice by insurance companies in relation to assessing physical claims as to people's capabilities as to whether they can perform certain functions if they are claiming benefits or attempting to claim benefits for a physical claim. The extent of the practice in relation to PTSD claims I am unsure of. I am unsure as to what evidence it would actually provide.

Mr DAVID SHOEBRIDGE: I do not mean to cut you off but those PTSD and psychological injury claims are where the greatest number of concerns have been raised, have they not, because it is surveillance of police officers who already have a psychological injury. The surveillance can aggravate the injury and make it far more difficult for them to deal with and hopefully overcome their injury. That is really the main problem that has been raised, is it not?

Mr HUDSON: My understanding is, as I said, that nothing has been raised directly with me but I am aware that some of the claims of officers when they go off sick are multi-claims; some are physical injuries and some are psychological injuries. It is not just one claim that someone seeks to be disengaged on or claim on, so the potential is that someone may be off with a physical injury and a psychological injury. Without trying to defend any insurance company, I would suggest that perhaps surveillance may be conducted to try to ascertain legitimacy of the physical injury but I am not sure of that. But certainly it is something that has not been directly raised with me. We are aware it happens and our advice is we can do very little about it.

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

Mr HUDSON: My understanding is it is about 240.

Mr DAVID SHOEBRIDGE: Two hundred and thirty?

Mr HUDSON: Forty.

Mr DAVID SHOEBRIDGE: Two hundred and forty.

Mr HUDSON: It is a very fluid process, sir, because certain claims come in—

Mr DAVID SHOEBRIDGE: Claims come in and a very small number are resolved, too. I understand.

Mr HUDSON: But it has reduced by more than 100 over the last 12 months.

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

Mr HUDSON: No, I do not.

Mr DAVID SHOEBRIDGE: Could you endeavour to provide that answer on notice?

Mr HUDSON: I can do. The information from MetLife has only recently started to be provided to us through First State Super. I will certainly make those inquiries until I can provide that breakdown for you.

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

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

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

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

Mr DAVID SHOEBRIDGE: Do you know how the scheme operates, Minister?

Mr STUART AYRES: If you are asking me what the value of contributions to the State is based on the MetLife scheme, I do not have that information available to me.

Mr DAVID SHOEBRIDGE: I am just asking you the most fundamental question about how the partial and permanent disability payments made by the NSW Police Force interact with the total and permanent disability claims by MetLife. I am asking if you have the most basic understanding about how they interact. Give us your basic level of knowledge, Minister.

Mr STUART AYRES: No. I do not need to provide the level of knowledge that I have around the MetLife scheme.

Mr DAVID SHOEBRIDGE: You do. That is what this is about. You answer the questions. Tell us what you know about the scheme and how they interact.

The Hon. TREVOR KHAN: He is entitled to take the question on notice and he has already indicated that.

The Hon. LYNDA VOLTZ: As long as you are giving him a hand, mate.

The Hon. PENNY SHARPE: He needs someone to write the answer for him.

Mr STUART AYRES: That is exactly what I have just said—that I will provide information on notice.

Mr DAVID SHOEBRIDGE: Someone has tried to give you some information there, Minister. Do you want to have a look at that—

Mr STUART AYRES: I have indicated—

Mr DAVID SHOEBRIDGE: —so you can really get the most basics about the way the scheme operates?

Mr STUART AYRES: I have indicated—

The Hon. TREVOR KHAN: Point of order: The Minister has already indicated he will take the question on notice. That is the end of the matter.

CHAIR: Order! I uphold the point of order. The Minister has already answered the question.

Mr DAVID SHOEBRIDGE: Minister, when a total and permanent disability claim is paid by MetLife, the payment that is made as a partial and permanent disability by the NSW Police Force is repaid. Do you understand that most basic element, Minister?

Mr STUART AYRES: Yes.

Mr DAVID SHOEBRIDGE: You do now, now that I have told you. We will have a lesson later.

CHAIR: Order! The time for crossbench questions has expired. We originally resolved that we would finish the hearing at 10.30, but given that we started a few minutes late, we will have another round of 15 minutes each for questions from the Opposition and the crossbench. For the information of the Minister and officers, we will not finish until about 10.40 a.m.

The Hon. PENNY SHARPE: Minister, you previously indicated to this Committee that you are confident that the authorised strength of 610 for the Police Transport Command [PTC] will be met. Of course, it is in the budget. Can I draw your attention to the decision paper that came out of Cabinet that says that the PTC will be at full strength of 610 sworn officers, including command, by the end of 2014? Do you now concede that you are not going to meet that target, given all the evidence provided today?

Mr STUART AYRES: I could not comment on a Cabinet document.

The Hon. PENNY SHARPE: So I have got it here. This is just a decision. It is not a Cabinet document. It is the decision coming out of Cabinet that your Cabinet, and you as police Minister, have committed to having 610 sworn officers in the Police Transport Command by December 2014 and you are saying you cannot comment.

Mr STUART AYRES: Not having seen that document I will take it on notice.

The Hon. PENNY SHARPE: I am happy to show it to you.

Mr STUART AYRES: I am more than happy to take it on notice.

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

Mr STUART AYRES: I can take that on notice.

The Hon. STEVE WHAN: Okay. Minister, also just on the previous question that I asked when we last finished about the outlawing of motorcycle gangs, you were essentially saying that laws have been in place

for some time. Are we to assume from that that for the third year in a row you are saying to us, "We're almost ready to go with this"?

Mr STUART AYRES: I am saying that the NSW Police Force is working within the framework of the legislation that requires it to do a large amount of work before it can make a declaration.

The Hon. STEVE WHAN: When will be the declaration made? Are you going to tell us again, as Minister Gallacher did last year and the year before, "We're ready to go"?

Mr STUART AYRES: I am going to tell you that the Police Force, when it has a declaration to make, will make one.

The Hon. STEVE WHAN: There is nothing in prospect at the moment. Is that what you are telling us?

Mr STUART AYRES: They are currently working on it.

The Hon. STEVE WHAN: Due to your failure to keep up with real funding for the recurrent budget of the police since you have been in government, your own local area command [LAC], the Penrith Local Area Command, has been under strength for 11 out of the past 12 months. How do you explain that to your constituents?

Mr STUART AYRES: At 151 authorised officers and its current operational capacity of 95 per cent, I am very comfortable with the way that the local area command in Penrith is performing. I think the leadership there is doing a fantastic job and the police officers that operate in my local community, and I suspect right across New South Wales, are well respected by the people of New South Wales.

The Hon. STEVE WHAN: Minister, you are the Minister for Western Sydney as well. Your Government's failure to properly fund the police means that 23 out of 30 Western Sydney LACs have been operating under strength. They include Blacktown, Blue Mountains, Holroyd, Mount Druitt, Parramatta, Penrith, Quakers Hill, Ryde, St Marys, The Hills, and so on. Minister, do you acknowledge that your failure to keep the recurrent funding of the NSW Police up with the level of inflation is making it difficult for the police to properly staff these areas up to authorised strength levels?

Mr STUART AYRES: As you know, the allocation of resources is a matter for the commissioner.

The Hon. STEVE WHAN: No. You allocate his overall budget, though.

Mr STUART AYRES: And that budget—

The Hon. STEVE WHAN: You have dropped his budget in real terms over the past three years.

Mr STUART AYRES: That budget is at a record high.

The Hon. STEVE WHAN: No. It is at a record dollar high, just the same as your tax receipts are a record high.

The Hon. TREVOR KHAN: Point of order: Settle.

The Hon. LYNDA VOLTZ: Yes, you should.

The Hon. STEVE WHAN: Take your own advice.

The Hon. TREVOR KHAN: The Minister is attempting to answer the question.

The Hon. STEVE WHAN: Attempting, yes.

The Hon. TREVOR KHAN: The Hon. Steve Whan is overriding the Minister consistently. The Minister should be entitled to answer this question. It is obviously a long question. He should be entitled to answer it at length, as he sees appropriate.

CHAIR: Order! Yes. The Minister can answer the question that has been put to him.

Mr STUART AYRES: I can inform the rest of the members of the Committee as well as Mr Whan that since May 2011 almost 620 probationary constables have been allocated to commands in western and south-western Sydney. Five hundred and ninety additional petitions have been brought online since December 2011, 62 of those in commands right across Western Sydney and south-western Sydney. All these officers are supported by special region-based squads and task forces, including the street crime unit and Operation Talon, focusing on gun crime.

The Hon. STEVE WHAN: But, Minister, there are still 23 out of 30 Western Sydney LACs that are under their authorised strength and in many cases have been consistently under their authorised strength. This is because your Government is not keeping up the real level of funding for police in New South Wales, is it not?

Mr STUART AYRES: No, absolutely not. I think you know full well that with the capacity to recruit police officers three times a year as well as leave arrangements at the time that people retire means that the capacitor to be at 100 per cent authorised strength is very rarely ever achieved. That is why we ensure that the police commissioner has the capability to allocate resources as he sees fit to best fight crime in New South Wales.

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

Mr STUART AYRES: I will take that on notice.

The Hon. STEVE WHAN: You would think that would be a fairly fundamental thing you would be given in your briefing for estimates, would you not? The Specialist Operations Command encompasses important units such as the Highway Patrol, the forensic services group and also involves the counter-terrorism unit. Is that right?

Mr STUART AYRES: I understand that to be the case.

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

Mr STUART AYRES: I will take that on notice.

The Hon. STEVE WHAN: Do you think that is reasonable?

Mr STUART AYRES: No, I would have to ask for some operational advice around the allocation of police resources. You could direct it to any one of the three deputy commissioners.

The Hon. STEVE WHAN: Would you like to redirect it? Commissioner Scipione, would you like to—

Mr SCIPIONE: I am happy to take it, but in terms of the two areas—

The Hon. STEVE WHAN: Deputy Commissioner Burn?

Mr SCIPIONE: Perhaps we might talk this through. Mr Hudson looks after corporate services. I think your question was why you are 100 over in corporate services, and there were some numbers. Mr Hudson might talk to that in regard to establishment.

Mr HUDSON: Yes. The anomalies in the download, sir, are caused by over-strength positions being created for specific needs within the portfolio. Corporate services commands do not normally attract the new probationary constables who march off the program, so we need to create over-strength positions to perform functions in education training, finance and human resources, in the Workforce Improvement Program projects that we undertake for our injured officers. So there are over-strength positions created, not authorised strength positions. That gives an anomaly when you do a download as to our being over strength because the SAP system does not count the over-strength positions, it counts the bodies that are in them. It gives a false perception that we have 100 people more than we are entitled to.

The Hon. STEVE WHAN: Deputy Commissioner Burn, would you like to answer the question about the under strength in the Specialist Operations Command?

Ms BURN: Specialist Operations has approximately 3,500 authorised strength positions and does encompass a lot of different areas, as you mentioned. It also has the Police Transport Command, Public Affairs, Counter Terrorism, Operational Communication and Information, Prosecutors, Special Tactics—it has many more areas. The 79 that you mentioned are not in one specific command. The numbers would be spread across all those particular areas but in each of those areas we again, like field does, attempt to maintain—and we do maintain—an operational strength of 90 per cent or above, which means that we are capable of doing whatever our requirement is, providing the support services that we would need to provide.

The Hon. STEVE WHAN: Ms Burn, can you give an assurance, given the focus from the Federal Government on the threat posed by terrorism, that the Counter Terrorism unit is at or over authorised strength and has the resources that it needs to undertake its work?

Ms BURN: I have been having those discussions recently. The Counter Terrorism Command has the resources that it needs at the moment to deal with the issues we are dealing with, with the current threats and threats that might also emerge going into the future. So we have had those discussions in counter-terrorism and we believe that we are in a good position, currently and going into the future, with the resources that we have.

The Hon. STEVE WHAN: Do those discussions include discussions with the Federal Government about the increased threats that they appear to be identifying from people traveling to overseas destinations and returning and is there a need for more in that command to deal with that?

Ms BURN: No, we have what we call a Joint Counter Terrorism Team and that is a team made up of New South Wales Australian Federal Police [AFP], Attorneys General and the Crime Commission. We regularly review the resourcing to that team, because that is the team that looks after the threats that you are talking about. I speak to my AFP counterpart regularly about the level of staffing and we are comfortable and satisfied with our current level.

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

Mr STUART AYRES: I would have to take the allocation of resources—

The Hon. STEVE WHAN: Is that acceptable?

Mr STUART AYRES: As you have heard a number of times today, we endeavour to maintain an operational strength above 90 per cent of authorised strength. I am happy to take on notice the exact figures to ascertain whether that is what it was at the particular time.

The Hon. STEVE WHAN: It is hard for the police to back up the rhetoric that is coming from the Government about cracking down on this sort of crime in the central business district [CBD] when we know that, because of the Government's failure to keep the recurrent budget of the NSW Police Force up with inflation, the LACs around the city, such as Eastern Suburbs, Harbourside, Kings Cross, Leichhardt, Newtown, Redfern, Rose Bay, St George, Surry Hills and Sydney City—

The Hon. TREVOR KHAN: Is this a question or are you just making a speech?

The Hon. STEVE WHAN: —are all under authorised strength. Why does the Government not live up to its rhetoric and fund the police to maintain at least their real level of funding?

Mr STUART AYRES: I think the easiest way for the Government to back up its rhetoric is to look at the statistics around alcohol-related crime and they are in decline.

The Hon. STEVE WHAN: Are they in decline in all parts?

Mr STUART AYRES: I would have to take that question on notice around individual locations but the trend in the latest NSW Bureau of Crime Statistics and Research [BOCSAR] figures is for alcohol-related violence to be in decline.

The Hon. STEVE WHAN: Would you take the question on notice or direct it to somebody who can give an answer, whether or not there is any evidence of alcohol-related crime moving in the CBD from the areas with stricter restrictions? Perhaps the Commissioner might want to answer that.

Mr STUART AYRES: I think it would also be an appropriate question for Don Weatherburn at BOCSAR to tell you the results of crime.

The Hon. STEVE WHAN: I am asking you as the Minister. Commissioner, do you have any comment on that?

Mr SCIPIONE: We have not seen a displacement of alcohol-related violence.

The Hon. TREVOR KHAN: Are you listening to this, seeing that you have asked the question?

The Hon. LYNDA VOLTZ: Can you shut up?

CHAIR: Order!

Mr DAVID SHOEBRIDGE: I am interested.

Mr SCIPIONE: Thank you, Mr Shoebridge. The reality in this is that, when one looks at assaults, and predominantly that is what we are talking about—street-related thuggery, antisocial behaviour, alcohol-related crime—it falls into two categories: non-domestic violence, which is what we see on the streets in front of the nightclubs and the like; and domestic violence. In terms of the BOCSAR statistics, the figures are pretty clear. That is, that in the non-domestic violence alcohol-related crime category we have seen some significant falls, not so much in percentages but when one looks at the number of assaults that we manage on a year-by-year basis, there have been some pretty impressive falls. Of course, we are not talking about Kings Cross only; we are dealing with places like Wollongong, Newcastle and the western parts of the State. Alcohol-related crime is an issue right across New South Wales and to see it fall is encouraging but what we know is that if we take our foot off the pedal, it will go back.

We continue to work hard. The issue you raise about Kings Cross police, there are two functions that need to be considered: One is the day-to-day policing of an area covered by the Kings Cross Local Area Command; the other is the specific strategies that we put around targeting alcohol-related crime in and around those areas. There we often bring police in for a period, whether it be for a single operation, for a weekend or for an extended period. We run a number of operations around those areas that we call hotspots, be it the Cross, the Rocks, the city or anywhere else. That is how we manage those times when we know people are most vulnerable. It is about putting the right number of police in the right place, at the right time, doing the right things, to get the results. We have seen some significant improvements, as evidenced by Dr Gordian Fulde only recently saying that hospitals like his at St Vincent's are seeing a massive downturn in terms of the number of people admitted or calling on the hospital for assistance. That has to be a good thing.

The Hon. STEVE WHAN: It is a good thing, Commissioner. The question I am asking is, there has been some recent publicity suggesting that since the lockouts, some of the night activity has moved to other areas in Sydney. Without the statistics, are you seeing any anecdotal evidence that problems are being transferred in that way as well?

Mr SCIPIONE: No. My advice is we may be seeing people move but we are not seeing any of the behaviour.

The Hon. LYNDA VOLTZ: Commissioner, earlier the Minister said that all the weapons being seized were imported. Are they all imported illegally or are we seeing weapons that have wended their way into the system from areas such as Defence and are we seeing no weapons that are created within the country?

Mr SCIPIONE: In going back to that, can I perhaps recap some of the figures? We know that in about 90 per cent—in fact, it is a little bit more, 94 per cent I am told—of the matters that we deal with in terms of

street crime, where there are shootings in the street, a discharged firearm at a premises and the like, the vast majority—94 per cent—are handguns. If one looks at the number of handguns that are stolen in the State of New South Wales going back to last year, I think it was probably about six per cent of all firearms that were stolen were handguns. That means that over nine out of 10 firearms that were stolen were long arms. We are not seeing those turn up in the crimes that you alluded to earlier.

That being the case, if we are seeing relatively small numbers of handguns being stolen in New South Wales and yet we are seeing increased numbers used in crimes, they have to be coming from somewhere. We know that in the past there have been significant problems around border control. It was not that long ago that we were involved in an operation by the name of Operation Maxworthy where there were hundreds of Glock pistols brought into the country in parts. They were reconstituted and we saw them on the streets of New South Wales as quickly as one or two months after the firearms were built in the factory in Austria.

We have been working hard with the Commonwealth Government and in the State Crime Command, certainly with Customs, and we have been making enormous inroads, as evidenced yesterday, as I have already indicated, by an operation that concluded where we seized something like half a tonne of methylamine, which is the base that is used to create ice. Some 200,000 deals could have been made, 10,000 MDMA tablets and 25 kilograms of the raw product, which would have equated to 150,000 MDMA tablets, as well as firearms that were seized at the same time. None of those firearms were made here.

The Hon. LYNDIA VOLTZ: No, but it is true to say that some are brought in illegally and then stolen, is that right? [*Time expired*].

Mr DAVID SHOEBRIDGE: Finalising the handgun issue, can you provide on notice the number of handguns that have been stolen in New South Wales over the past five years? Could you provide also the number recorded lost or mislaid by police as well as by firearms dealers?

Mr SCIPIONE: Certainly.

Mr DAVID SHOEBRIDGE: I note the Hon. Lynda Voltz said, "And Defence." Could you report also if any handguns have been lost by Defence and are reported?

Mr SCIPIONE: Certainly.

Mr DAVID SHOEBRIDGE: My next question is to either the commissioner or deputy commissioner regarding the interaction between total and permanent disability payments being negotiated or fought with MetLife, and partial and permanent disability payments that have been made by the NSW Police Force. When police accept a partial and permanent disability payment they enter into a deed, which requires them to repay that if they get a total and permanent disability payment, is that correct?

Mr HUDSON: That is correct, yes. That was the prior scheme, yes.

Mr DAVID SHOEBRIDGE: Yes, that is right, which is the scheme in issue with MetLife?

Mr HUDSON: Yes, correct.

Mr DAVID SHOEBRIDGE: A series of concerns have been raised with my office that injured police seeking to negotiate a settlement with MetLife are unable to negotiate a compromised settlement with MetLife because if they take half value of that claim because of potential legal or factual difficulties they are required to repay in full the partial and permanent payment made by the NSW Police Force, and then they may end up with zero or, indeed, be in debt as a result of that settlement. A number of approaches have been made to NSW Police seeking some kind of negotiation of those circumstances and they have all been rebuffed. Can you shed any light on that scenario?

Mr HUDSON: I am not aware of any approaches to the NSW Police Force to reach these settlements. I am aware that on occasions once a partial payment has been made and the officer is disengaged and then claims a total disablement, and when legal action has been taken by the officer against MetLife to actually progress that issue, the belief was that out-of-court settlements had been taking place between the claimant and the insurer. We believe that has happened on two occasions. That may be to a reduced amount than what they were entitled to because they did not have to repay the NSW Police Force.

We thought that was an extensive problem, which was exacerbated by the failure of First State Super to provide us with the details for a period of time of the number of total and permanent disability payments that it had made. Recently, with the renewed relationship with First State and MetLife, we have become aware that First State was operating under legal advice that it could not provide us with information, and that was for about a nine-month period. This precluded us from claiming the partial payments. We are now going through that process and all of those total claims that have been paid over the last nine or 10 months have been provided to us and we are now trying to recover the partial payments.

Mr DAVID SHOEBRIDGE: Does that include cases where NSW Police has entered into a compromised settlement with MetLife?

Mr HUDSON: My understanding is that we have entered into one for a very sick individual. We agreed that MetLife should come to an out-of-court agreement with that individual.

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

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

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

Mr HUDSON: Without getting further legal advice on it, I believe that is the current position. However, we would be reluctant to see that progress. We would think that would be a commercial decision being made by MetLife to try to minimise its liability and responsibility to us.

Mr DAVID SHOEBRIDGE: Do you think you have an obligation then to seek to grapple with this issue and come up with a principled policy position of which not only injured police but also MetLife can be aware in advance of these settlement negotiations and widely publish that to the 240-odd police officers who are caught in this legal morass?

Mr HUDSON: I cannot advise the individual 240 officers of what their legal advice should be.

Mr DAVID SHOEBRIDGE: No, but you could state the policy position of the NSW Police Force.

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

Mr DAVID SHOEBRIDGE: I appreciate the answer because I think it is a matter on which many seek clarification. Minister, an honour roll is kept for police who lost their life in the course of duty with the NSW Police Force. It is considered an extremely important, valued and essential part of the NSW Police Force that it honour and record those police who have lost their life in the service of the State. Do you understand that?

Mr STUART AYRES: Yes.

Mr DAVID SHOEBRIDGE: Yet a good many police who have lost their lives as a result of a psychological injury in the course of serving—although they lost their life after finishing serving, undoubtedly it resulted from an injury they received in the course of service with the NSW Police Force—are not incorporated into the honour roll. Are you going to review that policy? Perhaps the commissioner could also provide his response, because it is a difficult and fraught area.

Mr SCIPIONE: This is a most difficult area. When we are talking about honour rolls, and that is States and Territories that then roll up, if you like, to a national honour roll, we have rules that we are locked

into nationally. In terms of the specifics, I am not sure whether the Minister wants to take this, but certainly this has been a very difficult area for us.

Mr DAVID SHOEBRIDGE: I do not deny that. I just want to know what is happening in this space.

Mr SCIPIONE: This is something that is under discussion regularly at the national level. I do not think this has been resolved to finality. It is something that we are always looking to revisit. Consistent with your view, we need to take into account the service that many have given. They may not have fallen at the time they were with us, but subsequently they do and it can in fact be tracked back to service they provided to the State of New South Wales. There are relevant difficulties around the national consistency though.

Mr DAVID SHOEBRIDGE: What is your view? What position are you presenting at those national meetings on behalf of the NSW Police Force?

Mr SCIPIONE: Let me just say, rather than put a view here because they are for discussions nationally, we have people on our roll who may in fact be in conflict with the national position because we believe they should be there. Read into that what you may, but the fact is I think that there is a need for us to make sure we deal with these on a case-by-case basis.

Mr DAVID SHOEBRIDGE: Where an officer has lost his or her life as a result of—

Mr SCIPIONE: An injury.

Mr DAVID SHOEBRIDGE: —an injury they received in the course of service to the Police?

Mr SCIPIONE: We have people on our rolls today who have been through that.

Mr DAVID SHOEBRIDGE: The essential point though is that they should be included on the honour roll. Would you agree with that?

Mr SCIPIONE: Again, it depends how evident the relation is and subject to all of the boxes being ticked. We today have people on our roll on the wall down in The Domain who have left us, subsequently died and we believe that their injuries related to their duty and as such they are now recorded forever on that wall.

Mr DAVID SHOEBRIDGE: Will you commit to review any case that is presented to you where those facts are put forward—an officer had a psychological injury or an injury in the course of duty and then lost their life after they ceased being an officer—for inclusion on the honour roll?

Mr SCIPIONE: We do that now. I will always commit to do that in the future.

Mr DAVID SHOEBRIDGE: Thank you.

Mr SCIPIONE: We are looking at some alternatives. We are trying to work with police legacy to come up with something that will fit within the national arrangement. As you rightly identified and correctly stated, this is a very difficult area and it is one where I would like to be over-inclusive than under-inclusive.

Mr DAVID SHOEBRIDGE: Thank you, Commissioner. Minister, what is the status of the current task force looking into police psychological injuries that was established by your predecessor?

Mr STUART AYRES: I will take that information—

Mr DAVID SHOEBRIDGE: The question—

Mr STUART AYRES: I want to address that as part of a more broad answer to do with police officer welfare.

Mr DAVID SHOEBRIDGE: No, Minister, the question is about the task force. Could you answer the question, please, not give an unrelated statement.

Mr STUART AYRES: I will defer to Deputy Commissioner Hudson, who is chairing the task force.

Mr HUDSON: By the term "task force", do you mean—we have a self-harm prevention partnership which we have formed, being inclusive with the Coroner and the Police Association of NSW.

Mr DAVID SHOEBRIDGE: I am using the former Minister's words that a task force was established to look into police psychological injuries. If you are in charge of something that the Minister established, let us know.

Mr HUDSON: Sir, I am responsible for police welfare generally. Under Corporate Services I have the Human Resources Command. We have a number of projects—the last count was 79—some funded through the workforce improvement program. I am looking at a number of different focuses on police welfare. The three pillars that we focus on are prevention—to prevent a physical or psychological injury—management of the injury and rehabilitation—

Mr DAVID SHOEBRIDGE: Deputy Commissioner, I was asking about the task force. If you want to take the question on notice, I am comfortable with you doing so, so you can give a more focused and targeted answer.

Mr HUDSON: I may have to, sir, because I am unaware of a specific reference to a task force. There is a great amount of work that is focused in certain directions of need, but not one task force—

Mr DAVID SHOEBRIDGE: If you can give the answer on the task force and then perhaps other work in that area.

Mr STUART AYRES: I think you are referring to what we call the Self-Harm Prevention Partnership as opposed to the phrase "task force". That is a partnership with the New South Wales Coroner and the Police Association of NSW. This group looks at issues surrounding suicide, post-traumatic stress disorder and other mental issues, and how we can support current and former police officers better. The next meeting of the partnership has been set for early September this year. I understand the partnership will also be inviting former officers and their families to address the group.

Mr DAVID SHOEBRIDGE: Thank you.

Mr STUART AYRES: We can also talk about a whole raft of other activities that the police force is undertaking, everything from guest lectures from Dr Gilmartin. I know that—

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

The Hon. TREVOR KHAN: Are you complaining about people getting bail? Good grief.

The Hon. LYNDA VOLTZ: If you want to ask questions, Mr Khan, you can.

The Hon. TREVOR KHAN: That is a new one.

CHAIR: Order!

Mr SCIPIONE: I would like to take it on notice, but I would like to make a comment. You must remember that no police officer sends an offender to jail. They might refuse bail, but only a court order can remand a prisoner to a prison. At the end of the day, a magistrate or a judge will decide whether somebody gets bail. If we refuse bail, it is only to ensure that the offender appears before a court, will not interfere with witnesses or will not go out and commit further offences. Having said that—

Mr DAVID SHOEBRIDGE: I am asking you about those cases where police refused bail. The number of people who were ultimately sent to jail due to a decision by police refusing bail fell by 58 per cent. That compares to a 40 per cent reduction by courts. The concern is that police were consenting to bail in order to

increase the number of persons on bail and reduce the remand population in the shadow of the changed bail laws to make the bail laws look more lenient than they are as part of a campaign to undermine them. That is the concern, Commissioner.

Mr SCIPIONE: If your concern is that there was a concerted systemic campaign to undermine the bail laws, you are wrong. Clearly wrong.

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

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

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

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

Mr DAVID SHOEBRIDGE: Could you provide on notice the statistics on police bail from January this year to date?

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

CHAIR: That concludes the time for questions concerning the Police portfolio. I thank all the witnesses for appearing before the Committee this morning.

(Witnesses withdrew)

MARK FREDERICK MORROW, Acting Commissioner, NSW State Emergency Service, and

SHANE ALAN FITZSIMMONS, Commissioner, NSW Rural Fire Service, sworn and examined:

GREGORY PHILLIP MULLINS, Commissioner, Fire and Rescue NSW, affirmed and examined:

VICKI D'ADAM, Chief Executive Officer, Ministry for Police and Emergency Services, on former affirmation:

CHAIR: I declare the estimates hearing into the Emergency Services portfolio open. I shall not repeat my opening statement.

The Hon. STEVE WHAN: Commissioner Mullins, in answer to a question asked on 22 July 2014 Chief Superintendent Mal Connellan said to a firefighter, "You are correct that the Commissioner refers to firefighters as frontline services. Confusion arises out of a budget statement where cuts were announced to all government services except for a select few agencies which were referred to as frontline. The Commissioner did not make that statement." Is it your understanding that the fire brigade is not considered to be front-line services by the Government when it comes to government cuts?

Mr MULLINS: I will be very clear on this. A lot has been made of this by a lot of employees who, I have to say, were affronted by the fact that they appeared not to be recognised as front-line workers. I have gone to great lengths to explain to them that it is not the position of the Government because it has been explained to me when I asked the question. Election commitments were made by the current Government when in opposition that they would increase the number of front-line teachers, nurses and police officers. No such commitments were made, for example, for paramedics or firefighters. In a press conference the Premier at the time referred to those three groups as front-line workers. It was therefore taken by some people in Fire and Rescue NSW that they were not considered front-line. I have been at pains to explain to people that they are definitely seen as front-line. I know that my Minister sees them as front-line workers but not in the context of election commitments to increase their number.

The Hon. STEVE WHAN: Minister, do you consider firefighters to be front-line workers and as such they should be spared from cuts?

Mr STUART AYRES: In a week in which one of our Fire and Rescue NSW brigades has lost a firefighter in the course of his duties, there is no doubt in my mind that people who perform the duty of a firefighter are front-line services. There is absolutely no doubt about that in my mind. As Commissioner Mullins has pointed out, if there was an interpretation based on something the former Premier and Leader of the Opposition at the time said around front-line services being restricted to teachers, nurses and police officers, that is clearly unfortunate. As I said before, there is no doubt in mind, and having met a number of firefighters and having spoken to the mother of the gentleman who lost his life on the weekend, I am of the very clear view that firefighters are front-line services.

The Hon. STEVE WHAN: Commissioner Mullins, before the start of the financial year you were asked a question about the fire brigade entering a third year of budget cutbacks, which requires Fire and Rescue NSW to cut more than \$20 million in wages to employees. You were also asked how Fire and Rescue NSW will make those saving cuts. I understand your response was, "It is going to be difficult. The senior executives at Fire and Rescue NSW have three overriding objectives in terms of our budget: one, to ensure we achieve budget and thus avoid external intervention; two, to maintain operational capacity in terms of response times, targets and minimum crew sizes; and, three, to explore every efficiency avenue before considering job cuts and closures." You went on to say, "Whilst tolling is unpopular it, together with the efforts of officers and firefighters in reducing unsustainably high levels of sick leave, helped to ensure that we met budget in the last two financial years. Unlike many other agencies, we did this without any closures or job losses." How much are you saving using the tolling system each year? When you say you have a chance of meeting the budget, what will you cut if you do not?

Mr MULLINS: First, that question was asked by an employee. I am very open with employees and I encourage discussion within the organisation, and I am very open with the union because they are key stakeholders. So I do not mince my words when people ask questions. The question asked by the firefighter was

incorrect. They said \$20 million in wages, et cetera when that is not the case. The labour expenses cap [LEC] savings for this financial year are around \$18 million. This is our third year. We have achieved our LEC savings targets—we have actually exceeded them—in year one. In year two, if it were not for the bushfires in October and our deployment to Victoria for the Morwell or Hazelwood open cut mine fire we would have met the savings. There was about \$4 million spent in overtime with those fires and if you take that away we have exceeded the savings.

Mr DAVID SHOEBRIDGE: Are not the expenses for Hazelwood reimbursed?

Mr MULLINS: Yes, that is what I am saying.

Mr DAVID SHOEBRIDGE: So that cannot be an explanation.

Mr MULLINS: Our overtime figure is reported at around \$16 million and we are taking out about \$4 million, which makes \$12 million. That is a 50 per cent cut in actuals in overtime since 2011-12.

The Hon. STEVE WHAN: How much are you saving with tolling?

Mr MULLINS: That is what I am saying. We have saved about \$12 million, probably \$13 million. Our projection for this year for overtime, if it was going in the same direction, would have been around \$30 million; we believe it will be about \$12 million. We are hopeful that we will be able to meet our LEC targets through the current measures and we have been able to do that without any degradation in response times. People might be disappointed that they do not earn as much overtime; however, the sick leave has gone down—around a 15 to 18 per cent reduction in sick leave.

The Hon. STEVE WHAN: As I understand it when your tolling policy was originally introduced stations were being shut because of unplanned absences. Is it now the case that stations are being shut because people are on planned leave as well, including maternity leave, annual leave and long service leave?

Mr MULLINS: We try to avoid that but sometimes it is unavoidable. We manage our budget very tightly; we are expected to do that by the Government and the people of New South Wales. We do not want to be profligate with our spending so if we can avoid working overtime we do. If we cannot avoid it—I draw your attention back to October 2013, every day during the bushfire crisis we recalled dozens of off-duty firefighters and put on reserved fire engines.

The Hon. STEVE WHAN: According to the budget papers your budget has declined in real terms—there has obviously been a cash difference—by more than \$21 million. The Government is setting you an impossible task in trying to fully staff stations, is it not?

Mr MULLINS: We have been able to do it without any closures, and I stand by that.

The Hon. STEVE WHAN: So you do not need any more money?

Mr MULLINS: If people gave me more money I would spend it, thank you. But I have a responsibility as a public servant, and I am proud to be a public servant, to make sure that we do live within budget, as long as it is realistic. I am not a person who would be quiet about that if I thought that I could not do so or if it would affect front-line service delivery. I am comfortable.

The Hon. STEVE WHAN: Under the constraints that you have been given by the Government, with a real decline in funding and with the labour expenses cap, how will you find the recurrent funding to staff areas of population growth like Hawkesbury, Blacktown, Oran Park, Baulkham Hills and Penrith?

Mr MULLINS: I did not catch all those areas.

The Hon. STEVE WHAN: High-growth areas around Sydney, in particular, Hawkesbury, Blacktown, Oran Park, Baulkham Hills and Penrith. With the labour expenses cap and declining real funding for the fire brigade from this Government how will you meet the demands of the growing populations in those areas?

Mr MULLINS: Firstly, two growth areas that we are looking very closely at are Marsden Park and Oran Park. I have been down to Oran Park; it is huge. I think it has 40 new homes a month, about 800 new

homes. It has the biggest Woolworths I have ever seen—I think it is the biggest in the country. We are working very closely with our Rural Fire Service colleagues; we have mutual aid agreements, et cetera. We are planning ways to meet that from within resources. I have to say that the reason we have been able to make these savings is that the fire stations in the inner city were built for horse and cart days—they are too close together. We have wonderful response times but the risks in the inner city area are far lower than in outer areas. We believe we can possibly redeploy staff and trucks to those areas.

The Hon. STEVE WHAN: Commissioner, are you considering permanently redeploying them? Minister, what would your response be if the commissioner came to you and said that to meet these budget targets he had to close stations in areas like Neutral Bay, Redfern or Alexandria?

Mr STUART AYRES: I have complete confidence in the commissioner to allocate the resources of Fire and Rescue NSW to ensure that we have the most appropriate coverage across the network. The commissioner, along with his senior executive team, applies appropriate and long-term risk management practices to ensure that the people of New South Wales, particularly across metropolitan areas and including growth areas, have appropriate fire protection coverage.

The Hon. STEVE WHAN: Thank you. Minister, would you agree to proposals to close stations or will you rule that out?

Mr STUART AYRES: I am not going to speculate on proposals that may or may not exist.

The Hon. STEVE WHAN: Minister, did you or your predecessor direct that firefighters should cease having access to the so-called SAM system, which is the System to Automate Manual disposition? Did you do that so they could not see which fire stations were open or closed?

Mr STUART AYRES: I will defer to Mr Mullins on that question.

Mr MULLINS: I directed that to happen because, as I have said previously, I have a zero tolerance approach towards bullying and harassment in the organisation. The system was being used by some individuals to bully senior officers. I will not go into the details.

The Hon. STEVE WHAN: In what way?

Mr MULLINS: People were ringing them up and abusing them. They were saying, "Why did you take that station offline? You shouldn't have done that. That person is on a different sort of leave." Some people were actually suffering.

The Hon. STEVE WHAN: Might that not be seen as a bit of a sledgehammer way to deal with that? Are you not now basically constraining people's access to information about what is going on in the service they work in?

Mr MULLINS: It is a "nice to have" function. We are actually now considering reinstating that, but after the change of shift. It was constraining inspectors in their role of managing the staff under their supervision. They were being questioned by a lot of different people, and in a not very nice way. They asked that I look after them because they were having to put in place—

The Hon. STEVE WHAN: I would agree that it is a concern if it was being used for bullying.

Mr MULLINS: Yes, it was. I can sure assure you that it was. But we are looking at reinstating that after the change of shift so that people can see what is going on. In practical terms it is something nice for people to look at but it does not really help them or hinder them in doing their job.

The Hon. STEVE WHAN: I only have a couple of minutes left and I want to ask a couple of questions of the State Emergency Service [SES]. Mr Morrow, could you tell me what training or guidance SES volunteers in south-east New South Wales have to deal with the potential dangers of houses with loose-fill asbestos insulation in their roofs? Are there any procedures in place specifically to deal with so-called Mr Fluffy type insulation?

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

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

Mr MORROW: Yes, indeed.

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

Mr MORROW: That is not an issue that I am personally aware of so I will have to take that on notice.

The Hon. STEVE WHAN: If you could do that it would be great.

Mr MORROW: Yes, certainly.

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

Mr MORROW: There are 17 regions in total.

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

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

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

Mr MORROW: Absolutely.

Mr DAVID SHOEBRIDGE: Minister, will you commit to negotiating in good faith to reinstate the brave SES whistleblower former Deputy Commissioner Tara McCarthy?

Mr STUART AYRES: Any consideration of Ms McCarthy's reinstatement is a matter for the NSW Public Service Commissioner in conjunction with the Secretary to the Department of Justice.

Mr DAVID SHOEBRIDGE: Minister, what are you doing to ensure that this woman who blew the whistle on appalling financial mismanagement—and that would be the politest description; the conduct was found to be corrupt by the Independent Commission Against Corruption [ICAC]—does not become collateral damage?

Mr STUART AYRES: As I have just stated, her employment is a matter for the Public Service Commissioner and the Secretary to the Department of Justice. I can also indicate that the Public Service Commissioner has appointed the former Federal Public Service Commissioner, Lynelle Briggs, to inquire into the governance of the New South Wales SES. I understand that her report contains a range of recommendations and that the NSW Public Service Commissioner is considering those. The Acting Commissioner of the SES has

also started a wholesale review of policy and procedures to ensure that the New South Wales SES and its volunteers can best protect the community of New South Wales.

Mr DAVID SHOEBRIDGE: Minister, Ms McCarthy did nothing wrong; in fact, Ms McCarthy bravely blew the whistle on appalling financial mismanagement in the SES. She was sacked, by the Commissioner who has now been found to be corrupt by ICAC, for blowing the whistle. Minister, why are you not taking steps to ensure that she is reinstated? Do you just not care about whistleblowers?

Mr STUART AYRES: I care very much about whistleblowers.

Mr DAVID SHOEBRIDGE: Well, what are you doing?

Mr STUART AYRES: I have just indicated to you—

Mr DAVID SHOEBRIDGE: Nothing.

Mr STUART AYRES: I have indicated to you—

Mr DAVID SHOEBRIDGE: The question was: What are you doing, Minister?

Mr STUART AYRES: I have indicated to you that the issue of Ms McCarthy's position is one for the Public Service Commissioner and the Secretary to the Department of Justice.

Mr DAVID SHOEBRIDGE: So when a whistleblower gets sacked for blowing the whistle on corruption, the corruption is proven in ICAC, the person who sacked her is forced to resign because of a corruption finding from ICAC, do you think it is right for the Minister to do nothing? Is that what I am to believe?

Mr STUART AYRES: No, that is not what I said.

Mr DAVID SHOEBRIDGE: What are you doing?

Mr STUART AYRES: As I said, the Public Service Commissioner has appointed the former Federal Public Service Commissioner to conduct an inquiry into the governance of the New South Wales SES. Ms McCarthy's position is a matter for the Public Service Commissioner and for the Secretary to the Department of Justice.

Mr DAVID SHOEBRIDGE: Minister, brave, principled and courageous people like Ms McCarthy are the people we want in the public service yet you are doing nothing to get her reinstated—even though she has persistently asked for that. Minister, do you accept that you are failing in your duty as a Minister when you do absolutely nothing?

Mr STUART AYRES: No, I do not accept that proposition. I think we are following a process that will ensure that the SES maintains—

Mr DAVID SHOEBRIDGE: Minister, do you think that she should be reinstated?

Mr STUART AYRES: I do not think that decision is for me.

Mr DAVID SHOEBRIDGE: Do you think she should be reinstated?

Mr STUART AYRES: That is not a decision for me.

Mr DAVID SHOEBRIDGE: Commissioner Fitzsimmons, in relation to the 10/50 regulations that have been rolled out, has anyone raised with your office the instance at Fingal Head where a large patch of remnant rainforest was clear-felled under the 10/50 regulations?

Mr FITZSIMMONS: I have not heard that at all.

Mr DAVID SHOEBRIDGE: Would you be troubled to hear that 0.4 hectares of critically endangered remnant rainforest was cleared on a property at Fingal Head under 10/50 regulations that you are responsible for?

Mr FITZSIMMONS: I would be troubled to hear of anybody misusing the intent of the new legislation. As I say, I have heard nothing of the example that you have just raised.

Mr DAVID SHOEBRIDGE: Minister, what have you done about the fact that that remnant rainforest was clear-felled under the 10/50 regulations that your Government is responsible for?

Mr STUART AYRES: We have in place the 10/50 legislation. It was broadly supported right across the community. Since 1 August people who live in the area known as the 10/50—

Mr DAVID SHOEBRIDGE: And people used the regulations to clear-fell remnant rainforest that has been protected for two decades under State environmental planning policies that have been set aside under the 10/50 regulations. Minister, do you think that is a good outcome?

Mr STUART AYRES: That issue has not been raised with me.

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

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

Mr DAVID SHOEBRIDGE: You can go and look at 40 Queens Street, Fingal Head. Go yourself and have a look at the rainforest that has been clear-felled under your 10/50 regulations. Will you undertake to do that?

Mr STUART AYRES: Yes, I will.

Mr DAVID SHOEBRIDGE: Commissioner, when you put out the 10/50 mapping, did you think of excluding critically endangered environmental communities such as remnant rainforest?

Mr FITZSIMMONS: There were a number of considerations undertaken prior to the code being distributed and the entitlement zone being established. I am aware in consultation principally with the planning department and the Office of Environment and Heritage [OEH], for example, that there were considerations around things like a couple of the State environmental planning policies [SEPPs]. I will get the numbers wrong, but they were the wetland SEPP and the littoral rainforest and those sorts of things. They were elected by those bodies to be removed from the provisions. We do have—

Mr DAVID SHOEBRIDGE: Did you say other agencies agreed with the exclusion of the littoral rainforest SEPP and the wetland SEPP?

Mr FITZSIMMONS: Absolutely.

Mr DAVID SHOEBRIDGE: Which agencies were they?

Mr FITZSIMMONS: The principal agencies were Office of Environment and Heritage and the Department of Planning that were involved in the production of the code prior to it going to public exhibition. The code has a number of safeguards in place to ensure that we have the right entitlement being exercised around tree and vegetation removal. They include standing agreements on matters of cultural and heritage significance. There are biodiversity provisions in the code. There are also matters of soil integrity or ground integrity to make sure that we look at slopes particularly and, of course, riparian zones. There are a number of safeguards built into the code.

The designated area, the entitlement area, was a zone based on the bushfire-prone land maps that have been drawn up and sponsored by local government for more than a decade, for 12 years. I think it came in in September 2002 in New South Wales where every local government area identifies its bushfire-prone land across its area. We have actually identified that within 350 metres is where 99 per cent of all properties are lost

in bushfires. That is based on some of the latest available research out of the national cooperative research centre [CRC] where we have looked historically through not just New South Wales but other jurisdictions such as Victoria and Tasmania to identify what is an appropriately supported way of identifying what that entitlement area might be.

Mr DAVID SHOEBRIDGE: The long and the short of it is littoral rainforests and wetlands can be clear-felled under 10/50 regulations regardless of what is contained in the SEPPs. The SEPPs have been set aside under the 10/50 regulations.

Mr FITZSIMMONS: You cannot be that absolute, might I say, because there are inherent provisions—

Mr DAVID SHOEBRIDGE: It is that absolute up at Fingal Head.

Mr FITZSIMMONS: As I say, I have not heard about it. I am happy to look at it, but what you are saying here is the first I have heard about Fingal Head. There are inherent safeguards in there particularly if they are identified and registered areas with OEH and others, for example.

Mr DAVID SHOEBRIDGE: You know that Mosman Council has sought to be excluded from the 10/50 regulations because it is concerned that residents will abuse them to chop down trees for views. You understand that, do you not?

Mr FITZSIMMONS: I have heard about that.

Mr DAVID SHOEBRIDGE: What are you doing about it?

Mr FITZSIMMONS: My understanding is there has been some representation with council talking to our office. As I have also indicated in other forums, we are doing a number of local government workshops around New South Wales, which we do from time to time. In those discussions and consultations the new 10/50 vegetation provisions have been discussed. Overwhelmingly the majority of feedback is one of positivity and comments concerning common sense. There has been some clarity down the South Coast as to how the 10/50 applies with development control and consents and those sorts of things. I have got another one this week in Sydney. I would encourage any local government, Mosman or otherwise, to provide us feedback or input about any concerns they might have.

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

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

Mr DAVID SHOEBRIDGE: Will you take it on notice?

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

Mr DAVID SHOEBRIDGE: What specifically are you doing about the proposition from Mosman Council that it is concerned that residents are abusing the 10/50 regulations in order to chop down trees simply to open up their views of the harbour?

Mr FITZSIMMONS: The feedback I have had is not that people are doing it but there is a concern that they might. I could be wrong but that is the feedback I have heard. As I say, council is in discussion with our organisation and we are having a look through what their concerns might be.

Mr DAVID SHOEBRIDGE: Are you troubled by the fact that more than 85 per cent of Hornsby shire is now covered by 10/50 rules and that all of the protections for vegetation cover and tree protection under the tree protection order, the local environment plan and the development control plans have been negated as a result of your extraordinarily broad mapping under 10/50?

Mr FITZSIMMONS: I would say two things. Firstly, Hornsby shire is called the bushland shire for a reason.

Mr DAVID SHOEBRIDGE: Not for long under your 10/50 regulations.

Mr FITZSIMMONS: The other thing—

The Hon. TREVOR KHAN: Point of order: Mr Shoebridge is constantly interrupting the witness while he is seeking to answer. He also did that to the Minister. The witness is entitled to answer without what almost amounts to hectoring over the top of him. I ask that the member be brought to order and the witness be allowed to answer the question without interruption.

CHAIR: Order! I uphold the point of order. Mr Fitzsimmons can answer the question he has been asked.

Mr FITZSIMMONS: The other thing I would say and repeat is that it is not just some broad, sweeping zone; it is a designated zone based on established bushfire-prone maps that have been designated and authorised by councils now for over a decade. As a matter of fact, if you look at something like the removal of trees in a council like Hornsby, where I happen to be a resident, there is already a standing provision in the tree preservation orders where you can remove any trees within three or five metres from a house anyway because it is linked with structural footing. Those tree preservation orders will vary across different local government areas and that is one of the challenges that the community has raised.

What we are talking about is trees as defined in the code within 10 metres of the residential dwelling loosely described, and thinning of vegetation on one's property up to 50 metres within a designated area. That designated area, as I say, aligns with a 350 metre zone typically, which equates to where 99 per cent of losses of people's homes occur in bushfires.

Mr DAVID SHOEBRIDGE: Last week I met with residents from Cheltenham and Beecroft who live in the heart of established suburbs hundreds of metres away from any bushland. Their houses are more than 100 years old and have never been threatened by bushfire or face any reasonable threat from bushfire and yet all of the trees in the area are subject to being chopped down because they are in a designated 10/50 zone. They expressed their deep concern about it. What are you doing about those concerns?

Mr FITZSIMMONS: What I would say, firstly, is if you are within the entitlement zone you are in there for a reason because you are adjacent to bushfire-prone land and the 350-metre zone identifies historically where 99 per cent of all homes are lost in bushfires. That is a fact supported by research. We have not just plucked the zone out of the air. It is based on science and it is based on experience. I think it is great that you have met with people who have been able to live there and not have their homes lost or destroyed over the years.

But the reality is if they are in a bushfire-prone area and they are designated through local government for over a decade as being adjacent to this bushfire-prone land then, yes, they will be captured in the vegetation clearing entitlement zone. It is an entitlement, not an obligation. It is not an absolute that we are going to see clear-felling of trees. As a matter of fact, based on the Victorian experience I am not aware and I have not got feedback from my colleagues there that we have seen overt deliberate misuse of vegetation clearing streamlining processes such as those provided under the 10/50 provisions.

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

Mr FITZSIMMONS: It is out. It is there.

Mr DAVID SHOEBRIDGE: Where is it available?

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

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

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

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

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

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

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

Mr DAVID SHOEBRIDGE: Minister, what steps are you taking to ensure in terms of oversight that the 10/50 regulations are not being abused for the removal of trees for proactive development, or the removal of trees for things such as improving a person's view?

Mr STUART AYRES: As the Commissioner has just indicated, if you are in a bushfire zone you have an entitlement to remove a tree. I have lived through bushfires myself and I saw the devastation of the Blue Mountains bushfires last October. The Act entitles individuals to take action to ensure that their property is best protected, based on the restricted clearing of vegetation—whether that is a tree within 10 metres or the understorey of vegetation within 50 metres of a home. I would think people who choose to utilise that beyond the realm of the law, for a start, are breaching it.

Mr DAVID SHOEBRIDGE: The question is not about going beyond the realm of the law; it is about using your laws for illegitimate purposes. That is the question. It is not about going beyond the laws.

Mr STUART AYRES: Yes. If they are removing a bushfire hazard, they are working within the law.

CHAIR: Order! The time for questions related to the Emergency Services portfolio has expired. I thank the witnesses for appearing before the Committee this morning. The Committee will resume at 12.15 p.m. for the Sport and Recreation portfolio.

(The witnesses withdrew)

(Short adjournment)

JANETT MILLIGAN, Executive Director, Venues NSW,

PAUL DOORN, Executive Director, Office of Sport, Sport and Recreation, and

PHILIP MINNS, Deputy Secretary, Department of Premier and Cabinet, and Acting Chief Executive, Office of Sport, sworn and examined:

DEBRA BOCK, Director, Finance, Office of Sport, Strategic and Business Services, affirmed and examined:

CHAIR: I declare open the budget estimates hearing for the portfolio area of Sport and Recreation.

The Hon. LYNDA VOLTZ: Minister, do you have any interests in the racing industry and have you declared them in your pecuniary interests?

Mr STUART AYRES: Yes. I am the part owner of four racehorses. Their registered names are Nextanix, Bet Thehouse On It and Cuban Star. The fourth horse is not named so, therefore, does not have a registered name. Its breeding is Myboycharlie out of Turfsurfer. So if you wanted to search for that, you could. Yes, they are on my parliamentary pecuniary declaration, although I note that I have sought advice from the Clerk, who tells me that they do not have to be there.

The Hon. LYNDA VOLTZ: In which declaration did you include them?

Mr STUART AYRES: My parliamentary declaration.

The Hon. LYNDA VOLTZ: I have here all of your parliamentary declarations and they are not in any of them.

Mr STUART AYRES: They are clearly not up to date.

The Hon. STEVE WHAN: So are they in the most recent one you have presented?

Mr STUART AYRES: Yes.

The Hon. LYNDA VOLTZ: So they are not in your previous parliamentary declarations?

The Hon. STEVE WHAN: Why did you not declare them in previous years?

Mr STUART AYRES: Because I had sought advice from the Clerk and they had not been there, but in anticipation of you asking questions like this, I have decided to put them there.

The Hon. LYNDA VOLTZ: The Clerk advised you that you did not need to declare them?

Mr STUART AYRES: That is correct.

The Hon. LYNDA VOLTZ: In writing?

Mr STUART AYRES: That is also correct.

The Hon. LYNDA VOLTZ: Even though they are a source of income?

Mr STUART AYRES: They are not a source of income.

The Hon. LYNDA VOLTZ: These horses have made no income?

Mr STUART AYRES: They are not a source of income based on the requirements, and I make the argument also that they are not a source of income.

The Hon. LYNDA VOLTZ: One of your horses has won \$200,000. How do you justify that as not a source of income?

Mr STUART AYRES: Yes it is a source of income, but if you are asking whether there is a net gain there, there is not.

The Hon. LYNDA VOLTZ: I am not asking if it is a net gain. I am asking if it is a source of income?

Mr STUART AYRES: It is not a source of income as per the parliamentary declaration.

The Hon. STEVE WHAN: On what basis then would you have to declare shares but not shares in a racehorse?

Mr STUART AYRES: I think that is a question for the Clerk, but the advice I have is that they do not have to be there. But I have just told you that I have declared those interests on my latest pecuniary interest declaration.

The Hon. STEVE WHAN: What is your relationship with Gary Knight?

Mr STUART AYRES: Gary Knight was a part owner of a horse I was in called Nextanix. He is no longer an owner of that horse. I understand he sold his shares a number of years ago.

The Hon. STEVE WHAN: Is he a friend of yours?

Mr STUART AYRES: He is an acquaintance. We have crossed paths. Obviously, we shared a horse together.

The Hon. STEVE WHAN: What was your involvement in Platinum Racing?

Mr STUART AYRES: I did not have any involvement in Platinum Racing.

The Hon. STEVE WHAN: That horse was not part of that syndicate?

Mr STUART AYRES: The horse was part of the Platinum Racing syndicate, but my share was not part of Platinum Racing. That is listed very clearly in the Racing NSW ownership register.

The Hon. STEVE WHAN: So you are not friends with Gary Knight?

Mr STUART AYRES: He is an acquaintance of mine, someone I have met a number of times. I would not declare him as a friend. I have not spoken to him in a number of years.

The Hon. LYNDA VOLTZ: I have heard the Premier's comments about Brookvale Oval and that he met with the general manager regarding State Government assistance. Has the Premier spoken to you about assistance to Brookvale Oval?

Mr STUART AYRES: The Premier and I discuss sports facilities regularly. Brookvale is included in that.

The Hon. LYNDA VOLTZ: Will the Government be committing any funding to Brookvale Oval?

Mr STUART AYRES: That is a question that we will be considering. I know the Federal Government has made a contribution to that facility. The New South Wales Government has a Stadia Strategy policy position that identifies how we should invest our scarce funding resources that we have for facilities and tier 2 stadiums are included in that.

The Hon. LYNDA VOLTZ: Despite the newspaper article in which you said you would be concentrating on Moore Park, the Olympic venue and another Western Sydney venue, are you saying that you will fund other ovals?

Mr STUART AYRES: Those facilities you just named are the priority investments identified in the Stadia Strategy. The strategy does not preclude the Government from investing in tier 2 facilities. In fact, it highlights a number of ways in which it should do that.

The Hon. LYNDA VOLTZ: What about State Government owned venues, such as Parramatta Stadium?

Mr STUART AYRES: The Stadia Strategy clearly identifies that as a location where we could invest facilities, provided it meets the long-term outcomes of the Stadia Strategy. I would say also that the Government is investing money into Parramatta Stadium. Currently, work is being undertaken in conjunction with the Federal Government to invest approximately \$29 million across Federal, State and local government into that facility. We are working through a scope of works for the upgrade of that facility at the moment.

The Hon. LYNDA VOLTZ: And that funding goes back to 2011?

Mr STUART AYRES: The Federal commitment?

The Hon. LYNDA VOLTZ: For Parramatta?

Mr STUART AYRES: Yes. The Federal commitment was a commitment out of, I think, the previous Federal Government. That money had been given to the State for the purpose of investing into Parramatta. The State Government has allocated \$6 million to that facility and I understand that should the scope of works be in agreement with Parramatta council, it will be contributing \$3 million of the \$29 million invested in the upgrade of Parramatta Stadium.

The Hon. LYNDA VOLTZ: So when you talk about a future Western Sydney stadium, what do you mean?

Mr STUART AYRES: We have not determined what type of facility that would be. The Stadia Strategy identifies that a facility could be redeveloped or a greenfield facility could be invested in, but the Stadia Strategy recognises that for Western Sydney to maintain an appropriate level of service to sports facilities, it identifies the need for a tier 2 facility in that location.

The Hon. LYNDA VOLTZ: So the advice you received from the department does not say that there is an oversupply of stadiums in the Sydney metropolitan area?

Mr STUART AYRES: That is exactly what it says. It says that there is an oversupply of tier 2 facilities. It also says that the funding investments that we have made over a significant period of time, whether that be the previous Government or even governments before that, have been of an ad hoc nature that has meant that our facilities have slipped behind the status and standard that are required of international facilities. The spread of funds into multiple tier 2 facilities across particularly the metropolitan basin has meant that we have not had funds available to invest in major facilities and the Stadia Strategy is about reprioritising where that funding goes to provide best value for the taxpayer to ensure that we maintain appropriate sporting facilities for the community.

The Hon. LYNDA VOLTZ: So you are saying there has been underfunding in Western Sydney on tier 2?

Mr STUART AYRES: No, that is not what I said.

The Hon. LYNDA VOLTZ: What about Belmore Oval? Have you had any discussions with the Canterbury Bulldogs about Belmore Oval?

Mr STUART AYRES: I have not met with the Canterbury club to discuss that. I think they may have written to the department so I will probably seek further advice around that, but I have not had any discussions with them about further upgrades to Belmore.

The Hon. LYNDA VOLTZ: Can you tell me who approached Con Georgoulas, who is a Bulldogs sponsor, to host a \$750 a head luncheon on 19 September with you as a guest speaker? Was that you?

Mr STUART AYRES: I am not aware of any activity. I am not sure of the gentleman you have just named.

The Hon. LYNDA VOLTZ: You do not know who Con Georgoulas is?

Mr STUART AYRES: No.

The Hon. LYNDA VOLTZ: You do not know that you are doing a river cruise fundraiser with him for David Elliott for \$750 a head?

Mr STUART AYRES: I am attending an event that may have been organised by David Elliott, but I do not know anything about Con Georgoulas.

The Hon. LYNDA VOLTZ: So you had no discussions regarding that fundraiser?

Mr STUART AYRES: No, obviously I agreed to do an event hosted by David Elliott but I have no information about Con Georgoulas at all.

The Hon. LYNDA VOLTZ: So you did not know that you and Con Georgoulas would be doing a footy talk cruise in the middle of the NRL finals?

Mr STUART AYRES: I am sure that as sports Minister people would ask me questions about sport.

The Hon. LYNDA VOLTZ: Okay. In regards to Blacktown stadium, can you tell me why the funding has been decreased—I think the figure was \$776,000 to Blacktown International Sportspark in 2014—and will you reinstate that funding?

Mr STUART AYRES: From 2002 through to 2013 the Government had funded Blacktown City Council to the tune of a total of about \$8.92 million for the upkeep and management of Blacktown International Sportspark. In June 2013 council was advised that any future requests would need to be supported by a comprehensive business case. In October 2013 council submitted a business case to Sport and Recreation for funding of \$809,000 for a minimum of three years. Sport and Recreation reviewed the business case and determined that it lacked the necessary detail to properly assess the case and continue government funding and advised council of this fact in December 2013.

The Hon. LYNDA VOLTZ: So you will not reinstate the funding?

Mr STUART AYRES: Not without an appropriate business case. I think the fact that the previous Government spent taxpayers' dollars to the tune of hundreds of thousands of dollars without any oversight, without any appropriate governance, was a complete failure of an appropriate level of government oversight around investment. No, I will not be spending money or allocating money to a facility without an appropriate business case.

The Hon. LYNDA VOLTZ: You have just spoken about funding into Western Sydney and the need to upgrade facilities there, so would you envisage that Blacktown is an area where there is a shortage?

Mr STUART AYRES: We have a Future Needs for Sports study that we are conducting currently with Sports at the moment seeking their advice around their current state of facilities and where they see their future need. I am sure that the Blacktown area, given we have written to councils as well as Sports, will have a number of sites located as Future Needs for Sports. As far as any major facilities go, they would need to be consistent with the Stadia Strategy if it was in the order of a stadium. I would also point out that those facilities are managed by Blacktown council and they have multiple funding opportunities through community building partnerships direct application to Sport and Recreation but those applications and grants would need to be assessed.

The Hon. LYNDA VOLTZ: Where has your department identified that the shortfall is for this future Western Sydney site?

Mr STUART AYRES: We have not identified a location.

The Hon. LYNDA VOLTZ: You are saying there is a shortage but you do not know where it is?

Mr STUART AYRES: No, the Stadia Strategy identifies if you improve the tier 1 facilities and consolidate activity into those facilities, that Western Sydney does not have an appropriate facility to fill that population and therefore either, as stated in the strategy, a renovation or rebuild of an existing facility or a new facility should be considered.

The Hon. LYNDA VOLTZ: What about investment in Wollongong?

Mr STUART AYRES: Wollongong is expressly identified as a government-owned facility and is therefore included in the Stadia Strategy.

The Hon. LYNDA VOLTZ: Will they continue to be funded as part of the core direction?

Mr STUART AYRES: Wollongong stadium is administered by Venues NSW and the operation of that continues as such.

The Hon. LYNDA VOLTZ: You talk about getting major events to New South Wales. Can you tell me what discussions you have had in regards to getting the Women's World Cup in football to New South Wales?

Mr STUART AYRES: I have not had any discussions with anyone about the Women's World Cup.

The Hon. LYNDA VOLTZ: What discussions have you had about women in sport?

Mr STUART AYRES: Major events are allocated to the Minister for Tourism and Major Events. Perhaps you can ask him that question when he appears before estimates.

The Hon. LYNDA VOLTZ: In your article you speak about major events and how you are working towards—

The Hon. STEVE WHAN: Is it him or her? There is a Minister assisting as well.

Mr STUART AYRES: Sorry, the banter covered some of your question.

The Hon. LYNDA VOLTZ: You speak about getting major events to New South Wales and to Sydney. Surely you will have a role in the major events in the sporting arena?

Mr STUART AYRES: I am the Minister for Sport and Recreation. We administer facilities located across Sydney and New South Wales, facilities that are owned by the government and some facilities that are leased by the government. As the Minister responsible for those and the reporting lines for those related entities, we want to see as many venues being maximised and generating revenue for the New South Wales taxpayer as best we can. If we get the opportunity to provide more sporting opportunities so that people can be spectators at those events and facilities, we will continue to do that. I will be a strong and outspoken advocate for increased participation and also for people in New South Wales to be able to access good quality sport.

The Hon. LYNDA VOLTZ: Have you taken any proposals to the Minister responsible for major events?

Mr STUART AYRES: No, I have not. That would be a question for—

The Hon. LYNDA VOLTZ: And have you met anyone at the major women's sports in regards to major events?

Mr STUART AYRES: Major women's sports? If it is considered a major event outside of the normal operation of a sporting code, it would be a question that should be directed to the Minister for Tourism and Major Events.

The Hon. LYNDA VOLTZ: Minister, I asked you a question on notice with respect to tickets that you have received from businesses or corporate entities, to which I have not received an answer. Is there some reason you would not list what tickets you have received from businesses and corporate identities?

Mr STUART AYRES: Assuming that I still have a period of time to reply to your question on notice, I would think that we would adhere to the reporting time lines. Beyond that, I can take your question on notice.

The Hon. LYNDA VOLTZ: I put my question on notice and you answered, "As the Minister for Sport and Recreation I attend many sporting events and I comply with the Ministerial Code of Conduct."

Mr STUART AYRES: I think I answered your question.

The Hon. LYNDA VOLTZ: No, I asked you which events you had been to and which businesses and corporate entities you have received tickets from.

Mr STUART AYRES: And I answered your question.

The Hon. LYNDA VOLTZ: You said that you have complied with the Ministerial Code of Conduct. That is not the question that I asked. I asked you what events you have been to and which businesses or corporate entities have supplied tickets.

Mr STUART AYRES: I am fairly certain I answered within the rules of the Parliament.

The Hon. LYNDA VOLTZ: Previously in your pecuniary interests, which we have, you have stated, for example, that you received tickets from Emirates to the Derby Day in Melbourne and the Melbourne Cup.

Mr STUART AYRES: That is correct.

CHAIR: For the information of witnesses, we have been advised that no crossbench members will be attending the hearing. As we discussed at the beginning, I will allow the Opposition members to have a further 10 minutes of questioning.

The Hon. STEVE WHAN: There is time allocated for estimates and if Government members have foregone their questions we should be able to use all of the remaining time.

The Hon. TREVOR KHAN: No, that is not correct.

The Hon. STEVE WHAN: The only agreement is that Government members are not asking questions.

CHAIR: There is also a resolution that the time and allocation for questions is left in the hands of the Chair. It has been decided that you have a further 10 minutes. If you would like to move a dissent motion to my ruling, Mr Whan, you are welcome to do that.

The Hon. TREVOR KHAN: Move it now and we will go into Committee.

The Hon. STEVE WHAN: No, we will keep going for now.

The Hon. TREVOR KHAN: Move it now.

CHAIR: The Opposition members have a further 10 minutes for questions.

The Hon. LYNDA VOLTZ: You attended the Emirates marquee on Melbourne Cup Day—

Mr STUART AYRES: Yes, that is correct.

The Hon. LYNDA VOLTZ: —as a guest of Emirates. Who paid for your travel for that?

Mr STUART AYRES: I did.

The Hon. LYNDA VOLTZ: You did?

Mr STUART AYRES: Yes.

The Hon. LYNDA VOLTZ: At that time you had not disclosed that you had a pecuniary interest in the racing industry.

Mr STUART AYRES: No, I do not believe that for the documentation you have got that I would have had the declarations of my interests in horseraces.

The Hon. LYNDA VOLTZ: What about in 2012?

Mr STUART AYRES: I would refer to the document that you have in your hand.

The Hon. LYNDA VOLTZ: You also had—

The Hon. TREVOR KHAN: Was he a Minister in 2012?

The Hon. LYNDA VOLTZ: You also were a Sportsbet—

The Hon. STEVE WHAN: He was a member of Parliament.

The Hon. TREVOR KHAN: Yes. We are dealing with the budget.

The Hon. LYNDA VOLTZ: If the Hon. Trevor Khan would listen, I have just asked the Minister a question about—

The Hon. TREVOR KHAN: You asked about 2012. I take a point of order.

The Hon. LYNDA VOLTZ: You can, as usual—

CHAIR: Order!

The Hon. LYNDA VOLTZ: —jump all over questions as much as you like, but if you would listen, I asked him, as Minister, which tickets he has received.

The Hon. TREVOR KHAN: You asked about 2012.

The Hon. LYNDA VOLTZ: Sportsbet sent you down there in 2013. At that time did you declare that you had an interest in the racing industry?

Mr STUART AYRES: I have always adhered to the requirements of the parliamentary declarations.

The Hon. LYNDA VOLTZ: Except you had not declared that you had an interest in the racing industry, had you?

Mr STUART AYRES: No, I have an interest in horseraces.

The Hon. LYNDA VOLTZ: Yes, which is the racing industry.

Mr STUART AYRES: I have an ownership declaration, if that is what you wish to call it, in horses. It is not an interest in the industry.

The Hon. STEVE WHAN: Of course it is an interest in the industry. You have only just decided it should be on your pecuniary interest register. What date did you decide you were going to put it on your latest pecuniary interest register?

Mr STUART AYRES: I did it on Monday.

The Hon. STEVE WHAN: You did it on Monday. This Monday?

Mr STUART AYRES: Yes.

The Hon. STEVE WHAN: You thought, "Oh, estimates are coming up. I better put this on my pecuniary interest"?

Mr STUART AYRES: Actually, no. I thought you would have asked questions in the House, here, wherever you like. I decided that for the sake of transparency—

The Hon. STEVE WHAN: So they have been on record for some years, and Monday was the day. That is very good.

Mr STUART AYRES: Yes.

The Hon. LYNDA VOLTZ: When did you seek the Clerk's advice, and you were advised that you did not need to put it on?

Mr STUART AYRES: In my first week of Parliament, and I also sought—

The Hon. LYNDA VOLTZ: You got written advice from the Clerk in your first week of Parliament that you did not need to declare an interest in a horserace that earns an income?

Mr STUART AYRES: That is not correct. I sought advice from the Clerk in my first week of Parliament. I was advised verbally that I did not have to declare it. I sought further advice from the Clerk and requested written information this year. I was advised once again by the Clerk that I did not have to declare it—

The Hon. LYNDA VOLTZ: Was that in writing?

Mr STUART AYRES: —but in the area that is under the declarations that you provide to the Parliament if there is anything else you wish to disclose I chose to do so.

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

Mr STUART AYRES: Yes.

The Hon. LYNDA VOLTZ: A week ago?

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

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

Mr STUART AYRES: Will I release?

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

Mr STUART AYRES: I will take that on notice.

The Hon. STEVE WHAN: You said that the share you had in your horse was separate to the shares owned by Platinum Racing. How does a horse become divided between a syndicate such as Platinum Racing and private owners? Is that a usual process? You were also affiliated with the person I mentioned before, Gary Knight, who was the boss of Platinum Racing.

Mr STUART AYRES: If you purchase a horse you pay for the percentage value of what that horse was and then you pay ongoing expenses for that value. That is how.

The Hon. STEVE WHAN: You never had any other affiliation with Platinum Racing apart from the fact that they were involved in a horse that you were involved in as well?

Mr STUART AYRES: I have had no affiliation with Platinum Racing.

The Hon. STEVE WHAN: You know nothing about the fact that they went broke and owed money to a lot of suppliers and have been warned off racecourses?

Mr STUART AYRES: I have no relationship at all.

The Hon. STEVE WHAN: Have you seen Gary Knight since he has been warned off all racecourses in New South Wales?

Mr STUART AYRES: No.

The Hon. LYNDA VOLTZ: Minister, can you tell us whether your campaign received any illegal donations?

The Hon. TREVOR KHAN: Point of order: How does that arise out of his ministerial responsibilities?

CHAIR: Order! I uphold the point of order. I do not believe that is relevant to the inquiry we are currently conducting.

The Hon. LYNDA VOLTZ: All right, he does not want to.

The Hon. TREVOR KHAN: No, I have taken a point of order, as I am entitled to. It has been ruled on.

The Hon. LYNDA VOLTZ: I have asked the same question at every estimates and it has never been ruled out.

The Hon. TREVOR KHAN: I do not really care what you have done.

CHAIR: Order!

The Hon. TREVOR KHAN: I have taken a point of order and it has been ruled on.

The Hon. LYNDA VOLTZ: Yes, you are a bit sensitive on the issue, very sensitive on the issue. Minister, is it correct that the Premier has committed \$10 million to the upgrade of Brookvale Oval?

Mr STUART AYRES: No.

The Hon. LYNDA VOLTZ: That is not the figure that is being talked about?

Mr STUART AYRES: To the best of my knowledge the New South Wales Government has not committed any capital expenditure funds to Brookvale Oval.

The Hon. LYNDA VOLTZ: Has the Government committed capital expenditure to any stadium?

Mr STUART AYRES: I informed you earlier that we had committed money to invest in Parramatta Stadium, which is currently in the budget.

The Hon. LYNDA VOLTZ: What about Sydney Olympic Park?

Mr STUART AYRES: Sorry, what about Sydney—

The Hon. LYNDA VOLTZ: What about an upgrade at Sydney Olympic Park?

Mr STUART AYRES: There is no line item in the budget for capital works on a stadium at Sydney Olympic Park.

The Hon. LYNDA VOLTZ: Have they approached you about an investment by the State Government, particularly in regards to roofing and reseating?

Mr STUART AYRES: There is no proposal before the Government.

The Hon. STEVE WHAN: Have they discussed with you their potential proposals for upgrading that stadium?

Mr STUART AYRES: The stadium has indicated to us that they have developed a master plan for the stadium. That is also the case for the sportsground with Sydney Cricket and Sports Ground Trust, which has also developed a master plan. I would think it would be a normal course of activity for those venues to discuss with the Minister for Sports their long-term future plans.

The Hon. LYNDA VOLTZ: Given that the Sydney Cricket Ground has received a \$120 million investment, are there any plans to invest funds into Sydney Olympic Park?

Mr STUART AYRES: There is no line item in the budget that allocates that. However, I indicate once again that the Stadia Strategy strongly suggests that we should prioritise our investment in tier 1 facilities, and those tier 1 facilities are clearly identified in the Stadia Strategy as being at Sydney Olympic Park and at Moore Park.

The Hon. LYNDA VOLTZ: For Sydney Olympic Park to be a tier 1 stadium they need access to fields and facilities to attract major teams to their facility in the long term. Has the Government made any arrangements that they have access to other facilities in Sydney Olympic Park that the stadium does not have control over?

Mr STUART AYRES: I do not believe that question is relevant to its status as a tier 1 stadium. There is no doubt in any person's mind involved in sport that Stadium Australia is a tier 1 stadium.

The Hon. LYNDA VOLTZ: To be economically viable over the long term they want rugby league teams to make Sydney Olympic Park their home but to do that they need to provide training facilities. Have they made any approaches to you regarding their need to provide training facilities?

Mr STUART AYRES: No-one at Stadium Australia—I can take advice from anyone else—or Sydney Olympic Park has asked me to provide training facilities for any teams to play at Sydney Olympic Park or Stadium Australia.

The Hon. LYNDA VOLTZ: The athletics and sports centres are under your purview?

Mr STUART AYRES: They are operated by the Sydney Olympic Park Authority.

The Hon. LYNDA VOLTZ: But under your ministry?

Mr STUART AYRES: They operate under their own budget.

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

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

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

Mr STUART AYRES: I can do that.

The Hon. CHARLIE LYNN: I didn't get one.

The Hon. TREVOR KHAN: Me either

The Hon. LYNDA VOLTZ: You got one did you, Charlie?

The Hon. CHARLIE LYNN: No.

The Hon. STEVE WHAN: The Government members are saying they would have liked to see some of them.

Mr STUART AYRES: It was a very dour game.

The Hon. STEVE WHAN: Minister, can I ask you about funding for the NSW Institute of Sport [NSWIS]. What is the NSW Institute of Sport's budget this year and how does it compare with last year?

Mr STUART AYRES: The total funding allocation for 2014-15 is \$10,951,000 and that compares to a budget figure of \$10,734,000 last year.

The Hon. STEVE WHAN: In real terms, it is only a marginal increase—if that. Are you concerned that what we saw happening prior to the last Olympics, where it appeared that NSWIS was having to contract the number of sports it supported due to its budget failing to keep up with costs, in this area is limiting our State's future elite athlete development?

Mr STUART AYRES: No, I do not agree with that. The performance of NSWIS scholarship athletes at the Commonwealth Games recently outlines that we are performing incredibly well: 21 gold medals by New South Wales athletes equated to 42.8 per cent of the total gold medals won by Australian athletes, with a total of 37 medals won—

The Hon. STEVE WHAN: Minister, I am not saying NSWIS does not do a good job; it does a terrific job—that is why I am bidding for it to get better funding. Minister, after the last Olympics we saw some hasty rethinking about the sailing programs at NSWIS, which were scheduled to have been cut. My understanding is that is because of constraints on the budget. Are you aware of any examples of narrowing the scope of sports supported by NSWIS because of its budget?

Mr STUART AYRES: No-one has raised any changes to the NSWIS programs with me.

The Hon. STEVE WHAN: No-one from NSWIS has expressed to you that they are finding it tough to cope with their current budget?

Mr STUART AYRES: I am sure everyone in life would like to have more money but, given the money that has been allocated, the performance of NSWIS—and, most appropriately, the wash-up from Commonwealth Games—shows that the investment that the New South Wales taxpayer is putting into NSWIS is not only getting a good result but carrying the rest of the nation.

The Hon. STEVE WHAN: That is because it is run by a former water polo player.

CHAIR: That concludes the time allocated to Opposition members for questions.

The Hon. STEVE WHAN: I dispute your decision not to utilise the crossbench members' time. Under the motion from Parliament—

The Hon. TREVOR KHAN: Point of order: The Chair has ruled on the matter.

The Hon. LYNDA VOLTZ: The Hon. Steve Whan is taking a point of order.

The Hon. TREVOR KHAN: It is not a point of order; the Chair has ruled.

CHAIR: Order!

The Hon. LYNDA VOLTZ: Are you the Chair, are you?

CHAIR: I was about to say that I rule that that brings to an end the estimates hearing in relation to Sport and Recreation. The member is able to move a motion of dissent from my ruling if he so chooses.

The Hon. STEVE WHAN: I move dissent from your ruling.

CHAIR: I will ask the witnesses and people in the public gallery to leave the room while the Committee deliberates.

[Debate and ruling.]

CHAIR: For the information of the Minister and the witnesses, the motion of dissent from my ruling was not upheld. That brings to a conclusion the questions in relation to Sport and Recreation.

The Hon. STEVE WHAN: The Minister is running scared.

CHAIR: Thank you for appearing before the Committee today.

(The witnesses withdrew)

The Committee proceeded to deliberate.

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