

CORRECTED COPY

## **GENERAL PURPOSE STANDING COMMITTEE No. 3**

**Friday 18 September 2009**

**Examination of proposed expenditure for the portfolio area**

### **POLICE**

**The Committee met at 10.30 a.m.**

#### **MEMBERS**

The Hon. A. R. Fazio (Chair)

The Hon. D. J. Clarke  
The Hon. G. J. Donnelly  
The Hon. M. J. Gallacher

Ms S. P. Hale  
The Hon. R. A. Smith  
The Hon. M. S. Veitch

---

#### **PRESENT**

**The Hon. M. J. Daley**, *Minister for Police*

**New South Wales Police Force**

**Mr A. Scipione**, *Commissioner*

**Mr A. Diakos**, *Executive Director, Corporate Services*

**Police Integrity Commission**

**Mr A. Kearney**, *Director, Prevention and Information*

**New South Wales Crime Commission**

**Mr P. Bradley**, *Commissioner*

**Department of Premier and Cabinet**

**Mr L. Tree**, *Deputy Director General*

---

## **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:** I declare this hearing for the inquiry into budget estimates 2009-10 open to the public. I welcome Minister Daley and accompanying officials. Today the Committee will examine the proposed expenditure for the Police portfolio. I refer witnesses, the audience and members of the media to my earlier statement about procedural matters such as the broadcasting of proceedings. 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 because you have already sworn an oath to your office as a member of Parliament.

**ANDREW SCIPIONE**, Commissioner, New South Wales Police Force,

**ARTHUR DIAKOS**, Executive Director, Corporate Services, New South Wales Police Force, and

**LESLEY TREE**, Deputy Director General, Department of Premier and Cabinet, sworn and examined:

**ALLAN KEARNEY**, Director, Prevention and Information, Police Integrity Commission, and

**PHILIP BRADLEY**, Commissioner, New South Wales Crime Commission, affirmed and examined:

**CHAIR:** In the past we have obtained the agreement of Committee members to direct questions to both the Crime Commission and the Police Integrity Commission first so that those officers may leave. Is it agreed that that should happen again this year, or would members prefer those officers to stay for the duration of the hearing?

**The Hon. MICHAEL GALLACHER:** I have only one line of questioning in relation to the Crime Commission.

**Ms SYLVIA HALE:** That is fine.

**The Hon. MICHAEL GALLACHER:** Welcome again, Mr Bradley. What impact do you believe the reduction in your total funding as set out in the 2009-10 budget will have on the Crime Commission?

**Mr BRADLEY:** Very minimal. As I have said on previous occasions, the budget for the Crime Commission has always been ample.

**The Hon. MICHAEL GALLACHER:** Given the CPI, this is probably the smallest budget you have received since 2005. Last year you received \$17.8 million and this year you have received \$17.3 million. Given the focus on organised crime, surely your budget should be going in the opposite direction.

**Mr BRADLEY:** I do not have the 2005 figures here to compare. However, a reduction of \$500,000 is marginal for us. You would be aware that in previous years we have returned funds to Treasury.

**The Hon. MICHAEL GALLACHER:** I note that during the Premier's budget estimates hearing on 15 September he indicated that the Independent Commission Against Corruption had put in a submission for additional funding following the release of the budget and that it had received an additional \$850,000. Its budget for this financial year had also been cut. Have you put in a submission?

**Mr BRADLEY:** We have made submissions for supplementation for some specific projects. One related to the rolling over of some tied funds for a specific profiling project. There is also an outstanding bid for supplementation for another specific area of organised crime that is being separately initiated.

**The Hon. MICHAEL GALLACHER:** Have you been successful in that submission?

**Mr BRADLEY:** We have not heard yet.

**The Hon. MICHAEL GALLACHER:** But the Independent Commission Against Corruption has. Are you aware that it is getting \$850,000?

**Mr BRADLEY:** I was not aware of that.

**The Hon. MICHAEL GALLACHER:** I have no questions for the Police Integrity Commission. Mr Diakos, I note that you are the acting executive director. What is your background?

**Mr DIAKOS:** I am employed as the Chief Financial Officer for the New South Wales Police Force. I have been in that role for three years.

**The Hon. MICHAEL GALLACHER:** What did you do prior to that?

**Mr DIAKOS:** Prior to that I was with the Department of Environment and Conservation as the Executive Director Corporate Services. I was there for quite a number of years. Before that I was with the Department of Health as a senior finance officer.

**The Hon. MICHAEL GALLACHER:** You are a longstanding public servant.

**Mr DIAKOS:** Yes.

**Ms SYLVIA HALE:** I have no questions for either the Police Integrity Commission or the Crime Commission.

**CHAIR:** Mr Kearney and Mr Bradley, thank you very much for coming along today. I hope you did not spend too much time preparing answers to questions that were not asked.

**(Mr Bradley and Mr Kearney withdrew)**

**The Hon. MICHAEL GALLACHER:** Minister, I draw your attention to the Malabar police station. Irrespective of whether the local Aboriginal land council claim lodged by the New South Wales Aboriginal Land Council is successful, is it fair to say that the Malabar police station will not be reinstated as a fully functioning police station?

**Mr MICHAEL DALEY:** As you are aware, Mr Gallacher, the Malabar police station has provided only a counter inquiry service for about a decade. The decision to close it was made many months ago, long before I became the Minister. It was closed on 1 July this year. As I understand it, it had one officer in a counter inquiry role on each of its two daily shifts. The number of public inquiries over the past decade has declined to the extent that prior to its closure it was almost exclusively used for bail reporting.

My view and the commissioner's view, as he publicly espoused yesterday, is that we want to continue to use good, proactive policing to drive down crime rates. I imagine we will talk about them at some length during this morning's proceedings. When I learnt that the station was to be closed, I met with Commissioner Scipione, I had a conversation or two with Deputy Commissioner Dave Owens—who was the local area commander at Eastern Beaches—and I also met the current local area commander, Peter McErlain. I kept at the back of my mind conversations I had had with his predecessor, Superintendent Phil Rogerson. I think it is fair to say that all four of those gentlemen were of the view that, having regard to the staffing arrangements at Malabar police station, police resources could best be augmented by getting those two officers out from behind the counter and into proactive policing roles or on the street in cars. The indication I have had from Superintendent McErlain is that since the closure of the station the two officers have been assigned to proactive and/or street patrols.

**The Hon. MICHAEL GALLACHER:** I therefore take it from your answer that you support the closure of Malabar police station?

**Mr MICHAEL DALEY:** I always support the police in their operational calls.

**The Hon. MICHAEL GALLACHER:** As a local member and as Minister for Police would you therefore be making any representations at all to have the issue of Malabar police station revisited with a view to having it reopened?

**Mr MICHAEL DALEY:** I am not here in my capacity as local member.

**The Hon. MICHAEL GALLACHER:** I asked you in your capacity as Minister for Police also?

**Mr MICHAEL DALEY:** I have just given you my answer to that. That is an operational matter and on operational matters I always support the police.

**The Hon. MICHAEL GALLACHER:** I ask you as Minister for Police will you be making any representations to have the position of Malabar police station reconsidered, yes or no?

**Mr MICHAEL DALEY:** No.

**The Hon. MICHAEL GALLACHER:** When were you first informed of the native title claim on that station?

**Mr MICHAEL DALEY:** Sometime this week.

**The Hon. MICHAEL GALLACHER:** Can you indicate to the Committee when you think that was—yesterday, or Monday, a rough idea?

**Mr MICHAEL DALEY:** I think it was Wednesday—Tuesday or Wednesday.

**The Hon. MICHAEL GALLACHER:** Who informed you?

**Mr MICHAEL DALEY:** I do not know. I think my chief of staff may have informed me. I could be—

**The Hon. MICHAEL GALLACHER:** Your chief of staff as member for Maroubra or as the Minister?

**Mr MICHAEL DALEY:** I do not have a chief of staff as a local member. I do not recall, but I believe my chief of staff informed me this week.

**The Hon. MICHAEL GALLACHER:** That is chief of staff as Minister?

**Mr MICHAEL DALEY:** As Minister.

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

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

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

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

**The Hon. MICHAEL GALLACHER:** On behalf of the—

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

**The Hon. MICHAEL GALLACHER:** So you have not met anyone at all from either the New South Wales Aboriginal Land Council or, indeed, the local Aboriginal land council to discuss this matter?

**Mr MICHAEL DALEY:** No.

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

**Mr MICHAEL DALEY:** On future projected sales?

**The Hon. MICHAEL GALLACHER:** Yes

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

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

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

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

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

**The Hon. MICHAEL GALLACHER:** They are regular, are they?

**Mr TREE:** Very regular.

**The Hon. MICHAEL GALLACHER:** How successful are they?

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

**The Hon. MICHAEL GALLACHER:** Have you immediately embarked upon an examination of the likelihood of other claims being put on other stations that have been earmarked for sale?

**Mr TREE:** The responsibility for Aboriginal land claims against government property is a matter for the Minister for Lands. That rests with the Lands portfolio.

**The Hon. MICHAEL GALLACHER:** But given that you have an expectation of getting \$15 million a year from sales of former stations, surely you must have been inquiring as to the impact this might have on your budget, given the \$15 million can have a significant impact on your budget?

**Mr MICHAEL DALEY:** All of the indications I have had in respect of properties owned by the State Government, whether they are police stations, schools, Roads and Traffic Authority offices or the like, is that there is a protocol to go through and at certain points in time, particularly when land has been relinquished by the State Government, it is then open for a person with standing under the Land Titles Act to make an application. It is not irregular. The Government, right across all its portfolio responsibilities, as you know, buys and sells properties as a matter of course. These applications are all dealt with on their merits.

**The Hon. MICHAEL GALLACHER:** Do you have a formal process that when you do earmark land under your portfolio—now as Police, or, indeed, even your experience in Roads—that one of the first things you do as part of that process is check the likelihood of there being a land claim made?

**Mr MICHAEL DALEY:** No.

**The Hon. MICHAEL GALLACHER:** None whatsoever?

**The Hon. MICHAEL DALEY:** Check the likelihood? So, we go out and canvas the minds of all Aboriginal people in New South Wales to ask what their likelihood of their making a claim is? That is an absurd question.

**The Hon. MICHAEL GALLACHER:** It is not an absurd question. Surely you must follow a proper process with regard to the sale of Crown land, that you need to be mindful of the likelihood of there being a native title claim lodged against it? Or do you not do that? So, you wait till the very end, until you have just put it up for sale and crowds are about to assemble and then you go, "Oops, we just found out"? Is that what happened during the week?

**Mr MICHAEL DALEY:** I can give you the chronology of it if you like.

**The Hon. MICHAEL GALLACHER:** I do not want the chronology, I am asking you a question about your process. This is a rather unusual process—

**Mr MICHAEL DALEY:** No, it is not.

**The Hon. MICHAEL GALLACHER:** This is normal process, is it?

**Mr MICHAEL DALEY:** It is not unusual. Land claims of the sort we are discussing now are not unusual.

**The Hon. MICHAEL GALLACHER:** I understand that, but I am talking about your process within government—that 48 hours out from the sale somebody wakes up and says "We have a native title claim, we had better stop the sale."

**Mr MICHAEL DALEY:** No, the premise of your question is flawed.

**The Hon. MICHAEL GALLACHER:** Is it?

**Mr MICHAEL DALEY:** Yes.

**The Hon. MICHAEL GALLACHER:** How is it flawed?

**Mr MICHAEL DALEY:** Because you suggested someone just wakes up and says "We have a land title claim."

**The Hon. MICHAEL GALLACHER:** You cannot even tell me what day of the week it was—

**Mr MICHAEL DALEY:** Mr Gallacher—

**The Hon. MICHAEL GALLACHER:** Hang on, I have not finished my question yet.

**Mr MICHAEL DALEY:** I have not finished my answer. If you want to find out more about Aboriginal land claims in respect of New South Wales properties, you should have asked the Minister who just walked out of this room

**The Hon. MICHAEL GALLACHER:** With all due respect, at the end of the day it is a police station, under your portfolio, and it is in your electorate, and you have indicated to the Committee that some time during the week you first heard about the land claim. I am asking you a question about process. Do you follow a proper process that checks off early on before you proceed to sale—because, on this occasion you have not? I ask Mr Tree the question. What is the process with consultation to ensure there is no likelihood of there being a land claim lodged?

**Mr MICHAEL DALEY:** You can never ensure there is no likelihood—

**The Hon. MICHAEL GALLACHER:** You are not Mr Tree, with all due respect.

**CHAIR:** Order!

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

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

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

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

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

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

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

**The Hon. MICHAEL GALLACHER:** Can I just get an understanding of what you are saying? Since learning earlier this week—

**CHAIR:** Order! Mr Tree has stated he will take the question on notice. You can repeat the question as often as you like; however, it might be a better use of your time if you proceed to a new question.

**The Hon. MICHAEL GALLACHER:** Thank you for your learned advice, Madam Chair. I am giving additional questions that might assist him in taking it on notice. Mr Tree, since learning about the Aboriginal land claim earlier this week, what have you done in regard to this case?

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

**The Hon. MICHAEL GALLACHER:** But, at the end of the day, are you not responsible for making sure that the police have some responsibility as far as the budget is concerned?

**Mr TREE:** No. I have a duty to advise the Minister on matters affecting the police portfolio, but I do not have a formal responsibility for police property in any way.

**The Hon. MICHAEL GALLACHER:** But would not the likelihood of losing, arguably, up to \$1 million from the sale of Malabar require the police Minister and the Police Force to stay within their budget?

**Mr TREE:** There is a claim being made, but there is no suggestion that potential proceeds have been lost at this stage.

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

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

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

**CHAIR:** Order! The Minister is considering his answer.

**Mr MICHAEL DALEY:** We will take that on notice.

**The Hon. MICHAEL GALLACHER:** Is any political consideration ever given by your Government before a police station is earmarked for sale?

**Mr MICHAEL DALEY:** Last year, Pooncarie, Vacluse, Mascot, Punchbowl, Hermidale, Darling Harbour and Waterloo were all closed.

**The Hon. MICHAEL GALLACHER:** I am asking you, though, does your Government have an examination or does it consider the likelihood of the sensitivities of an electorate, bearing in mind its margin, before it determines the sale of a station. The reason I say that is that Rockdale, Berowra, Windsor, Earlwood and Canterbury all appear to be in quite strong Liberal or Labor electorates.

**The Hon. GREG DONNELLY:** Point of order: Instead of asking a question the honourable member is trying to fit up the Minister with an answer. It seems to me the way in which questioning is done is that questions are presented to the Minister or the respective officer and the Minister or the respective officer is provided with an opportunity to answer the question, but not be fitted up with an answer in the question.

**CHAIR:** Order! I ask the Hon. Michael Gallacher to ask direct questions of the Minister or the officers at the table and not provide a commentary on the issues as well. Please proceed in that vein. I think the Minister was going to answer the question.



**The Hon. MICHAEL GALLACHER:** That question obviously caused you some concern, so I will rephrase the question. Will you rule out categorically that the electoral marginality of a seat has no bearing whatsoever on decisions made to close stations or, indeed, open stations in other areas?

**Mr MICHAEL DALEY:** There have been no decisions made to close a station since I became the Minister. I can tell you, there will be none based on political grounds, and I am entirely comfortable with the fact that there have not been, but I can refer that question to Mr Diakos about the management of the police real estate portfolio.

**The Hon. MICHAEL GALLACHER:** Mr Diakos, does the electoral marginality have any impact or is it taken into consideration at all when making a determination with regard to a station being earmarked for sale, or refurbishment or the opening of a new station in the future?

**Mr DIAKOS:** My understanding is that we look at all our police stations in terms of the strategic operational needs and we would only dispose of a station where it does not have an operational need, and it can be reinvested back into the police property portfolio.

**Mr MICHAEL DALEY:** So, the resounding answer is no, Mr Gallacher, and you knew the answer before you asked the question.

**The Hon. MICHAEL GALLACHER:** As you are so strident in your answer, I take it therefore you will rule out categorically that political electorates have any consideration in terms of your Government or, indeed, the hierarchy of the Police Force in determining police stations for closure or refurbishment?

**Mr MICHAEL DALEY:** That is correct.

**The Hon. MICHAEL GALLACHER:** I notice you went to Kings Cross the other day. When was the last time you went to Kings Cross other than at lunchtime on Tuesday?

**Mr MICHAEL DALEY:** I do not know. I do not often get up to Kings Cross. I prefer to work and then go home and spend time with my family.

**The Hon. MICHAEL GALLACHER:** Do you mind me asking why you chose Tuesday? It is hardly a hotbed of criminal activity, Tuesday at lunchtime? Why not a Friday or Saturday night at, say, one o'clock or two o'clock in the morning?

**Mr MICHAEL DALEY:** I will be going out again on a Friday or Saturday night at one o'clock or two o'clock, as I have stated publicly. There are two things I could have done this week. One was to sit in my office and read masses of briefings to prepare for your flaccid questioning or, I could have done what I did, which was to get out and meet front-line police—I think I visited four or five police establishments in the last three days—to make an early statement of support for the good men and women of the Police Force. With respect, I thought it was more important for me to do that than to sit here and research for your questioning.

**The Hon. MICHAEL GALLACHER:** I am glad about that. You are a longstanding supporter of the police?

**Mr MICHAEL DALEY:** Yes.

**The Hon. MICHAEL GALLACHER:** You have been a vocal supporter of the police in the past?

**Mr MICHAEL DALEY:** Yes.

**The Hon. MICHAEL GALLACHER:** How long have you been a member of Parliament?

**Mr MICHAEL DALEY:** Since 2005.

**The Hon. MICHAEL GALLACHER:** It is interesting that since 2005 you have only ever spoken about policing three or four times in Parliament. Why is that?

**Mr MICHAEL DALEY:** You do not need to walk into Parliament to offer your support to the police. I do it first hand when I go to meet the people from the eastern beaches and Maroubra stations.

**The Hon. MICHAEL GALLACHER:** Do you use a medium to get the message through?

**Mr MICHAEL DALEY:** No, I go and talk to the police and shake their hands, like I did last Friday, welcoming new recruits into my station.

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

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

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

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

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

**CHAIR:** We will now proceed to Ms Hale for questions.

**Ms SYLVIA HALE:** Minister, gun ownership has increased in New South Wales by 35 per cent in the past year, according to the New South Wales Firearms Registry figures for 2008-09. In particular, the number of probationary pistol licences increased by 260 per cent. Is this a direct result of changes to legislation that I know were initiated by the Shooters Party but which were supported by your Government?

**Mr MICHAEL DALEY:** As at 17 September 2009 there are 173,752 firearms licensees and 726,552 registered firearms in New South Wales. New South Wales has amongst the strongest firearms laws in the country and those laws make it clear that owning and using a firearm in this State is a privilege, not a right, and must always be balanced against the overriding concern of protecting public safety. In relation to licences, firearms licensees must pass stringent probity and competency requirements before being granted a licence and once they are granted a licence they must always keep the police informed as to where their firearms are and to make them available for inspection if required.

We also ask licensees to nominate one or more general reasons for owning a firearm. They must fall within established criteria, such as recreational hunting or vermin control. They cannot include personal protection. Through this process the categories of firearms which can be legally owned are also controlled. In August 2009 the police force—

**Ms SYLVIA HALE:** Minister, I do not wish to be rude but my question was trying to find out from you why there had been this extraordinary increase in gun ownership in the State, an increase of some 35 per cent, and to find out if you believe this is attributable to changes in legislation.

**Mr MICHAEL DALEY:** I cannot give you the reasons for the changes in the number of firearms owned. All I can do is to notify you of what the law is and the firearms owners' responsibilities. Why an individual may apply for or relinquish a licence is a matter for them.

**Ms SYLVIA HALE:** Minister, are you aware that the number of refusals of licences dropped from 412 in 2007-2008 to 350 in 2008-09? Do you find it a matter of concern that while the number of licences is increasing the number of refusals is decreasing at a disproportionate rate?

**Mr MICHAEL DALEY:** I am concerned to see that we have strict firearms controls and appropriate firearm controls in New South Wales, and we do.

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

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

**Ms SYLVIA HALE:** Or your department?

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

**Ms SYLVIA HALE:** If you would, thank you. I would now like to ask a series of questions. I preface them by saying that I have no wish whatsoever to jeopardise any ongoing investigations. What I am interested in is not the details so much as the process. I am aware—as I am sure most people are—there was an investigation over a firebombing of a house at Point Piper where the Director of Public Prosecutions [DPP] decided not to proceed to prosecution. Can I ask you whether all the evidence that the police had gathered at the time was actually provided to the Director of Public Prosecutions?

**Mr MICHAEL DALEY:** That is an operational matter, so I will ask the commissioner to respond to that, if you do not mind.

**Mr SCIPIONE:** Ms Hale, could you ask that question again?

**Ms SYLVIA HALE:** It was basically in relation to the charges that were dropped by the DPP?

**Mr SCIPIONE:** In what matter?

**Ms SYLVIA HALE:** The fire bombing of the premises at Point Piper.

**Mr SCIPIONE:** You might need to give me some assistance. Which premises?

**Ms SYLVIA HALE:** The premises were owned by Mr Adam Tilley. You must have read about it in the newspapers.

**Mr SCIPIONE:** I am certainly aware of that through the newspapers. That gives me a little bit more information to work with, yes.

**Ms SYLVIA HALE:** My question was: Was all the information gathered by the police forwarded to the Director of Public Prosecutions?

**Mr SCIPIONE:** I cannot talk specifically about that particular matter for I do not have that information before me but I can tell you that any officer in New South Wales investigating a matter such as that—which is a very serious matter—would have presented every bit of available evidence to the Director of Public Prosecutions to make sure that the proceedings would be fully afforded all the information surrounding the event.

**Ms SYLVIA HALE:** So we can have your assurance that all that information would have been provided—

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

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

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

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

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

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

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

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

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

**Ms SYLVIA HALE:** Commissioner, is that investigation closed, or has it been reopened in the light of subsequent events?

**Mr SCIPIONE:** There is much that we need to bear in mind when we determine whether we will answer these sorts of questions. I think you are alluding to the most recent events as those relating to the homicide inquiry that is currently underway involving a man who was shot in a suburban street in Sydney in front of his child. At this stage all avenues of inquiry and all investigations relating to the history of this particular person will be considered as part of this current investigation. You would not rule out anything, but at this stage I do not know that it is necessarily appropriate for me to be going into a commentary in terms of what is happening in that particular investigation.

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

**Mr SCIPIONE:** I am happy to take that. The use of tasers in New South Wales is something that has been the subject of much discussion for quite some time. The number of uses of tasers in New South Wales varies; it changes every day. Clearly, as we continue to increase the numbers of people who are trained and as we continue to roll out tasers across the State those numbers will grow. The numbers that you are looking for I would need to get. I am quite happy to make those available to you. I will take that on notice, but I can indicate that any numbers that we provide you with will not only include the usage, that is, where a taser is drawn and used, but it will also include the number of times that a taser is drawn to cover a situation. This will give you the total number of times that tasers have actually been removed from a holster in the street. Many of those usages would have in fact stopped any further assault from happening. But I am happy to make it available to you.

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

**Mr SCIPIONE:** Yes.

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

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

**Ms SYLVIA HALE:** Commissioner, is it not the case that officers use a double-handed grip on the taster and that in fact the very use of the two hands effectively obscures the video camera in many cases?

**Mr SCIPIONE:** No. The training that is provided to them by our weapons instructors clearly sets out how they should hold these particular devices, and that affords the device an uninterrupted view of the events. The use of cameras on tasers is not there to be circumnavigated by our officers. Our officers welcomed the introduction of the use of cameras on our tasers because it affords them protections—protections that other States in Australia do not have. We are the only State that is running cameras and audio recorders, and those cameras actually start the minute the taser is drawn, not the minute it is used, and it does not stop until the holster is deactivated. They can run for 90 minutes. Our officers are not in the business of trying to hide what is

happening here; they are in fact welcoming the fact that we have cameras on these tasers. I think that needs to be made clear.

**Ms SYLVIA HALE:** Surely the incident in Oxford Street in Paddington must be of concern to you. Independent footage clearly showed someone who was drunk and who had wandered onto the roadway being tasered by police. Surely, if incidents such as this can occur it suggests that there is either very inappropriate or inadequate education of officers in taser usage.

**Mr SCIPIONE:** Let me talk about the training of our officers. It is probably more in-depth and certainly, I would suggest, the most appropriate training in the nation. Officers who undergo that training course have to sit a written exam and they have to pass that exam—and not just pass, but they have to pass by a considerable amount. They undergo hands-on training, they have a very good understanding of the weapon before they are issued with it, and they are reccredited every year—they have to go back and do the training again, basically. So the training is certainly something that we have invested very heavily into.

The matter that you are bringing to my attention today is one that has been looked at, that has been the subject of review by the deputy commissioner—not by the superintendent but by the deputy commissioner. I am sure that there has been a learning experience out of that, and that has been communicated to the officer involved. But, again, to say that one event would necessarily suggest that that is the way people are using these devices, I would suggest, is wrong. That is not the case at all.

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

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

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

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

**Ms SYLVIA HALE:** Do you anticipate that tasers will be fired at a higher rate than the current rate at which handguns are fired?

**Mr SCIPIONE:** When an officer determines what tactics they will bring to a situation they are being confronted with they use all the information that they can gather at the time. Clearly, for it to escalate to the point where you have a discharge of a firearm, you have reached the point whereby you believe that either your own life is in jeopardy or somebody you are there to protect is going to potentially be killed. That is the ultimate threshold that needs to be crossed. Short of that, a range of options is available to officers, including spray and baton. And there is a natural path—an escalation that in fact corresponds to a level of force that you bring to a situation.

My earlier comments in this regard are quite clear. One of the reasons why we would choose to introduce tasers is that we want to stop police having to get to the point where they use a firearm. Clearly, we would prefer them not to use a firearm if they do not need to. Another point that was made, which is equally as important, is that I am not prepared to have police officers in New South Wales in their own mind fall short of the point where they believe that they will be killed but then have to go and deal with a situation where they are violently assaulted, severely injured, to the point where they start to lose things such as their eyes. As such, I think it is appropriate to every officer in this State to let them have access to a taser to ensure that those things do not happen.

**Ms SYLVIA HALE:** Are you concerned, given the rollout of tasers to every member of the police force, that in fact we will see taser creep, whereby tasers are used in situations where it is unnecessary, it is a complete overreaction, but the taser becomes the weapon of choice because it is easier for police to resort to it?

**Mr SCIPIONE:** We will monitor that. If that becomes apparent then we will deal with it. There is not only New South Wales police monitoring this; the Ombudsman has an oversight role as well, and we have got that clearly in mind.

**Ms SYLVIA HALE:** But you are clearly aware that the use of tasers in Queensland has been suspended because they have been found to have been used inappropriately?

**Mr SCIPIONE:** Yes.

**Ms SYLVIA HALE:** When you monitor the use of tasers—

**Mr SCIPIONE:** Can I just comment on that though? The reason I think that is the case is that they do not have cameras and they do not have audio recordings.

**Ms SYLVIA HALE:** When you monitor the appropriate use, or otherwise, of tasers will you be making any findings public, so that the public can be reassured that the tasers are being used appropriately?

**Mr SCIPIONE:** What happens generally is that we also get complaints from communities and community members that might choose to complain. Under the current arrangements that constitutes a complaint under the Police Act. The matter is investigated and a response is provided to the person that has made the complaint. And certainly, as I have said, the Ombudsman has more than a passing interest in this.

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

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

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

**The Hon. GREG DONNELLY:** Point of order: There are two elements to my point of order. The first one is that Ms Hale refers baldly to a statement about the issue without any reference to where that statement comes from—

**Ms SYLVIA HALE:** The Commissioner asked me a question for more detail.

**The Hon. GREG DONNELLY:** No, you referred to a statement without giving any reference to where that statement came from. My first concern is that there is no explanation so there is no context. Secondly, I understand the commissioner has said he is going to provide a detailed answer to your question. So to actually ask him again seems to be repeating the same question.

**Ms SYLVIA HALE:** Your understanding to his response is different from mine.

**The Hon. AMANDA FAZIO:** It would be better if members framed their questions more clearly. Ms Hale, your time for questions has expired but I would ask the commissioner if he has any further comments in response to Ms Hale's question.

**Mr SCIPIONE:** No, only that I do not have before me the specifics of the incident that Ms Hale refers to. If that matter were to be further explored I would need to take it on notice.

**Ms SYLVIA HALE:** Thank you.

**The Hon. AMANDA FAZIO:** We will now go to Government members for questions.

**The Hon. MICHAEL VEITCH:** Minister, there has been a bit of discussion in the media of late about automatic teller machine [ATM] crime. Could you advise the Committee about what the police are doing to address ATM crime?

**Mr MICHAEL DALEY:** As members of the Committee will no doubt recall, a couple of years ago we saw a rash of ATM attacks involving ram raids using motor vehicles, usually stolen cars and sometimes

those cars were taken in carjacking incidents. More recently criminals have adopted a new method of breaking into ATMs, which is to pump them full of explosive gas, igniting the gas to blow the ATMs open. This sometimes allows them to access the cash inside the ATMs and sometimes it does not. When the explosion is ineffective all that the offenders end up doing is to cause thousands of dollars worth of damage to the surrounding buildings and putting passers-by and members of the public at risk.

These incidents have now occurred at a number of ATMs across the Sydney greater metropolitan area and we have seen that similar attacks have also occurred interstate and overseas. Police advise me that not any one particular group or gang of offenders is committing these attacks. The tactic of blowing open ATMs using explosive gas, which has now adopted the name "bam raiders".

**Mr SCIPIONE:** As opposed to ram raiders.

**Mr MICHAEL DALEY:** This practice is extremely unsettling not only, as I alluded to a moment ago, because of the damage caused to buildings but often these raids are effected late at night and put people such as cleaning personnel at risk. The police and the Government take these threats extremely seriously. That is why on 18 November last year Commissioner Scipione established Strike Force Piccadilly II to investigate these incidents. This strike force comprises detectives from the Property Crime Squad, a number of whom took part in the successful Strike Force Piccadilly I investigation which targeted criminals committing ram raid attacks on ATMs and resulted in significant reductions in the number of ram raids that we have seen. I am pleased to be able to advise this Committee that the officers of Strike Force Piccadilly II are building upon the success of the first.

In late March this year police arrested two men outside a bank in the early hours of the morning, seizing gas cylinders and what was believed to have been a stolen BMW vehicle. In mid-August officers from Piccadilly II assisted about 80 officers from the State Crime Command metropolitan region's public order and riot squad, rescue squad and the special services group, executing 10 simultaneous search warrants and arrested six men. The arrests related to 13 separate attacks against Sydney ATMs that occurred at allocations such as Lane Cove, Erina, St Ives, Neutral Bay and Umina. I should say police expertly carried out this significant achievement. I want to reassure members of the Committee that the Government and the police continue to commit significant resources to the investigation of these incidents.

As well as pursuing these dangerous and ruthless offenders, police are working with banks and the ATM and cash in transit industries to improve the security of ATMs and make them less vulnerable to this type of attack. My colleague, the former Minister for Police, the Hon. Tony Kelly, was in contact with the chief executive of the Australian Bankers Association, Mr David Bell, to urge his members to consider protecting their money by adopting modern dye bomb or other cash degradation technologies in their ATMs. Once money is degraded by dye or other means it becomes useless to criminals. It is an effective deterrent to would-be bam raiders. Police have also formed a working group with the banking and cash in transit industries and are investigating the use of dye bomb or similar technology for the cash in transit industries, such as armoured cars.

Police and the banking and cash in transit industry have also been in consultation with police agencies overseas, most notable United Kingdom, Ireland and Norway, to see how dye bomb technology has been and continues to be implemented in those countries. Police and industry representatives have obtained some important information and have learnt some valuable lessons from their overseas colleagues. So I hope to see some changes to security measures adopted by industry in the future, which will aid in the improvement of the safety of cash in ATMs and provide effective deterrents.

The level of trust and cooperation between the police and the industry with respect to the measures is now very high. This is a tribute to the efforts, in particular, of Mr Tony Burke of the Australian Bankers Association, who has been chairing the working group on this issue, and Detective Superintendent Greg Newbury of the Property Crime Squad. I am also advised that Superintendent Newbury's achievements built on the excellent work undertaken by his predecessor, Detective Superintendent Peter Cotter. Through this Committee, I record my formal thanks to all three men. Of course, dye bombs or similar techniques are not a complete answer to ATM raids. If adopted, they should be used in conjunction with other security measures. The Government has doubled the current \$100,000 reward for information leading to the conviction of ATM bandits, in addition to a \$50,000 reward offered by the Australian Bankers Association in 2006. An amount of \$250,000 is a sizeable incentive to do the right thing.

Something I am learning very fast in this portfolio is that organised criminal enterprises, whether they are committing ATM raids, identity theft or drug manufacturing, are always changing their methods in an attempt to stay one jump ahead of the police. Sometimes they even try to exploit possible gaps in the law. As the recent gang legislation shows, this Government can act very quickly to respond to new and serious types of crime, and we will. If the Commissioner comes to me and makes a case that he needs new resources, new technology or new legislation to keep up with the criminals of this State, whether it is in respect of ATM crime or other crimes, he may be assured that his proposals will always receive serious consideration.

**The Hon. GREG DONNELLY:** My question is directed to the Minister. It specifically relates to Budget Paper No. 3, Volume 2, section 39, which is to be found on page 18-11. Can the Minister advise the Committee of the Government's record investment to increase authorised police numbers in New South Wales?

**Mr MICHAEL DALEY:** It is pleasing to have some questions about the budget estimates, which is what we are here for. The Government is delivering record police numbers in New South Wales. The authorised strength of the force already stands at an impressive 15,306, with an increase of more than 18 per cent since 1995. There are another 650 police on the way by December 2011, bringing the force to a record 15,956 police officers. The Government is spending an additional \$32.3 million this year to fund an extra 250 authorised police officers. In fact, over the next two years a massive \$286 million will be spent to increase police numbers to the record 15,956 officers by December 2011.

We have funded already an extra 100 officers over the last two financial years, with more to come. A further 250 officers are budgeted to come on line in 2010-11 and another 150 officers will be employed in the following financial year. It was this Government that righted seven years of Coalition wrongs when it came to the number of police officers patrolling our streets. In 1994 the authorised strength of the entire Police Force was a meagre 12,907. Even then, the force was significantly under strength. Today I am advised that the total number of actual police in rural and regional New South Wales is over 5,000. I know that my colleague the Hon. Michael Veitch, who is committed to the bush, will be very happy to hear that. This indicates that over one-third of police are located in rural areas. We have corrected that wrong from the past. In fact, rural police numbers under this Government have increased by more than 45 per cent.

Today I am pleased to report that people in New South Wales are joining the New South Wales Police Force in record numbers. Only last month on 28 August 174 students—129 men, 45 women—attested from the police college. They join more than 2,000 officers who have attested from the college since March 2007. In fact, I am advised that since the last election 2,267 probationary constables have attested from Goulburn. That is an extra 529 over and above the 1,738 who left the force in that time. That is an important point. That is a net increase, in addition to replacing all officers who have left due to natural attrition from the force.

I also am pleased to note that they are staying longer as well. I have been advised that the attrition rate in the force currently stands at 4.28 per cent. The New South Wales Police Force attrition rate is lower than that generally of the New South Wales public sector and lower than comparable agencies within the New South Wales public sector, remaining stable over the last five years at around 5 per cent. I am pleased to advise the Committee that on 28 August 174 students who attested from the police college have the further honour of attesting in the twenty-fifth anniversary year of the Police College at Goulburn. The Government was represented at the ceremony by the Attorney General, who has passed on his account that he was impressed with the calibre, dedication and perseverance of the students he met. I can say from my first five days in the job that I can attest to that comment as well. Ranging in age from 19 to 44, our newest probationary constables will join the current 15,306 officers in the New South Wales Police Force who have chosen to dedicate their working lives to the protection and service of the community.

Without a doubt, New South Wales has the best-educated and the best-trained police force in Australia. All our probationary constables have completed the first part of a tough and internationally recognised course that requires both intellectual rigour and practical training skills. It is necessary to recognise that policing is an increasingly sophisticated profession. The powers and procedures and even the equipment that police use are more complex than ever. It has specialist areas that are constantly evolving and new technology has been rolled out. With that, the level of skills and knowledge of all officers is growing as well. Our newest probationary constables have met this challenge. I congratulate our newest members of the force on their achievements, and I wish them the very best for the next 12 months of training. I remind the Committee that these new recruits are only a part of this Government's massive investment of \$286 million to increase police numbers to a record 15,956 officers by December 2011.



**The Hon. MICHAEL VEITCH:** Minister, can you advise the Committee whether you consider the use of ethnic descriptors is appropriate for New South Wales Police Force crime squads?

**Mr MICHAEL DALEY:** I believe the Hon. Michael Veitch is referring to statements made by an Opposition member of Parliament earlier this week about wanting to abolish the Middle Eastern Organised Crime Squad and the Asian Crime Squad. He now has egg on his face—and rightly so—because this is one of the most ridiculous statements I have heard by a member of Parliament in my time in this place. Does he really think that there is not a significant organised crime element in the Middle Eastern and Asian communities—of which, I might add, Middle Eastern and Asian Australians are the major victims—or is he merely following a confused party line? I think it is the latter. Whilst I rarely find myself agreeing with Miranda Devine, her article on 17 September shares my view regarding this squad. She wrote:

The Liberal MP John Ajaka wants the squad abolished because he says its name vilifies ethnic communities. But the fact is many other squads within the State Crime Command, from Robbery and Serious Crime to Gangs, are finding more than half their work involves criminals of Middle Eastern origin.

However, as one frontline police officer working at a south-western Sydney police station said yesterday, the criminals he arrests are not representative of the Muslim community ...

"These people don't go to mosque. They are not religious. They are just using the excuse that they are being targeted because of their religion."

They use cultural sensitivities as a weapon to intimidate police.

She continued:

Of course, a goal for many years in the NSW Police Force has been to reduce the number of complaints, as some sort of anti-corruption indicator. This has meant any criminal with enough wit can hobble arresting officers for years with spurious complaints and even civil action.

Despite the Opposition's claims, when we introduced the legislation in 2006 an Opposition frontbench member said:

It is appropriate to acknowledge that there are large numbers of Middle Eastern thugs and that action be taken against them.

That Opposition frontbench member then quoted Tim Priest at length in a speech detailing the rise of Middle Eastern organised crime and why urgent action needed to be taken by the Government and by police. In 2006 Chris Hartcher thought that Middle Eastern organised crime was a significant problem, worthy of being raised in Parliament. But for the past two years some in the Opposition have decried as unnecessary, and called for the abolition of, the dedicated crime squad. Then last week our friend Mr Gallacher demands to know why the full riot powers we brought in after Cronulla were not used when some people, possibly of Middle Eastern descent, gathered while police executed a search warrant at Auburn recently. So part of the Liberal Party thinks every time members of certain communities get together it is to riot or commit a crime while others call for the abolition of crime squads with an ethnic focus. They have to make up their minds.

This smacks to me of the schools ranking and electricity privatisation issues. The Opposition opposes for political gain not rational policy—not that we have seen any from the Opposition—nor sound operational policing. As long as there is a need for police to collate their resources and focus on criminal activity within an identified group, we will have specialist squads dedicated to either that crime or that grouping. After all, not every motorcyclist believes that they have been tarred with the brush of criminals because of the work police are doing in relation to outlaw motorcycle gang squads.

The key element in the Middle Eastern and Asian crime squads is organised crime. They are not interested in minor or random crimes that may have been committed by someone of a particular descent. The squads are set to tackle and dismantle serious crime groups that are often linked by a family or community connections. Policing criminal enterprises is no easy task. The Middle Eastern Crime Squad, in particular, grew out of Task Force Gain. The task force was established on 22 October 2003 as a direct result of extreme violence occurring at that time in south-western Sydney. Task Force Gain laid murder charges in relation to the shooting of Ahmad Fahda at a Punchbowl service station in October 2003, and seized three handguns, a shotgun and an automatic rifle.

Task Force Gain had 58 officers working on criminal investigations and had, at times, up to 160 officers working within it. It also conducted operations Birdie and Glacial, including the arrest of street and

middle-level drug traffickers following covert operations in Bankstown and Campsie local area commands. More than 140 police from the State Crime Command joined forces with Gain in July 2004 to raid residential and commercial properties in Sydney in connection with large-scale fraud offences linked to organised crime. I quote Detective Chief Superintendent Bob Inkster, the first Gain commander:

It was Task Force Gain's intention to not only vigorously address the symptoms of organised crime but to attack the causes of it.

And they did. The success record speaks for itself. The task force had a particular focus on gun crime and car rebirthing. Since the commencement of Task Force Gain, until it was transferred to the Middle Eastern Crime Squad, more than 1,300 arrests were made and more than 3,300 charges laid over 60 operations. These are staggering figures, I am sure the Committee will agree. And the work did not stop. The task force became the Middle Eastern Crime Squad on 1 May 2006. Many of the squad officers have also been involved in Strike Force Raptor.

This Government is not letting up, and will not let up, in continuing to send a strong message to all gangs and organised criminals that police will crack down on all crime and will not tolerate any acts of public violence. The experience of Task Force Gain highlighted the value and effect of having officers who were familiar with the communities, the methods of operation of the criminals and the means of conducting their so-called businesses. The squads have built up specialist skills and language expertise in dealing with these communities. Importantly, they have managed to gain the trust of a vast majority of these groups in communities that have no involvement in crime—except, unfortunately, as occasional victims. I am told that in the Asian community, for example, thanks to the good work of the Asian Crime Squad, there is a much greater willingness on the part of people in the Asian community to report crimes, such as extortion by gangs, than there was 15 years ago. The Government fully supports the balanced and sensible approach of the police on this issue and sees no reason to change it.

**CHAIR:** We will now proceed to the Opposition for 20 minutes of questions.

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

**Mr DIAKOS:** The Fixed Assets Register?

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

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

**The Hon. MICHAEL GALLACHER:** Are you aware of what is on there? Does it fall within your purview?

**Mr DIAKOS:** It does, but I am not aware of every individual on it.

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

**Mr DIAKOS:** I am not aware of any electorates being itemised on our system's assets register.

**The Hon. MICHAEL GALLACHER:** Mr Diakos, could I show you a document, which purports to relate to property assets, and it also shows on there the streets—

**CHAIR:** Do you wish to table that, Mr Gallacher?

**The Hon. MICHAEL GALLACHER:** Yes, I will seek leave to table it. Perhaps I can show this to Mr Diakos and he can confirm whether it is an authentic document.

**CHAIR:** That would be appropriate.

**The Hon. MICHAEL GALLACHER:** Mr Diakos, I draw your attention to the second column, which is marked "Electorates" at the top. Can you indicate to the Committee why electorates would be shown on the assets register, given the strongly held views of the Minister not so long ago that no such record of electorates is made?

**CHAIR:** First we might get Mr Diakos to confirm that that is an extract from it.

**Mr MICHAEL DALEY:** I did not say that. I reject the inaccurate assertion that underpins that question. Perhaps the Hon. Michael Gallacher might like to restate it with some truth.

**The Hon. MICHAEL GALLACHER:** Mr Diakos, can you see the second column marked "Electorates" at the top?

**Mr DIAKOS:** Yes, I can.

**The Hon. MICHAEL GALLACHER:** Is that an authentic document, to the best of your knowledge?

**Mr DIAKOS:** I really could not tell you because I am not aware of that document.

**The Hon. MICHAEL GALLACHER:** If I were to tell you that I received that under a freedom of information application would that possibly assist you in relation to determining whether that is a correct document?

**Mr DIAKOS:** Again, I could not tell you whether it is actually a record—an actual computer record—that we would have, which would be part of our Fixed Assets Register, or whether it was a constructed record. I do not know.

**The Hon. MICHAEL GALLACHER:** Mr Diakos, could you indicate to the Committee, therefore, why electorates are shown on such a register?

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

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

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

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

**Mr MICHAEL DALEY:** I have no knowledge of that document. I think we have already said we will take that on notice. However, you seem to be drawing a very long bow that simply because an electorate appears on a register it underpins some political conspiracy to—

**The Hon. MICHAEL GALLACHER:** I am asking a question. You are assuming a hell of a lot, Minister.

**CHAIR:** Order! The Hon. Michael Gallacher, the Minister is entitled to answer the question. You will cease interrupting the Minister when he is answering.

**Mr MICHAEL DALEY:** In my time in this place I have seen many documents in four years relating to government activities that are marked out according to electorates. That means nothing more than another category of identity of whatever the document purports to show.

**The Hon. MICHAEL GALLACHER:** What would electorates have to do with the resources of the New South Wales Police Force in terms of the determination of where they are?

**Mr MICHAEL DALEY:** Simply as perhaps a curiosity or for the author to identify the location of it.

**The Hon. MICHAEL GALLACHER:** Have a look at the register. You will see the location is there—a suburb and the street.

**Mr MICHAEL DALEY:** That means nothing.

**The Hon. MICHAEL GALLACHER:** Give me a logical reason why, given that they have a location on the register—the street and the suburb—you would need "Electorate" written on there?

**Mr MICHAEL DALEY:** You are asking me to surmise. We are not here for you to ask me to surmise.

**The Hon. MICHAEL GALLACHER:** A matter of moments ago you were assuming that I was trying to do certain things. I am asking you a question—

**Mr MICHAEL DALEY:** And you are still assuming.

**The Hon. MICHAEL GALLACHER:** I am asking you to give me a logical reason why electorates would be on such a register.

**Mr MICHAEL DALEY:** We are here to talk about the budget estimates and Police expenditure, not Michael Daley's surmising as to why something may or may not be the case according to the wild imaginings of Michael Gallacher.

**The Hon. MICHAEL GALLACHER:** I draw you back to the earlier questioning with regard to determinations that are made by the Government in consultation with the Police Force insofar as disposal of assets is concerned. Can you bear that in mind and give some logical reason why electorates would be shown on such a document?

**Mr MICHAEL DALEY:** I have just answered that question.

**The Hon. MICHAEL GALLACHER:** I do not believe you have.

**Mr MICHAEL DALEY:** Bad luck for you, because I have.

**The Hon. MICHAEL GALLACHER:** Do you believe it is fair for the public, on looking at that document, to assume that political considerations are taken into account when a decision is made to do something—whether to remove or purchase an asset?

**Mr MICHAEL DALEY:** You are asserting, in a roundabout fashion, that politics are taken into account in respect of the acquisition of new stations and the disposal of surplus stations. I reject that assertion in its entirety.

**The Hon. MICHAEL GALLACHER:** Minister, you have not been able to explain why electorates are shown.

**Mr MICHAEL DALEY:** You have not been able to explain or to assert successfully that there has been any political interference.

**The Hon. MICHAEL GALLACHER:** The point is electorates are shown on an internal process within the New South Wales Police Force and Mr Diakos, who has responsibility for that, cannot explain why it is there.

**Mr MICHAEL DALEY:** You need to explain and successfully assert that there has been political interference. There has been none and you have not a skerrick of evidence to back up your cowardly assertion—not one.

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

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

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

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

**The Hon. MICHAEL GALLACHER:** Minister, given that you are the sixth Minister for Police that the New South Wales Police Force has had since 2003, can you indicate to the Committee and also to members of the New South Wales Police Force who is your chief of staff, the experience of your chief of staff in relation to the Police portfolio, and the experience of other staff regarding the Police portfolio?

**Mr MICHAEL DALEY:** Could you please explain to me what page of the estimates that question relates to and where in the Police budget, or anywhere else in the budget, it relates to?

**The Hon. MICHAEL GALLACHER:** Minister for Police, unfortunately you should have taken the time to read before you came here. You would have seen that the standing orders allow me to ask that question. It is a wide-ranging question.

**CHAIR:** Order! For your information, Mr Gallacher, the budget estimates manual also provides for witnesses to object to a line of questioning if it is not relevant to the budget estimates process. So I suggest that you have also been deficient in reading the budget estimates manual. If the Minister declines to answer that question on the grounds that it is not part of the budget estimates process, he is entitled to do so, and you should proceed now to another question.

**Mr MICHAEL DALEY:** My staff are not employed from the Police budget but from another budget, and that question can be appropriately asked at the correct estimates hearing.

**The Hon. MICHAEL GALLACHER:** It is extremely important that the public and the police know that there is some level of competency in the ministerial office, including you. I am asking you a fair question—

**CHAIR:** Order! That question is out of order. If you continue this line of questioning and Mr Clarke has no further questions, we will revert to questions from the crossbench. You will ask questions that are in order under the budget estimates process. This is not an opportunity for you to cast aspersions about the Minister, the Minister's staff or the staff of the police department. You can ask questions that are in order in terms of the budget estimates manual or you can defer your time to Mr Clarke.

**The Hon. MICHAEL GALLACHER:** So I cannot even ask the Minister who his chief of staff is. Is that a question you are happy to answer?

**Mr MICHAEL DALEY:** It is a matter of public record that my chief of staff is a fellow by the name of Phillip Kelly.

**The Hon. MICHAEL GALLACHER:** Did Mr Kelly come from the Ministry of Roads with you?

**Mr MICHAEL DALEY:** I refer to my previous answer on this.

**The Hon. MICHAEL GALLACHER:** When was the last time you went out on patrol with your local police at Maroubra?

**Mr MICHAEL DALEY:** Went out on patrol?

**The Hon. MICHAEL GALLACHER:** Yes, on night patrol with them.

**Mr MICHAEL DALEY:** I have never been out on a patrol with my local police.

**The Hon. MICHAEL GALLACHER:** You have never been out with the local police at all?

**Mr MICHAEL DALEY:** No.

**The Hon. MICHAEL GALLACHER:** When was the last time, apart from in Kings Cross the other day, you went out with police officers on patrol anywhere in New South Wales?

**Mr MICHAEL DALEY:** I have not been out on patrol with police officers anywhere in New South Wales. I meet with the local police regularly. As a local member and somebody who has lived in my electorate every day of my life, I do not feel it is necessary for them to have to escort me around my own electorate.

**The Hon. MICHAEL GALLACHER:** I did not say "escort". I thought you might have—

**CHAIR:** Order! Are you asking a question?

**Mr MICHAEL DALEY:** I let my local police get on with the job.

**The Hon. MICHAEL GALLACHER:** So you have never asked them in the past whether you can get an insight into what it is like to be a police officer by going with them to see what it is like.

**Mr MICHAEL DALEY:** I can get an insight into that from my regular meetings with the police and from having lived in the electorate every single day of my life.

**The Hon. MICHAEL GALLACHER:** Excellent. Have you been briefed on the state of officers on sick leave and long-term leave within the New South Wales Highway Patrol?

**Mr MICHAEL DALEY:** Not as yet.

**The Hon. MICHAEL GALLACHER:** But you would have some experience in a previous capacity before coming here. Is it correct to assume that?

**Mr MICHAEL DALEY:** Could you ask that question a little more accurately, please?

**The Hon. MICHAEL GALLACHER:** You were previously the Minister for Roads, and responsible for the road toll. Did you have any prior knowledge before coming here today of the level of sick leave and long-term leave in the New South Wales Highway Patrol?

**Mr MICHAEL DALEY:** As Minister For Roads I have nothing whatsoever to do with sick leave of Highway Patrol officers, who are not employed by the Roads and Traffic Authority.

**The Hon. MICHAEL GALLACHER:** So you have never asked about how many Highway Patrol officers are on long-term sick leave or other forms of leave that stop them from doing their job?

**Mr MICHAEL DALEY:** I am sure that in the coming weeks the Commissioner will ensure that I am briefed in greater detail, and that will be a matter we will traverse. As I said, I have not had a briefing on that issue as yet.

**The Hon. MICHAEL GALLACHER:** Minister, would it alarm you to realise that up to one in five officers are on some form of long-term sick leave or other forms of leave?

**Mr MICHAEL DALEY:** I am confident that the issue of sick leave and other leave is handled competently by the New South Wales Police Force.

**The Hon. MICHAEL GALLACHER:** I appreciate that, but I asked you a question. Are you concerned—

**Mr MICHAEL DALEY:** No, you did not. You asked me whether I was alarmed and my level of alarm or otherwise is not relevant to the budget estimates. If you want to ask me something about the Police Force, please do so, but do not ask me about my state of mind.

**The Hon. MICHAEL GALLACHER:** Heaven forbid! Let me get an understanding. In your previous role as Minister For Roads you had no understanding of how many Highway Patrol officers were available to get on our roads on any given day?

**Mr MICHAEL DALEY:** I know that Assistant Commissioner John Hartley does an excellent job and I am proud to have worked with him and the Highway Patrol when I was Minister for Roads.

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

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

**The Hon. MICHAEL GALLACHER:** Is it correct that enhanced funding is for the Highway Patrol to go out and do special operations?

**Mr MICHAEL DALEY:** Yes.

**The Hon. MICHAEL GALLACHER:** Have you never asked a question about the number of Highway Patrol officers capable of getting out there and doing the job, given that you were giving over \$11 million to do it?

**Mr MICHAEL DALEY:** The capabilities of the New South Wales Police Force in any regard have never been questioned by me.

**The Hon. MICHAEL GALLACHER:** Is it a matter of not questioning them or not wanting to know the seriousness of the answer?

**Mr MICHAEL DALEY:** I just told you: I have not had cause to call into question any capabilities of the New South Wales Police Force in any of its endeavours, ever.

**The Hon. MICHAEL GALLACHER:** What region in New South Wales has the highest road toll right now?

**Mr MICHAEL DALEY:** What region? I am not sure that I have seen figures that break it up specifically by region. The detailed figures I have seen from the Centre for Road Safety break it up between city and country but not specifically by region. The Highway Patrol might do that analysis but the Roads and Traffic Authority does not, as I understand it.

**The Hon. MICHAEL GALLACHER:** So you have no understanding of what regions have the highest road toll right now?

**Mr MICHAEL DALEY:** I know that country people are overrepresented in crashes. One-third of the State resides in rural and regional New South Wales but two-thirds of the crashes happen in rural and regional New South Wales.

**The Hon. MICHAEL GALLACHER:** Given your expertise as Minister for Roads—

**Mr MICHAEL DALEY:** I never said I was an expert.

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

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

**The Hon. MICHAEL GALLACHER:** Perhaps I can help. There were approximately—

**Mr MICHAEL DALEY:** I do not need your help. You can ask me a question.

**CHAIR:** They have taken the question on notice. I do not understand the point of asking a question to which you already have the answer.

**The Hon. MICHAEL GALLACHER:** I was trying to make him look good.

**Mr MICHAEL DALEY:** It is called poor preparation.

**The Hon. MICHAEL GALLACHER:** The problem is your poor preparation. You do not know—

**CHAIR:** The member will ask questions, not make comments.

**The Hon. MICHAEL GALLACHER:** Commissioner, you might recall that in September last year you gave evidence to the Commonwealth Joint Statutory Committee on the Australian Crime Commission. There was significant discussion about outlaw motorcycle gangs and legislation similar to that enacted in South Australia. It was not about necessarily adopting the South Australian legislation, but similar legislation. At the end of September you said that there was no need for such legislation in New South Wales. I am paraphrasing, but that is my interpretation of the evidence you gave. In February, you made an announcement following the Government's announcement that it would adopt legislation similar to the South Australian legislation with regard to bikies. What changed your mind?

**Mr SCIPIONE:** You are right. When I gave evidence before that committee the advice I had received from the gang squad and from the commander of the State Crime Command was that we did not need it at that time. The legislation to which you referred is something that you would not necessarily want to have nor have to use unless you thought that it was absolutely necessary. The advice provided to me at that time—in September 2008—was that we did not need it then. Subsequent to that, there was a range of activity amongst a number of different groups, primarily related to outlaw motorcycle gangs. Officers from the squad subsequently came back to me and said that it was time to consider the legislation. That specific advice caused me to go to the then Minister and indicate what had changed. A range of very public activity had occurred and the commander of the State Crime Command suggested that we needed key, specific legislation to deal with all organised crime gangs. My decision was that I would take that advice to the Government for consideration.

**The Hon. MICHAEL GALLACHER:** You might recall that prior to making that decision the Petersham bikie clubhouse was bombed and there had been a number of drive-by shootings. You might also recall widespread calls for South Australian-like legislation from the community, including from me. We were howled down. Do you recall that we were calling for that legislation at the time?

**Mr SCIPIONE:** I cannot specifically recall the howling down or the calls for that legislation. However, it would be fair to say that commentary about the issue was occurring at that time.

**The Hon. MICHAEL GALLACHER:** Is it fair to say that the straw that broke the camel's back was the event at the airport?

**Mr SCIPIONE:** No. Even prior to then we had been in discussions. I had advice from the gang squad that we needed to move prior to that terrible event at Sydney airport.

**The Hon. MICHAEL GALLACHER:** So all of the events preceding February, which had been consistent over the years but which were increasing in number—that is, drive-by shootings, kneecapping and the bombing of the Petersham clubhouse and other clubhouses—were continuing. What was different that caused the change of direction in February?

**Mr SCIPIONE:** I think it was the volume. Dr Don Weatherburn released his crime statistics only last week. He highlighted the fact that shootings had significantly spiked towards the end of last year. They have subsequently levelled and come back down. We were seeing an increased range of activity and brutal offences. As a result of that we quickly came to the conclusion that we needed to do something. It was not about waiting for more events to happen before we got to the point at which we said, "We need to move and we need to move fast."

**The Hon. MICHAEL GALLACHER:** Do you remember that in August or September last year one of the outlaw motorcycle gangs did a poker run to Queensland and a confrontation took place at Coffs Harbour? As a result of that confrontation, the bikies were escorted from Coffs Harbour to Queensland to prevent any further trouble between them and the police.

**Mr SCIPIONE:** I recall that there was a poker run, but I cannot recall the specific details. I was dealing with a lot of complaints, predominantly that people were being harassed by the highway patrol during their trip from Sydney to the border. A number of hoteliers were not happy because they believed that the police



were harassing the bikies so much that they did not stop and that they travelled straight through to Queensland to get out of the State. That is my recollection of that particular event.

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

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

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

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

**Ms SYLVIA HALE:** I am sure you are aware that it is particularly intimidating for children at rock festivals, for example, to be searched by police, particularly when the search is not in the presence of a responsible adult.

**Mr SCIPIONE:** Often the police are doing the searches in an attempt to save the lives of young people who might otherwise take drugs. Sometimes we search for the very purpose of stopping them consuming drugs. Unfortunately, people have died in this State after taking drugs at rock concerts or prior to going to rock concerts. I never want to see that happen again.

**Ms SYLVIA HALE:** But you would agree that there are certain procedures that must be followed according to the law. That is the issue.

**Mr MICHAEL DALEY:** As someone with an 18-year-old daughter who attends rock concerts and the like, those searches give me a greater level of confidence that my daughter is being looked after.

**Ms SYLVIA HALE:** You may wish to take these questions on notice. What are the names of the entertainment venues in Sydney that have been subjected to police operations involving the attendance of police drug detection dogs in 2008-09? What are the results in the following categories: unsuccessful searches where no drugs are found; cautions; arrests; and charges of deemed supply laid? Also, what has been the outcome of those charges? Have any major drug dealers been apprehended? Do police officers routinely take the names and addresses of people positively sniffed when a subsequent search reveals there are no drugs present?

**Mr SCIPIONE:** What is difficult to determine is what constitutes a sniff of a person, as you say, as opposed to a drug dog being in an area where it detects a drug.

**Ms SYLVIA HALE:** I am saying when you come to search a person and you have not found any drugs.

**Mr SCIPIONE:** If there are 1,000 people in the venue and a drug dog goes through and detects one tablet, bearing in mind they are dealing with the venue, not the person—because it is not person targeted, it is venue targeted—would you suggest they should take every name and address of everyone in the place or, to the contrary, take no action because they have made a detection?

**Ms SYLVIA HALE:** What I am asking you is if a subsequent search shows that the person was not in possession of any drugs, do the police take that person's name and address? If so, why do they take it?

**Mr SCIPIONE:** Again, the question you asked is difficult for me to answer. If you go back to the venues—because you asked for a list of venues where we had used drug dogs during the course of operations in the city during a given period—if you go back to that scenario, if we go through premises and we cannot detect drugs on the premises as a result of the drug dog work, it is not necessarily something that we would go and take any address details on. As a general course, if somebody is searched, depending on what it was that they came under the notice of the police for, there are occasions when we would take their details; there are others when we may not.

**Ms SYLVIA HALE:** So in a situation where you have someone who does not have any drugs or anything on them, and the only indication as to why that person was stopped is that the drug dog made an incorrect identification—and I am sure you are aware of the Ombudsman's report in this regard which indicated how inaccurate those dogs are—is the person who was stopped ever advised that he or she is not required to give a name and address?

**Mr SCIPIONE:** Let me put the last two questions you asked me together in some sense. If you are talking about young people or juveniles, which is I think what you are talking about in terms of searches in the first instance—

**Ms SYLVIA HALE:** No, any person may be searched.

**Mr SCIPIONE:** There may be other reasons why we would want to identify a person who has been the subject of a drug dog operation where they come under notice. It could well be you have in those licensed venues that you have talked about people the police believe are underage. Yes, they are entitled to ask details of who they are—prove your age—because they are committing an offence by being there if they are underage. I am not saying that is the case with everyone. I am saying you cannot deal with a question like that unless you have specific details, because every situation is different.

**Ms SYLVIA HALE:** What I am concerned about is that it is my understanding that people are not obliged to give their names and addresses in those circumstances and, if that is the case, I believe the police should inform them of that. Can I ask you, if names and addresses are taken, are they automatically radioed in to allow a computerised criminal record search to be conducted on that person?

**Mr SCIPIONE:** Again, I need to say you have to treat every individual case on its merits. If you are asking me—if we go back to the scenario—if you had a person in licensed premises who you suspected was underage and who produced a licence, it is not unreasonable to go back and get some verification via the VKG radio network to determine whether that is a valid licence or whether it is, as we find so many times, falsely manufactured and fraudulent. So, that is not an unreasonable check to be made. But that is just one situation. As I said, you would need to deal with the specifics of the event you are trying to resolve.

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

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

**Ms SYLVIA HALE:** I am giving you the scenario. The police have turned up with a dog; the dog has indicated that a person may have drugs upon them; the person is searched and no drugs are found; the police ask that person for their name and address and then radio in to find out whether there is any additional information available about that person. That is the scenario. If the police find out there no form of additional information about that person, do the police retain that person's name and address even though the only thing that they know about that person is that a dog returned an incorrect indication that the person had drugs on them?

**Mr SCIPIONE:** Under that scenario you have just described to me, you have indicated they have asked for the person's name. That has been provided. They then request a check on that name. Clearly, a record needs to be maintained of that so we can say we did conduct the check. It does not need to go on, if you like, a dog sniffer database, or however you might describe it, because it does not. If you are asking whether a log is maintained of an officer having checked in a computer record the details of a person who was spoken to by police, yes, I require them to do that.

**Ms SYLVIA HALE:** And you retain that information?

**Mr SCIPIONE:** You know why? Because I want to make sure that every check that is made on the system has been done appropriately and for the right reasons. We go back and audit that. We run audits on people who are accessing our computerised operational police system, for all the right reasons, so we will know that people are not making unauthorised access.

**Ms SYLVIA HALE:** I must say, commissioner, you astound me. I find it extraordinary that the police should be retaining records on people who have committed no offences, yet the police feel they can retain those names and addresses and then make subsequent checks. I just find that extraordinary.

**CHAIR:** Is there a question in there, Ms Hale?

**Mr SCIPIONE:** I am happy to clarify that so that this is abundantly clear. We do not put anyone on a database that is the subject of a dog sniff, as you say, simply because they were spoken to by police and then police wanted to verify who they were. You must remember that in this State a police officer can ask anyone questions. Whether they choose to answer is a matter for the person. Having said that, during the course of an interaction the police officer may check or seek verification whether a person is carrying a valid licence if the officer believes that the person is underage, and the fact that a check has been made goes on to a computer system. There is always a log of every inquiry that is made.

**Ms SYLVIA HALE:** On this log you would presumably have the name of the police officer and the time and date of the checking of that. Would it also have the name and address of the person who was checked?

**Mr SCIPIONE:** It depends if you were provided with an address. You may not be given an address by the person. If you were given a name and a date of birth, it would certainly contain the name and date of birth of the person that was the subject of the inquiry. Would you suggest what we should do is just let police officers go and make inquiries and have no accountabilities around the reason for the inquiry in the first place?

**Ms SYLVIA HALE:** What I suggest, Commissioner, is that it is totally inappropriate for police to keep records of people who have committed no offence whatsoever. That is what I find offensive.

**CHAIR:** Order! Ms Hale, it is for you to ask questions not to make statements to witnesses.

**Ms SYLVIA HALE:** I was asked a question by the Commissioner and I thought I would respond. Commissioner, is it true that most people identified by sniffer dogs as positive and who are searched are found not to have drugs on them?

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

**Ms SYLVIA HALE:** Admitted contact? It is not a criminal offence in this State to actually have contact with people, is it?.

**Mr SCIPIONE:** Possession of a prohibited drug is.

**Ms SYLVIA HALE:** The figures you are quoting seem to be at odds with the figures that were produced by the Ombudsman in its very extensive search of police records. Anyhow, I go on to yet another topic. The police bible was recently launched. Did you attend that launch during your work time?

**Mr SCIPIONE:** The question was?

**Ms SYLVIA HALE:** Did you attend the launch of the police bible in your work time?

**Mr SCIPIONE:** Three chaplains came to my office—

**Ms SYLVIA HALE:** I was asking if you were on duty—

**CHAIR:** Order! Ms Hale, will you allow the commissioner to answer.

**Mr SCIPIONE:** I am never off duty, Ms Hale. If you talk to my wife, she will confirm that.

**The Hon. MICHAEL GALLACHER:** I know the feeling.

**Mr SCIPIONE:** Yes.

**Ms SYLVIA HALE:** So it was in police time rather than your own time. Where are these police bibles being stored?

**Mr SCIPIONE:** The police bibles are with the chaplains.

**Ms SYLVIA HALE:** Who pays the cost of their storage?

**Mr SCIPIONE:** Perhaps it might be easier, rather than going through so many questions, if I give you a bit of background.

**Ms SYLVIA HALE:** I would just like the cost of the storage; whether the State pays for that?

**Mr SCIPIONE:** No, I will allay your concerns straight up and then I will come back to the storage. We did not pay a cent for them; the State did not pay a cent for them. I know you are surprised but I will explain it.

**Ms SYLVIA HALE:** I am not asking you about the cost of the bibles. I am asking who is paying for the cost of storing the bibles?

**Mr SCIPIONE:** Storing them?

**Ms SYLVIA HALE:** Yes?

**Mr SCIPIONE:** I think if you broke them up over the entire chaplaincy we have within the State of New South Wales, there is probably half a dozen of them in each of their bags.

**Ms SYLVIA HALE:** So you say they are all portable; they are all being carried around the State. They are never stored on premises owned or leased by the State of New South Wales?

**Mr SCIPIONE:** I need to get things into context. Let me just again say: Chaplains came to me and indicated that they have a need for bibles; they often call upon that sort of material to assist officers who are going through very difficult times. In fact, more recently they have been using Army bibles. The Army has had a run of these bibles for quite some time, particularly for chaplains in the field to deal with tragic events that are happening around the world. Our police chaplains were in fact using their bibles. The Bible Society of Australia came to the chaplains and said, "We would be prepared to have a small run of bibles for you because we feel it so important. Your officers are on the front line and they are dealing with trauma every day." It was put to me. I agreed that would be sensible. I did question where they would be funded from and the Bible Society said, "Like we do with the Army, we will pay for it, we see it as being that important." Those bibles were provided to the chaplains. There was a commissioning of the bible, which is simply a New South Wales Police bible, which has a blue cover as opposed to a khaki cover.

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

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

**Ms SYLVIA HALE:** Commissioner, given that you are a self-professed Christian, is your activity in promoting this bible—

**CHAIR:** Order! Ms Hale, by no stretch of the imagination can a question relating to a witness's faith be construed as being within the scope of budget estimates.

**Ms SYLVIA HALE:** To the point of order: I think it is improper if an employee of the State uses their position to proselytise their own set of religious beliefs.

**Mr MICHAEL DALEY:** I think we should be very careful here. This is outrageous, Madam Chair.

**CHAIR:** Ms Hale, your question is clearly out of order and I think your speaking in support of your question has only endorsed my decision to rule it out of order.

**Mr MICHAEL DALEY:** Perhaps, Madam Chair, we should do an audit on the cost of that bible sitting over there to the taxpayers of New South Wales.

**Ms SYLVIA HALE:** I would be happy for people to take an affirmation rather than take an oath.

**Mr MICHAEL DALEY:** Well, I would not be. It is none of your business.

**CHAIR:** Order! Ms Hale, can you please ask some questions now about budget estimates matters.

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

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

**Ms SYLVIA HALE:** Are you aware that a car rally spectator tried to attack protestors and that riot squad police had to defend protestors from the person who was attacking them?

**Mr SCIPIONE:** No, I am not.

**CHAIR:** We will now go to Government members for question.

**The Hon. MICHAEL VEITCH:** Minister, could you advise the Committee what the Government is doing to identify and penalise unregistered drivers and help detect stolen cars?

**Mr MICHAEL DALEY:** Yes. Yesterday I, along with the commissioner and assistant commissioner, John Hartley, was pleased to announce that the Government is about to go to tender for the provision of a fully integrated mobile automatic number plate recognition [ANPR] and in car video solution for use by the New South Wales Police Force. Mobile ANPR uses camera and optical character recognition software to 'read' number plates. Scanned number plates will be compared with the RTA's DRIVES database and the New South Wales Police Force's computer operated police system [COPS] database to identify unregistered or stolen vehicles.

The technology will be installed in highway patrol cars and integrated with police new generation mobile data terminals. This will allow it to run continuously in the background whilst police perform other duties. When a number plate is recognised as being unregistered, stolen or of interest the mobile ANPR system warns the police driver and displays the relevant data on screen. Police can then act immediately to intercept the vehicle or take whatever appropriate action is necessary. Police have already conducted a proof of concept evaluation of this technology, which showed us some of its benefits. They include: improved occupational health and safety for police officers who would otherwise be operating equipment by the side of the road; better use of officers' time as police are freed up to undertake other duties because the mobile ANPR does all its scanning and cross-checking in the background; and it frees up extra officers for other duties because side-of-the-road ANPR operations require up to five or six officers to set up and monitor each unit.

Police will now conduct a three-month field trial with seven mobile ANPR units. This will help us to fully quantify the costs, benefits, capabilities, and for us to get a full appreciation of this technology as it winds out. As a recent Minister for Roads, I know all too well that unregistered vehicles are overrepresented in traffic crashes. They pose a real and significant safety risk to the community and a cost burden to the health system. They are also uninsured, which increases the cost of CTP insurance premiums for everyone else. Mobile ANPR will also help police identify stolen cars. Of course, this is a great benefit to people who have had their cars stolen.

But it has a broader law enforcement benefit as well, Madam Chair. As everyone who has seen a crime show on television knows, the dumbest crooks often drive their own cars to commit offences or as get away cars. Stolen cars are frequently used in connection with burglaries, ATM raids, armed robberies on hotels and

the like, as well as obviously in car jackings. Mobile ANPR should be of tremendous value in catching these criminals on the way to or from committing offences.

On a related topic, since taking over the Police portfolio I have been interested to learn the reason that so many serious criminals seem to get picked up during routine highway patrol operations by police. Apparently, Madam Chair, police have a saying: "good crooks make bad drivers". I suppose it is not surprising that it turns out that people who routinely commit crimes of profit or violence are not too fussed about obeying what they would consider to be mere road rules such as the requirement to have their cars properly registered. When mobile ANPR picks up people driving unregistered vehicles there is a fair chance that some of these people will be suspects for other, more serious offences.

I return to road safety, which is really what this is all about. At the Road Safety Roundtable convened by the Government on 9 July this year stakeholders and community representatives recognised unauthorised driving as a problem requiring urgent action, and recommended greater use of mobile ANPR technology. In our response to the roundtable we undertook to explore a trial of mobile ANPR, and I am pleased to announce that this will be up and running immediately. The New South Wales Police Force Traffic Services Command has already appointed a project manager, and I understand that a tender could be released as early as next week. Police are aiming to have the first seven units installed and operating before Christmas.

We have reallocated around \$900,000 from the New South Wales Police Force's capital budget to purchase the seven units. These will be tested over a three-month period to determine their capacity and cost-effectiveness. Subject to the results of this trial, a further 105 units could be purchased, giving police a total of 112 mobile ANPR units. As I have explained, this technology has tremendous potential to help both police and the Roads and Traffic Authority to better detect and prosecute unregistered drivers, and to assist police in recovering stolen vehicles and tracking vehicles of interest. I look forward to reviewing the results of the tender and the resulting trial. This initiative combines two of my great passions as a Minister: improving road safety and catching crooks. I congratulate the Roads and Traffic Authority and the New South Wales Police Force on their commitment to making mobile ANPR happen in New South Wales.

**The Hon. MICHAEL VEITCH:** Minister, can you advise the Committee how the New South Wales Police Force is responding to the findings of the Wood Special Commission of Inquiry into Child Protection Services in New South Wales?

**Mr MICHAEL DALEY:** In November 2008 the New South Wales Government welcomed the final report of the Wood Special Commission of Inquiry into Child Protection Services in New South Wales. The report contained a number of recommendations with implications for the New South Wales Police Force. In March 2009 the Government released its response to the inquiry and prepared a high-level action plan titled "Keep Them Safe: A Shared Approach to Child Wellbeing". The implementation of this response is being co-ordinated by a centralised interagency unit within the Department of Premier and Cabinet with representation from all relevant agencies. The plan aims to spread the child protection responsibility across agencies, both government and non-government, to get better protection for children.

Child wellbeing units are being created in the main mandatory reporting agencies, including in the New South Wales Police Force. Police are receiving \$12.7 million over four years to implement the child wellbeing unit. Reports of children who are not at immediate risk of significant harm will be forwarded to these units for appropriate action or further referral to regional intake and referral services, which will be established to provide services to children who may otherwise be missing out. Children who are believed to be more seriously at risk will continue to be referred to the Department of Community Services helpline. The police child wellbeing unit will advise, support and educate front-line mandatory reporting staff to identify when a child is at risk of significant harm.

The child wellbeing units will commence operations in October 2009 and become fully operational with the commencement of new legislation in January 2010. The police child wellbeing unit will be just one part of our comprehensive response to child protection. The New South Wales Police Force has a Sex Crimes Squad—I visited them yesterday; they are keen and sharp—and a Joint Investigation Response Squad, which both sit within the State Crime Command. The Sex Crimes Squad is responsible for the investigation of sexual assaults and other sex crimes, along with the management of the Child Protection Register.

When released from prison child sex offenders are placed on the Child Protection Register. The register gives police access to the personal details of people who have committed child sex offences or other serious

offences against children. New South Wales was the first jurisdiction to introduce a mandatory Child Protection Register in 2001, and all States now have registers, which are largely modelled on the New South Wales one.

The Joint Investigation Response Squad is responsible for the 23 joint investigation response teams across New South Wales, which consist of representatives from the New South Wales Police Force, the Department of Community Services and New South Wales Health. These teams investigate allegations of child abuse which may involve a criminal offence. The joint investigation response teams have proven to be effective in linking the risk assessment and protective interventions of the Department of Community Services, the criminal investigations conducted by police, and the medical examination, counselling and therapeutic services provided by New South Wales Health. I look forward to the rollout of the new child wellbeing units and the continued involvement of the New South Wales Police Force in this crucial area.

**The Hon. MICHAEL VEITCH:** What are the Government and the New South Wales Police Force doing to respond to alcohol-related crime and violence?

**Mr MICHAEL DALEY:** One of the first issues I spoke about in my very first briefing with the commissioner was antisocial behaviour that stems from alcohol-related crime. On my becoming Minister for police I said that one of my top priorities is dealing with alcohol-related crime and antisocial behaviour. I am aware that the police commissioner also indicated a similar emphasis when he was first appointed. While assault rates generally have been stable since 2001, there is no doubt that abuse of alcohol is still a significant factor in causing violence both in public places and in the home. We do not mind people having a drink; it is part of the Australian way of life. But there is a big difference between having a drink and stepping out onto the street and behaving violently or inappropriately, and we will not stand for it. Alcohol-fuelled assaults, including sexual assaults, glassings, public disorder, the destruction of private and public property, and loss of amenity for residents near licensed premises, are matters of great concern to the general public, as well as to those such as police and hospital emergency staff who have to deal with this behaviour on a daily basis.

The evidence from the New South Wales Police Force's Computerised Operational Policing System [COPS] and the Alcohol Linking Program confirm the public view that alcohol is a major factor in violence and antisocial behaviour. I do acknowledge that most licensees do the right thing; let us be clear about that. That is why the Government and police direct their efforts at addressing problems in the venues that, based on the best available data, pose the greatest safety risk to patrons and the broader community. Some years ago the New South Wales Police Force rolled out across the State the Alcohol Linking Program. This program is an intelligence tool used by police to target alcohol-related crime. Under the program, police record the level of intoxication and last place of alcohol consumption of offenders, victims and drivers involved in an incident reported to police. It is sometimes misunderstood by the liquor industry, as licensees can believe that they are being targeted by police for conduct of their patrons over which they sometimes have no control.

The Alcohol Linking Program has been recognised nationally as a highly effective enforcement tool. The New South Wales Police Force responded to antisocial behaviour caused by alcohol by establishing a permanent Alcohol and Licensing Enforcement Command. This involved the creation of 30 new police positions—not a redeployment of existing resources—and was a commitment made in the last election. The move-on powers to disperse drunken groups came into force in 2007. With these powers police can give a direction to disperse a group of three or more people in a public place who appear to be intoxicated and where there is a risk to public safety or property. The Government recently strengthened this power by changing the definition of "intoxicated" to make it easier for police to use the power and to make it consistent with the Liquor Act.

Alcohol-free zones are established by local councils. However, police are primarily responsible for enforcement. Under recent changes council rangers now have some new enforcement powers as well, if the council wishes them to do so and the commissioner approves. Some councils—with what motivation?—have looked this gift-horse in the mouth and accused the Government of trying to shift responsibility to them for enforcing alcohol-free zones. This proposition is without foundation. Police officers retain the primary responsibility for policing alcohol-free zones, and they obviously have greater powers than council rangers. That goes without saying. What the Government did was to give those councils who choose to do so an extra option for ensuring that the alcohol-free zones they establish do the job they are meant to do. If they do not want to avail themselves of this enhanced enforcement capacity then they do not have to.

The Government has continued to improve on the tough conditions imposed on the State's 48 alcohol-related violence hot spots back in December 2008. These special conditions provide for 2.00 a.m. to 5.00 a.m.

lockouts and other restrictions between midnight and 5.00 a.m. on the use of glass containers and ready-to-drink beverages will continue in those venues that have high rates of alcohol-related assaults. The Government has also amended the liquor laws to require a six-hour closure each day for all new liquor licences, effectively putting a freeze on new 24-hour licensed venues. The latest assault data figures released by the Bureau of Crime Statistics and Research, on 8 September, will inform next December's list of special conditions for venues. The data identifies the top 100 ranked licensed premises by assaults occurring on the premises recorded by the New South Wales Police Force for the period July 2008 to June 2009.

While this data will be used to inform the next categories of venues to be contacted, licensees will have the opportunity to dispute the data. Starting in December, licensed venues will be subject to special licence conditions based on this data. Venues with 19 or more assaults a year will be subject to similar special conditions to those currently imposed on the 48 most violent venues. Venues with 12 to 18 assaults a year will be subject to three of these conditions: no glass after midnight, time-outs or the active serving of food or water for 10 minutes each hour after midnight, and stopping alcohol service 30 minutes before closing. The Government is taking action on a number of fronts. Underage drivers who are caught using a false ID to purchase alcohol or enter licensed premises will spend an additional six months on their P-plates.

We are freezing new alcohol licences in trouble hotspots in Sydney's central business district and nearby areas. But, as I have said, most licensees do the right thing, and patrons must also take responsibility for their actions. Government enforcement authorities and venues themselves can only do so much to deal with the major social problem alcohol abuse. What is required is a change to Australia's prevalent drink-to-get-drunk culture, as the Commissioner rightly calls it. Parents, advertisers, sporting codes and the liquor manufacturing industry all need to be more mindful of how their conduct can contribute to alcohol misuse by young people in particular. Police, emergency department staff, people who work at night such as bus and taxi drivers and, yes, those who work in licensed premises themselves, are often the ones who bear the brunt of violence and antisocial behaviour fuelled by drink, and the community is frankly sick of it.

**The Hon. GREG DONNELLY:** My next question also relates to a specific item in the Budget Papers. I refer specifically to Budget Paper No. 3, Volume 2, page 18-22, subprogram 39.2 "Criminal Investigation". What can you tell us about seizures and achievements in respect of illicit drugs in New South Wales?

**Mr MICHAEL DALEY:** I am happy to do that. Neither the Government nor the New South Wales Police Force will relax in their fight against illicit drug crime. I am advised that in the first three months of this year police seized illicit drugs with a combined estimated street value of \$53 million, including nearly \$37 million worth of cannabis plants, around \$4 million worth of amphetamines, around \$1.5 million worth of ecstasy, and over \$6 million worth of cocaine. I expect to get equally impressive figures for the next quarter soon. These results build on the success of 2008, where the New South Wales Police Force laid almost 12,000 drug-related charges, including over 2,000 amphetamine charges, 7,000 cannabis charges, 1,700 ecstasy charges, 400 cocaine charges and almost 600 heroin charges. That is impressive stuff.

In this fight against drug crime, during the same period police seized over 40 kilograms of amphetamines, over 2,400 kilograms of cannabis, over 47,000 cannabis plants, almost 200 kilograms of ecstasy, almost 10 kilograms of cocaine and around 5 kilograms of heroin. I am advised that police shut down 29 clandestine drug laboratories, 13 drug chemical storage sites and 2 pill press sites. In addition, 29 charges were laid for possession of precursor chemicals with intent to manufacture. Charges were laid in relation to 61 drug houses. In 2008 alone, 311 hydroponic cannabis houses were closed and almost 18,000 plants seized at these locations. These numbers are impressive and they go a very long way to showing that the efforts of New South Wales Police Force are targeted at all levels of the drug trade, from individual possession to major manufacturing, importing and distribution networks.

From time to time we hear calls for police to abandon the use of drug detector dogs—I almost heard one today. I want to take this opportunity to reject such calls. New South Wales Police Force drug detection dogs can be used without a search warrant at licensed premises other than restaurants; sporting events, concerts, dance parties, parades and similar public entertainment events; trains and stations on the Bankstown, inner west, Eastern suburbs, North Shore, Illawarra, northern, southern and western train routes; and buses and bus stations on the Albury, Grafton and Kempsey routes.

**Ms SYLVIA HALE:** The Opera House?

**The Hon. MICHAEL GALLACHER:** Parliament?



**Mr MICHAEL DALEY:** The dogs can be used elsewhere under warrant.

**Ms SYLVIA HALE:** Parliament, yes.

**CHAIR:** Order!

**The Hon. MICHAEL GALLACHER:** I would love that.

**CHAIR:** Order! Ms Hale, it is not your time to be asking questions.

**Mr MICHAEL DALEY:** These dogs enable police—it would not worry me in the slightest Mr Gallacher if we had dogs running through the Parliament, not at all.

**The Hon. MICHAEL GALLACHER:** Great, bring it on.

**The Hon. GREG DONNELLY:** Especially on level 11, up the end.

**The Hon. MICHAEL GALLACHER:** Up the end, not our end.

**Ms SYLVIA HALE:** Are you talking about Reverend the Hon. Fred Nile?

**The CHAIR:** Order! All members are reminded that they should not interject. Minister, please continue your answer.

**Mr MICHAEL DALEY:** I will, and I apologise. These dogs enable police to limit active drug markets by disrupting the access of consumers to illegal drugs. Drug law enforcement requires police to pursue several strategies at once, targeting the trade at all levels. This includes measures to reduce visible drug dealing and street level markets. The detection rates reveal that over 70 percent of persons searched following a positive indication given by a detector dog either had prohibited drugs in their possession or admitted contact with prohibited drugs.

Deployment of drug dogs is not just about catching illicit drug users; it is high visibility policing at its best. Sadly, it seems too many young people regard drugs such as MDMA or ecstasy, items typically cooked up by bkie gangs with any ingredients to hand, as little more harmful than Smarties and only technically illegal. The use of drug detector dogs is a strong reminder to such misguided youngsters that these substances are both dangerous and illegal.

**CHAIR:** We will now divide up the balance of time equally. We will proceed now to Opposition questions.

**The Hon. DAVID CLARKE:** Minister, did you sign up to the Keep Our Cops campaign as a local member?

**Mr MICHAEL DALEY:** Did I sign up to it?

**The Hon. DAVID CLARKE:** Yes.

**Mr MICHAEL DALEY:** In what sense?

**The Hon. DAVID CLARKE:** The petition?

**Mr MICHAEL DALEY:** No, I did not sign a petition.

**The Hon. DAVID CLARKE:** Was there any reason for that?

**Mr MICHAEL DALEY:** I do not sign—

**The Hon. DAVID CLARKE:** Many of your colleagues did join that campaign?

**CHAIR:** Order! Please let the Minister reply.

**Mr MICHAEL DALEY:** I had an excellent meeting with the police in my electorate office and with the Police Association and I indicated my support for all activities of the New South Wales Police Force at that time and they indicated to me that they were pleased with that meeting and satisfied with my response.

**The Hon. DAVID CLARKE:** Do you think they would have been more pleased had you signed the petition—

**Mr MICHAEL DALEY:** Well, I do not see any of—

**The Hon. DAVID CLARKE:** —as it was signed by many other—

**Mr MICHAEL DALEY:** I do not know that they are in the room today. You might have to go and ask them, Mr Clarke.

**The Hon. DAVID CLARKE:** Is there any reason why you did not sign that petition?

**The Hon. GREG DONNELLY:** Is that an estimates question?

**Mr MICHAEL DALEY:** My activities as local member relate not to this Committee.

**The Hon. DAVID CLARKE:** Can I ask you, Minister, did you make any representations to the former Minister for Police in regard—

**Mr MICHAEL DALEY:** If you can find the provision in the budget that relates to my representation as local member to the former Minister for Police I am happy to elucidate on that.

**The Hon. DAVID CLARKE:** I think the relationship does come within the ambit—

**CHAIR:** Order!

**The Hon. GREG DONNELLY:** Point of order—

**The Hon. DAVID CLARKE:** —would you agree with that?

**CHAIR:** No.

**Mr MICHAEL DALEY:** Not in the way you posed it.

**CHAIR:** Order! The Minister has indicated that he believes that question is outside the scope of budget estimates and I concur. The question is not in order.

**The Hon. MICHAEL GALLACHER:** Commissioner, the Minister spoke a short time ago about alcohol-related crime. Apart from the move-on powers, if two heavily intoxicated people are not breaking the law but as a result of their intoxication they are a risk to themselves or others, or a risk to property, what do police do?

**Mr SCIPIONE:** Mr Gallacher, it depends on the circumstances. They have a range of powers available to them. That could include moving them on because, in fact, the intoxicated persons are putting themselves at risk, as was enunciated earlier. It just depends on the circumstances, the engagement with police and how it came to be. If a complaint was received from somebody that they are creating a nuisance, that would be dealt with differently from a person walking down the street or stationary on the side of the street whom police thought was so intoxicated that they may fall under a car. It may well be that we would move them on: "You cannot stay here because you are so drunk."

**The Hon. MICHAEL GALLACHER:** If they are so intoxicated that they are likely to fall under a car and they are moved on, is it not the case that once they go around the corner there is yet another car?

**Mr SCIPIONE:** It depends where it is, as I said. The circumstances could be very different. Police officers might say, "You can't stay here. Why don't you jump on a bus and go home? Where do you live? The bus stop is 100 metres down the road? Why don't you get on the bus and go home?"

**The Hon. MICHAEL GALLACHER:** You can understand the amount of community concern about alcohol-related activity, not only crime.

**Mr SCIPIONE:** It is enormous, Mr Gallacher.

**The Hon. MICHAEL GALLACHER:** What do police do if a person is so intoxicated they simply do not or cannot comply with the move-on direction?

**Mr SCIPIONE:** Again, it would depend on the circumstances police are confronted with. Having said that, I know from experience when I have talked to a number of officers—as I am sure you would have as well—that it is not unheard of for police to contact one of the local non-government organisations to come and pick them up and take them because they are at risk not only to themselves but also to the community. No driver should be subjected to somebody falling under their car when they are simply driving home.

**The Hon. MICHAEL GALLACHER:** Let us say there are 100 intoxicated people on Manly Corso or Coogee Beach, have police the ability to take intoxicated persons into custody?

**Mr SCIPIONE:** There is no offence of intoxication on a public street in New South Wales. That is certainly the case. What we have done more recently—as I have said, we cannot arrest our way out of this problem, which you have identified correctly as a major concern—is we have to work with a number of agencies and the public. That is what we have done in those circumstances. Those 100 people at Coogee probably are best managed by having an agreement with the bus company to ensure that there is transport to get them out to where they need to go so they are not milling around and potentially fighting with each other. There are a lot of different strategies, Mr Gallacher, and it just depends on the specifics.

**The Hon. MICHAEL GALLACHER:** Is it fair to say that police do not have the power—and this is the point I am making—to act in relation to a person who is so intoxicated that they do not or cannot comply with a move-on direction? They do not want to get on the bus and go to Maroubra or Bondi Junction. They say, "No, I'm staying here and there is nothing you can do about it."

**Mr SCIPIONE:** Intoxication on the streets of New South Wales is not an offence. They certainly cannot be taken into custody, as you suggested, or be arrested.

**The Hon. MICHAEL GALLACHER:** Is it fair to say there is a significant weakness that needs to be addressed in relation to the approach taken to intoxication?

**Mr SCIPIONE:** That is a policy decision; that is not a decision for police to make. In terms of intoxication on the street, that is an issue I am sure the Government has considered, and will continue to consider. It is certainly not one within my control.

**The Hon. MICHAEL GALLACHER:** Have you made a submission to the Government on behalf of police about the need to change the approach to intoxicated persons?

**Mr SCIPIONE:** We have. You have seen that most recently: the submission that led to the changing of legislation governing 48 hotels, the way people conduct themselves in hotels and the limitations placed on them. To be frank, I would rather concentrate on people not becoming that drunk in the first place. That is why we said we want to see these really tight controls in place and, as importantly—if not more importantly—to invest in education about people being responsible for their behaviour.

**The Hon. MICHAEL GALLACHER:** Have you made submissions in that area where I see a glaring deficiency? The Minister referred to it as a "culture" of drinking. When people are not committing a criminal offence at the time that police speak to them but are a risk to themselves, to others or to property at a future stage, have you prepared a submission to the Government to rectify that situation?

**Mr SCIPIONE:** No, I have not asked for those laws, as you suggest, to make it an offence to be intoxicated on the streets of New South Wales. I have not asked for that. I have invested more in trying to stop it

in the first instance and then ensuring when they conduct themselves in a way where they commit a crime—that is, behaviour that particularly causes concern to communities; acting in an antisocial way—we have strong powers to deal with that. That is why we have put the Alcohol Licensing Enforcement Command together in most recent times. That is why we work so heavily with our Public Order Riot Squad to deal with those types of offences.

**The Hon. MICHAEL GALLACHER:** Have your front-line police raised with you that it continues to be a problem that many intoxicated people are becoming increasingly aware that the move-on powers do not apply if they do not do certain things?

**Mr SCIPIONE:** It has not been raised with me that there are problems with the move-on powers in terms of those who will not comply. Mr Gallacher, you know me well enough to know that if I get a submission like that, I take advice from the people who know the business. I do not challenge or compete with them because they are the experts. My job is to take that information, translate it and put it before Government. In that regard, I have been supported very well—in recent times particularly well—in terms of the legislation, about which most communities are saying "Thank goodness!" We needed to do something. They would always like you to do more, and that may be part of what you are considering.

**CHAIR:** Ms Sylvia Hale will now ask questions.

**Ms SYLVIA HALE:** Commissioner, are the special constables who work within the confines of Parliament House ultimately responsible to you?

**Mr SCIPIONE:** They are employed by the New South Wales Police Force and they are paid by us. But as is the case here and in a number of other government establishments around the State, they work as part of the security team that sits around the venue. I am talking about places like Parliament House, Governor Macquarie Tower and Government House.

**Ms SYLVIA HALE:** Who determines the types of weapons they carry?

**Mr SCIPIONE:** That is determined by us.

**Ms SYLVIA HALE:** The special constables in Parliament House carry Glock pistols. You no doubt would be aware that not long ago an ammunition clip from one of those pistols was found in the corridor on the sixth floor of Parliament House. I know that others have raised questions about the necessity for armed special constables in Parliament House, given that everyone is searched when they enter by either the Macquarie Street or Hospital Road entrance.

**The Hon. GREG DONNELLY:** Only the Greens.

**Ms SYLVIA HALE:** When I saw a photograph of that ammunition clip I noticed that the bullets had hollowed-out tops. I would assume that makes for maximum impact. Is there a need to have that type of bullet in those pistols?

**The Hon. MICHAEL GALLACHER:** The other ones go right through.

**Ms SYLVIA HALE:** They go right through?

**The Hon. MICHAEL GALLACHER:** The old ones do.

**CHAIR:** Order! The questions are asked of witnesses, not other Committee members.

**Mr SCIPIONE:** What is the question?

**Ms SYLVIA HALE:** I would have thought that bullets with hollowed-out tops would be inappropriate.

**Mr SCIPIONE:** I am not sure what it is you are talking about when you say "hollowed-out tops".

**Ms SYLVIA HALE:** I believe they are concave.

**Mr SCIPIONE:** Let me discuss what it is that we issue to our officers and why we issue them. We issue them with the appropriate ammunition to ensure that when they use their firearm they remove or—to use a term that is not steeped in jargon—stop the risk, stop the threat. That is what they are there to do. They want to make sure the threat that exists at the time they use it no longer exists. The stopping power that is in the ammunition that is used by police comes as a result of the research that has been conducted over many, many, many years. At this stage, the ammunition that is used in New South Wales firearms is the same as the ammunition that is used in firearms right across this nation, of a similar type—that is, pistol as opposed to revolver. In that regard, let me assure you it is all about stopping the threat and making sure that we take a very unsafe situation back to a safe situation for all involved as quickly as we can.

**Ms SYLVIA HALE:** Does the impact of such bullets stay within the person rather than go through?

**Mr SCIPIONE:** Again, it is to ensure that we get the safest possible outcome in as quick a time as possible. This is a rather macabre discussion to have, but you are right: if a bullet goes through a person and then goes into another person you have two victims.

**Ms SYLVIA HALE:** I will remember that when I am passing security guards. I will move on.

**Mr MICHAEL DALEY:** Please do.

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

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

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

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

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

**Mr SCIPIONE:** Their name tag, yes.

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

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

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

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

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

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

**Mr SCIPIONE:** Which new uniform are you talking about?

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

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

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

**Mr SCIPIONE:** Expected activity?

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

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

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

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

**CHAIR:** We will now proceed to questions from Government members.

**The Hon. MICHAEL VEITCH:** Minister, could you please advise the Committee what the Government is doing regarding law enforcement and crime prevention in rural and regional areas?

**Mr MICHAEL DALEY:** This Government is committed to providing police numbers and resources to service regional communities and rural communities across New South Wales. Over the past year new police stations have opened at Dubbo, Lismore and Orange, with planning soon to connect the new stations at Glendale, Coffs Harbour and Parkes—not a single Australian Labor Party electorate amongst those, to get back to an earlier question today.

**The Hon. GREG DONNELLY:** Mr Gallacher is not even listening.

**Mr MICHAEL DALEY:** No, he is not. Work will continue on a number of other police stations, including that bastion of socialism, Kempsey.

**The Hon. MICHAEL GALLACHER:** That question must have hurt.

**CHAIR:** Order! The Hon. Michael Gallacher will cease interjecting.

**Mr MICHAEL DALEY:** The statistics are not with you, Mr Gallacher, I am afraid. The New South Wales Government has also increased the number of police in rural and regional New South Wales. The total number of police in rural and regional New South Wales as at 31 July 2009 is 5,147, which means that more than 34 per cent of police are located in rural and regional areas. These numbers, furthermore, represent a 45 per cent increase over the 3,761 officers located in 1994 in country and regional areas under the Coalition.

To help these rural officers, the Police Force is currently developing a rural crime induction package for officers assigned to rural areas to ensure that officers can more easily understand and work with rural communities and their particular crime issues. Moreover, we are committed to ensuring that these hardworking police officers are provided with modern and safe accommodation. Providing quality housing as a means of

encouraging officers to remote locations is a priority for the New South Wales Police Force, and something they and their families deserve.

While many crime problems are, unfortunately, the same no matter where you live, we all understand that rural communities face some special and different crime problems. That is why the New South Wales Police Force employs 33 specialist rural crime investigators who are dedicated to policing and the investigation of rural crimes. They have an understanding of our primary industries as well as experience with practical stock handling and identification. They regularly inspect abattoirs, saleyards and stock and station agents' offices, building local relationships with the rural community. The results these officers have achieved are encouraging and demonstrate the usefulness of having specialist rural officers.

For example, in 2001, prior to the introduction of rural crime investigators, there were 293 incidents of sheep theft, with 28,179 sheep stolen. Seven years later incidents of these crimes have dropped by 60 per cent, with only 8,000 sheep being stolen in 117 incidents. We have also put crime prevention strategies in place to assist property owners and managers in identifying risks for on-farm crime and to suggest ways of improving security. These strategies have included such measures as the New South Wales Police Force Farm Security Assessments that can be undertaken by police with property owners to assist them to identify their individual risks.

We have also recently re-established the Pastoral and Agricultural Crime Working Party, which brings together key stakeholders to focus on, explore and make recommendations on pastoral and agricultural crime and the policing of this important sector of the New South Wales economy. This working party is comprised of representatives from the New South Wales Police Force, including the Corporate Spokesperson for Rural Crime; the Department of Primary Industries; the New South Wales Farmers Association; the rural lands protection board; the office of the Minister for Primary Industries; the Game Council; and the Law Enforcement Policy Branch, Department of Premier and Cabinet, which also performs the secretariat function.

Similar to the work being undertaken by Crime Prevention Partnerships, this working party will consider methods of crime prevention that can involve the rural community at the local level. It has met three times since its inception last year, with each meeting being held in a rural location relevant to the discussion of pastoral and agricultural crime issues. The bottom line is that this commitment to policing in rural and regional New South Wales has led to—as the latest Bureau of Crime Statistics and Research quarterly crime statistics report, June 2009, indicates—crime going down in most crime categories all over New South Wales, including regional New South Wales.

Amongst some of the outstanding results in regional crime reduction over the past two years to June 2009 are Richmond-Tweed, break and enter dwelling down by 15.4 per cent and motor vehicle theft down by 16.9 per cent; in the northern region, malicious damage down by 6.7 per cent; the north-western region, assault—non-domestic violence related—down by 11.7 per cent; south-eastern region, assault—non-domestic violence related—down by 9.2 per cent, break and enter dwelling down by 9.9 per cent, break and enter non-dwelling down by 12.3 per cent, motor vehicle theft down by 26.2 per cent, and steal from dwelling down by 16.6 per cent; Murrumbidgee, steal from person down by 27.1 per cent; and the Murray region, motor vehicle theft down by 22.3 per cent and fraud down by 23 per cent. These figures are quite impressive and I congratulate Commissioner Scipione and his officers on their commitment to ensuring the safety and security of those who live outside the big cities. They are always high priorities for the New South Wales Police Force, as they are for the Rees Government.

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

**CHAIR:** That takes us up to the time we have allocated for this hearing. I thank the Minister, Mr Tree, Commissioner Scipione and Mr Diakos for coming along today. The Committee secretariat will be in contact with you in relation to any questions that you have taken on notice today. You should be aware that Committee members have two days from the conclusion of the hearing to lodge further questions on notice, which will also be forwarded to you by the secretariat, and that 21 days from the date we get the questions to you is the agreed time frame for responses to those questions. We need to get the document back from Mr Diakos that was provided by Mr Gallacher. We will get a copy of that to Mr Diakos along with the questions that have been taken on notice so that he can consider it.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

---