

GENERAL PURPOSE STANDING COMMITTEE No. 3

Monday 16 October 2006

Examination of proposed expenditure for the portfolio area

POLICE

The Committee met at 10.00 a.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. D. Clarke
The Hon. M. J. Gallacher
The Hon. J. Jenkins

Ms L. Rhiannon
The Hon. I. W. West

PRESENT

NSW Police
Mr A. Scipione, *Acting Commissioner*
Ms F. McPherson, *Executive Director, Corporate Services*

Ministry for Police
Mr. L. Tree, *Director General*

NSW Crime Commission
Mr P. Bradley, *Commissioner*

Police Integrity Commission
Mr J. Pritchard, *Commissioner*

CHAIR: I declare this hearing open to the public and welcome the witnesses to the proposed expenditure for the Police portfolio. Before commencing, I will make some comment about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded; people in the public gallery should not be the primary focus of any filming or photographs. I advise the media that they are not permitted to film or photograph the New South Wales Crime Commissioner, Mr Phillip Bradley, during today's proceedings due to the sensitive nature of Mr Bradley's position.

In reporting the proceedings of this Committee, the media must take responsibility for what they publish or what interpretation they place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door. Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Witnesses are reminded that they are free to pass notes and refer to their advisers while they are at the table. I remind everyone to turn off their mobile phones.

The Committee has not yet resolved on a return date for any questions taken on notice, and will do so at the conclusion of the hearing and will let witnesses know that date. Mr Tree, Mr Bradley and Ms McPherson are appearing to give evidence on their former oath or affirmation. The Committee has received an apology from Mr Terry Collins, the Deputy Commissioner, who is unable to attend due to operational issues. Mr Scipione and Mr Prichard need to be sworn or affirmed, and to give their job title and agency.

LESLIE THOMAS TREE, Director General, Ministry of Police,

FRANCES MARY McPHERSON, Executive Director, Corporate Services, New South Wales Police, and

PHILLIP ALEXANDER BRADLEY, Commissioner, New South Wales Crime Commission, on former oath,

ANDREW PHILLIP SCIPIONE, Deputy Commissioner of Police, currently Acting Commissioner, sworn and examined, and

JOHN WILLIAM PRITCHARD, Commissioner, Police Integrity Commission, affirmed and examined:

CHAIR: I declare the proposed expenditure for the Police portfolio open for examination. Do any witnesses wish to make an opening statement?

Mr PRITCHARD: Madam Chair, I point out that this is my first day as Commissioner of the Police Integrity Commission. I do not know whether any questions are to be directed to me in particular, although I do not wish to pre-empt anything. If there are no questions directed to me, is it possible for me to be excused?

CHAIR: I will check with Committee members. Are there any questions for the Police Integrity Commission?

The Hon. MICHAEL GALLACHER: Madam Chair, I did have a number of questions for Commissioner Moroney, who is not present, in relation to a number of internal matters that may well have involved the Police Integrity Commission in terms of its response. For that reason, I have no requirement for Commissioner Pritchard to be here. I had put that in writing to the Committee prior to today's hearing.

CHAIR: Thank you for coming Mr Pritchard, you are excused.

(Mr Pritchard withdrew)

CHAIR: We will start with 20 minutes of questions from the Opposition.

The Hon. MICHAEL GALLACHER: I suspect my question is best directed to Mr Scipione. It has been brought to my attention that there are serious concerns by highway patrol members in relation to the suitability of the XR8 Fords for highway patrol work. I believe there are serious concerns regarding the vehicles while in pursuit and also severe smells of fuel in the cabin while the vehicles are driven. Highway patrol personnel tell me that the XR8s on occasions, particularly during pursuits when doing a turnaround after an offender, are stalling. Could you inform the Committee of the status of the matter involving the XR8s?

Mr SCIPIONE: I do not have that advice that you have given. As recently as this morning I have been advised that there has been some smell of fuel around the XR8s, but that was the first time I had heard that. Of course, we have had Ford XR8s in service for a long time. However, if there are any issues, as you have indicated, that a reality we need to address them. But I have not had that brought to my attention. I would be more than happy to ensure that we examine each and every one of those issues.

The Hon. MICHAEL GALLACHER: Mr Scipione, through you, are any other witnesses in a position to answer further in relation to that matter?

Mr SCIPIONE: Ms McPherson will answer.

Ms McPHERSON: As Mr Scipione said, I am not aware of that as a systemic problem. Any problem that comes up is reported at our morning briefings and they are all examined. As Mr Scipione said, we are happy to have a really good look at that and come back to the Committee.

The Hon. MICHAEL GALLACHER: Are you aware that a vehicle feedback form has been distributed to the highway patrol personnel? I suspect it must have come from someone fairly senior. It asks questions in relation to the activity of the vehicle prior to stalling and whether it was on urgent duty pursuit or general duty patrol. It asks questions also such as the ambient temperature of the vehicle at the time of the stall. It is quite a detailed vehicle feedback form. I assume none of the witnesses present today have seen it?

Ms McPHERSON: No, I have not. It has probably come through the fleet area, which is probably trying to get to the bottom of the issues. Again, I would have to look at it. In particular, is it about the Fords?

The Hon. MICHAEL GALLACHER: It is about the XR8s, yes?

Ms McPHERSON: No, I am not aware that that has gone out. I would have to look at it.

The Hon. MICHAEL GALLACHER: Police have raised with me concerns about the fact they are doing high-speed pursuits and U-turns and the vehicles are stalling, and they could find themselves stuck in front of oncoming traffic, particularly on expressways or busy roads. Why would something as serious as this not have been brought either to your attention, sir, in your capacity, or to the attention of Ms McPherson, in her capacity?

Mr SCIPIONE: I might indicate that we have had brought to our attention some issues, but they were relevant to LPG vehicles. I talk to a lot of Highway Patrol officers, as recently as last week when I was attending the funeral of an officer on the North Coast, and when speaking to Highway Patrol officers it was not brought to my attention. If what you are telling me is the case, it is something I would want to know about so that we can get on top of it and deal with it. But I have not seen the form. Nor have I been advised by Fleet Services that there are any issues of this nature running.

The Hon. MICHAEL GALLACHER: I have been told by Highway Patrol personnel that the problem has not been taken seriously, and that every time they report it they are being told, "Look, it's only a one-off. Go and take it back to your service repairer," when in fact a number of these vehicles have been reported as actually stalling. Given your answers today, I am concerned that concerns that problems raised by the Highway Patrol personnel are not being taken seriously are in fact true if the senior ranks of the service are not being informed of a potentially very serious situation that in a pursuit these cars are stalling.

Mr SCIPIONE: That assumes that there are many complaints. I will take the question on face value, based on what you have been told and that you are receiving a number of these complaints. It is important though that we do not get the two issues mixed up. There have been issues with LPG, and that is something that I know Fleet Services have been addressing with Ford Australia. That is a Ford Australia issue, and that is being worked through. This is, however, the first time I have heard about any issues with the Highway Patrol. If the suggestion is that they have been disregarded, certainly at my level, they just have not been brought to our attention. I would be surprised that they would not be brought to my attention, but at this stage I will await some advice and will take that back to our Fleet Services for further consideration. I am sure they will advise us of anything they have got.

The Hon. MICHAEL GALLACHER: Mr Scipione, thank you for that. Are Highway Patrol pursuit vehicles currently using LPG?

Mr SCIPIONE: No.

The Hon. MICHAEL GALLACHER: So they are purely unleaded vehicles?

Mr SCIPIONE: There are no LPG V8 Highway Patrol vehicles in our fleet.

The Hon. MICHAEL GALLACHER: The vehicle feedback form that I have does not mention LPG. It is purely one of vehicles stalling, indicating how many times the vehicle has stalled over the past few days, also the smell of fuel right throughout the car, and also the ambient temperature of the vehicle when the smell of fuel is present.

Mr SCIPIONE: Does that form specifically identify that as a Highway Patrol survey form?

The Hon. MICHAEL GALLACHER: Yes, it does. It clearly indicates at the top that it is Highway Patrol, with Highway Patrol supervisors' names and information such as that.

Mr SCIPIONE: Thank you for bringing it to our attention. I will certainly follow that through.

The Hon. MICHAEL GALLACHER: Thank you for that. Do you have any indication—and I do not suspect you do, but I should ask the question anyway—how many XR8s are in service?

Mr SCIPIONE: I would have to take that question on notice. I could not tell you how many we have in service at the moment. Ms McPherson?

Ms McPHERSON: No, I don't.

The Hon. MICHAEL GALLACHER: Could you indicate to the Committee, if you know, how many Fords as opposed to Commodores NSW Police has in service?

Ms McPHERSON: I have not got that information with me.

Mr SCIPIONE: Are you talking about Highway Patrol cars?

The Hon. MICHAEL GALLACHER: Yes, Highway Patrol—sticking with Highway Patrol.

Mr SCIPIONE: No, I do not have the numbers. It certainly has been brought to my attention that some worthwhile consideration be given to broadening the fleet from just Fords. I understand that at the moment we are running a Ford fleet, in terms of the XR8s. I have been advised, as recently as a month or so ago, that there is now an intention for us to spread the fleet from Ford to include Holden Commodore as well.

The Hon. MICHAEL GALLACHER: Can you indicate to the Committee why the decision was made in relation to Fords? Was it one of cost, or was it one of suitability for work?

Mr SCIPIONE: I would have to take advice on that, simply because it was not an area for which I had responsibility, and it was a decision made some years ago. I can take that on notice and get that advice from Fleet. But the experts were the ones who were providing the advice.

The Hon. MICHAEL GALLACHER: Where would you, in your position, see manufacturer's responsibility start and finish in relation to these vehicles? I am concerned that the Highway Patrol themselves are being asked to do a vehicle feedback. I think it is fair to say that, if you have a problem with the XR8s, it would not be limited to New South Wales. Surely the manufacturer of the vehicle should be far more aggressive in trying to identify what the problem is, rather than giving Highway Patrol personnel a feedback form.

Mr SCIPIONE: Any vehicle in Australia that is purchased from a motor company would have warranty, and therefore we would expect there would be provision for these types of problems to be dealt with under those warranties. Because I have no knowledge of the issues you are talking about, I do not feel well qualified to answer what the position is. In terms of the feedback form, I think that is reasonable, even for the assistance of future planning of fleets.

The Hon. MICHAEL GALLACHER: Given your answer earlier that the Highway Patrol vehicles contract rests primarily with Ford at this current stage, if we were to see a vehicle recall of

the XR8s, am I right in assuming that would have a quite devastating effect on your ability to get vehicles out on the road if the XR8s were taken off the road?

Mr SCIPIONE: Not necessarily, because whilst we have a single motor company supplier, we have a cross-section of vehicles. We run XR8s and XR6 turbos. This means that—unless there was a recall based on a body problem—if it was an engine problem, of the sort you have talked about today, we have diversity sufficient to be able to maintain a fleet.

The Hon. MICHAEL GALLACHER: But at this stage you are not able to tell us how many XR8 we have versus turbo sixes?

Mr SCIPIONE: No, I am not. I would not want to mislead this Committee, but I can tell you that I think you will find there is some sort of equity in terms of purchases for that reason alone.

The Hon. MICHAEL GALLACHER: How many Highway Patrol vehicles do we have statewide in New South Wales?

Mr SCIPIONE: I would need to get that information for you. It is not something I have with me today, unless Ms McPherson can assist.

Ms McPHERSON: No, I am sorry.

The Hon. MICHAEL GALLACHER: If I could move on to the NSW Police Academy. How many recruits are in the current class at today's date?

Ms McPHERSON: As at 12 October, which was Thursday, 882.

The Hon. MICHAEL GALLACHER: How many did the class commence with?

Ms McPHERSON: It commenced with 991.

The Hon. MICHAEL GALLACHER: These questions are probably best asked of you, Ms McPherson. What is the budgeted cost to train these recruits?

Ms McPHERSON: If I could refer to my papers so that I do not mislead you. Our infrastructure one-off cost, which was for additional classrooms, computers et cetera, was \$11 million; scholarships were \$3.6 million; recruitment costs were \$1.2 million; and general administrative costs were \$2 million. That was our expenditure as at 28 August, and that came to \$17.8 million. The total costs we are looking at for the full period would be \$34.7 million. That includes uniforms and dissociated costs that go with the full session two for the students.

The Hon. MICHAEL GALLACHER: I take it that the \$1.2 million for recruiting was for advertising.

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: What is your normal annual budget for recruiting?

Ms McPHERSON: For advertising?

The Hon. MICHAEL GALLACHER: For advertising.

Ms McPHERSON: I think we usually run somewhere about, from memory, \$300,000. But I will confirm that and come back to you.

The Hon. MICHAEL GALLACHER: So this is a quite substantial increase on the normal budget?

Ms McPHERSON: Yes, for the additional police. We did recruitment on site at different campuses. So we had open days, we had days when we recruited in shopping centres, and we ran

advertisements in the media and interstate. We did not run any advertisements internationally, although we did get one international recruit from New Zealand, if you call that international. But we did not run any international campaigns, merely interstate campaigns.

The Hon. MICHAEL GALLACHER: Is that \$1.2 million purely for this current class that is at the academy?

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: How much else has been spent through the course of 2006 on advertising?

Ms McPHERSON: I guess it is continuing. I guess what we are saying is that we are looking at an additional 400,000 above and beyond what was spent as at 28 August, and that is for ongoing media ads. As you know, the Government has given us the budget for an additional 750 police officers. For us, the recruitment and keeping a pool of recruits to be able to get that number and sustain it is quite a significant effort. As I said, that effort has been successful to date whilst not dropping standards. There are quite a number of hoops to be gone through and there are quite significant standards to reach both from an academic point of view, as well as what we say are our professional requirements. We need a significant number of people to get to the standard that we would require, as you could imagine.

The Hon. MICHAEL GALLACHER: The current 882, what date do they graduate?

Ms McPHERSON: On 31 January.

The Hon. MICHAEL GALLACHER: Is it not normally the case that we have a graduating class in December? That has been the tradition over the years.

Ms McPHERSON: Yes, but these recruits started later. The reason for that was that we needed the additional numbers and those additional numbers have been allowed for in our budget. We then worked out that if we delayed our intake and had a delayed attestation that we could actually meet the Government's requirements.

The Hon. MICHAEL GALLACHER: When you say, "we needed the additional numbers", you needed the additional numbers to meet the Government's requirements?

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: It was not a Police requirement, but a Government requirement?

Ms McPHERSON: We were asked if we could recruit 750 additional police officers. The budget was there for us. We were asked whether or not it was possible to do that in a financial year, and we agreed we could. That was the planning that we put to the Government.

The Hon. MICHAEL GALLACHER: Whose request was it to push the graduating class back until a couple of weeks before the State election rather than, as traditionally has been the case for many years, a December class?

Ms McPHERSON: I do not think it was a request. As I said, on the best of my recollection it was a plan that we put together as part of getting the additional police numbers on board. As I said, getting the additional numbers by July, which was when the class started, was quite a feat.

The Hon. MICHAEL GALLACHER: Who made the recommendation? Who was it individually within the organisation or within the Government who decided that 31 January would be the suitable date?

Ms McPHERSON: I cannot recall exactly who. From memory I think it was worked out and mutually agreed that that was the date by both us as the New South Wales Police and the Government. I cannot recall anybody giving a direction.

The Hon. MICHAEL GALLACHER: It is amazing that for many years we have seen a December graduating class, before Christmas and New Year when we need every available highway patrol and every available officer on the streets, particularly given the recent announcements in relation to Cronulla and every other beach on the eastern seaboard, and we are now in a situation that they are being pushed back, coincidentally, to graduate only a few weeks before the State election. It looks and smells particularly like political interference.

The Hon. DAVID CLARKE: You said that date was worked out between the department and the Government. Is that right?

Ms McPHERSON: Sorry?

The Hon. DAVID CLARKE: You said, unless I am wrong, that the date of the graduation class was worked out between the department and the Government. Is that correct?

The Hon. MICHAEL GALLACHER: That is what you said a few minutes ago.

Ms McPHERSON: The normal process is that any attestation, or any plans for an attestation, and dates are usually cleared through the Minister's office. That is the normal process.

The Hon. DAVID CLARKE: Is the normal process that the Minister sets the date or the departments sets the date?

Ms McPHERSON: I think it is by agreement. I do not think anybody puts anything in black and white. It is usually by agreement.

The Hon. DAVID CLARKE: Would the department make the decision and then clear it through the Minister's office?

Ms McPHERSON: I think there would be a discussion about it, and there would be some sort of an agreement reached. From memory I think that is what happened.

The Hon. MICHAEL GALLACHER: It was all to do with the suitability of the attestation parade and the Government being in a position to attend?

Ms McPHERSON: I do not think it is unusual for a Minister to want to attend any attestation parade. From my memory that is usually what happens. The dates are usually made, as I said, with that in mind, that the Minister is available.

The Hon. MICHAEL GALLACHER: Usually the graduating class before Christmas is in the first week or so of December so that everybody can be out on the streets. But this is two months later. Why is it that no-one questioned why the Minister was not available for two months, and bring it forward?

Ms McPHERSON: I guess we would not have had the numbers of recruits by then. We were requested to train, and given the good news we had additional money for, additional police officers. As I said, we were not in a position to have those numbers by the usual time, which is around about April or May. We got them in July. We had those numbers in July. That is when the pool was available and when our processes were. The period following that was January.

The Hon. MICHAEL GALLACHER: What does the average employee cost? What does the New South Wales Police Force use to estimate the cost to employ the additional 750 promised by the Government?

Ms McPHERSON: It is approximately \$90,000 per officer—that is usually what we are given. I have it here.

The Hon. MICHAEL GALLACHER: You might be able to come back to it.

Ms McPHERSON: I will get back to you, yes.

Ms LEE RHIANNON: Have you assessed the police operation at the University of New South Wales last Wednesday night as a success?

Mr SCIPIONE: In terms of the operation you are talking about, I assume you are talking about the university event involving the 12 to 17-year-olds at a dance party?

Ms LEE RHIANNON: Unless there are other operations that you want to tell us about.

Mr SCIPIONE: There are a number of operations happening in the city every night.

Ms LEE RHIANNON: No, I said at the University of New South Wales.

Mr SCIPIONE: There are a number of operations that are running in that particular area.

Ms LEE RHIANNON: The one at the University of New South Wales.

Mr SCIPIONE: If it is that under-18 dance party—?

Ms LEE RHIANNON: Yes.

Mr SCIPIONE: The circumstances surrounding that particular event and involvement of the police are currently the subject of some examination in terms of some correspondence that I received from you only last week. It happened on Wednesday of last week, and at this stage that examination is under way. In terms of success, there were minimal injuries to both people who were attending the particular party and the police officers. There was minimal damage to property. At this stage, if we are in a position to prevent both of those then I would suggest that the outcome was one that, unless perhaps there may have been something that has caused concern, was good. As I said, there were no police injured and there were no dance partygoers who received any permanent injuries.

Ms LEE RHIANNON: It is interesting to hear you say that you thought the outcome was good. Obviously, that is how we judge an outcome. I would like to read an email that one parent sent me, and then ask you a couple of questions arising from the description of that night. The email is from Kathleen Phillips, who said she is happy for it to be released. The email states:

Thanks for pointing out the overreaction of the police at the dance party at the University of New South Wales last night. My 14-year-old daughter was at the party with strict instructions to wait for her father to pick her up at a designated spot near the Roundhouse at 11.00 p.m. Instead, she and hundreds of other children were ordered off the campus by the police. They wandered up and down Anzac Parade until she called home to us could we pick her up at Day Avenue. If you take up the issue of capsicum spray with the Police Commissioner, please also raise the question of why all the children were dispersed. My daughter saw no violence, so the fracas cannot have been as widespread as reported.

I am interested in your comments on any aspect of that but I have one specific question: Is it true that police told young people waiting to be picked up by their parents to move away from the University of New South Wales?

Mr SCIPIONE: That is exactly what we are holding this sort of examination into the events for. They are the details that I am looking for some response on. In terms of the violence that was purported at the event, police did not self-initiate to that event; we were called. We were called by those that organised it on the basis that there was a need for police to come down there. That was linked specifically to violence that was being encountered, and for that reason police attended. The specifics that you have asked about are certainly subject to an examination. I have given people some very tight turnaround times. I will know what happened there with some degree of independence because I have asked for this to be looked at by those that were not part of this particular operation. As soon as I have got that then I will be well placed to answer your questions.

Ms LEE RHIANNON: You said that you were called in as a result of disturbances, violence. But is it not true that your police were there in the afternoon?

Mr SCIPIONE: Not that I am aware of. We were only advised of this event—

Ms LEE RHIANNON: Obviously I do not know about police operations but on the Steve Price show he said that he had information from the police—he may even have interviewed one of the police officers—who said that they went there during the afternoon to take the alcohol out of the fridges where the event was being held. With a large number of young people, you know about the event, and then, as many people are interpreting it, there has been this overreaction. I appreciate that you are still judging whether that is the case but I am just trying to understand: if police were there earlier in the day, what is the level of involvement?

Mr SCIPIONE: I do not know that they were involved. There were 20 private security officers there that were engaged by the organisers.

Ms LEE RHIANNON: Can you make that part of your investigations, to determine what police operations were earlier in the day as well as once the incident happened?

Mr SCIPIONE: Yes, certainly I can. That is part of what was proposed. I might indicate to you, though, that we had no knowledge of the event until 1600 hours, 4.00 p.m. that day. That was the first that we were advised that this event was even happening. That is part of what we are inquiring into as well.

Ms LEE RHIANNON: Have you viewed a TV interview with Mr John Farr and the footage that shows four police officers dragged a young woman, who is Mr Farr's daughter? I think she is 16 years old. The footage shows her being sprayed in her face and her mouth with capsicum spray, shoved to the ground by the police officers, and kned in the stomach? She was then handcuffed and placed in a police vehicle. She has bruises on her wrists and forehead as a result of this. This woman is five feet six inches tall. Why did police use such force on some of the young participants at this event?

Mr SCIPIONE: Well, to answer the questions in some sort of order for you, I have seen some footage of that that came from commercial news broadcasts. Whether it was the particular lady that you were talking about or not I cannot be sure on. In terms of the violence that you talked about with regards to this particular person, that is the subject of this investigation. The inquiry is one that will not be, if you like, bypassing any of those issues. It will be a full examination of the events. But can I say this, in terms of the small amount of footage that I did see, there was certainly a propensity for violence. There was violent resistance in some of those people that were on the ground in that crowd and there was confrontation with the police. Now the police will do what the police have to do. They will maintain order.

Ms LEE RHIANNON: Precisely on what the police have to do, can you elaborate on that? Are you therefore justifying that they used excessive force? If these young people have broken the law why were they not just arrested rather than this force? Nobody has been arrested here. If people have broken the law why are not your police officers arresting them? Why do they use this excessive force?

Mr SCIPIONE: As I said, that is part of the examination that we will be undertaking. I am suggesting that the force, based on my observation and the events that have been detailed to me, would not be seen as excessive. But giving you the response that I am sure you are looking for, I have written to you as recently as Friday indicating that there will be an examination and that examination will be full and thorough.

Ms LEE RHIANNON: Would you like to take the opportunity to say that where police used excessive force measures will be taken to change that culture?

Mr SCIPIONE: Measures have been taken to change that culture. The use of excessive force is something that we are constantly monitoring. There is no way that we would condone nor allow it. If it is brought to our attention we deal with it. On this occasion we have to wait and see what the inquiries would tell us.

Ms LEE RHIANNON: When you say deal with it, what would you do if police officers used excessive force?

Mr SCIPIONE: There is a range of opportunities that are afforded to us in terms of managing—anything from local management through to much more serious consideration, depending on the degree of excessiveness. But I have got to indicate, based on what I have been advised and what I have seen myself, I have not seen any excessive use of force. But—

Ms LEE RHIANNON: You have not seen excessive use of force by the police?

Mr SCIPIONE: "Excessive" is the key word.

Ms LEE RHIANNON: So you justify using capsicum spray on the young women? You think that is not excessive force?

Mr SCIPIONE: That is exactly what we are looking at by way of this particular examination.

Ms LEE RHIANNON: Just staying with this but moving on to the wider picture of the attitude that these young people have to police officers, Mr Farr said to me that he had brought up his children to appreciate the police. He said that he had taught them that if they are in trouble to contact the police—actually to contact the police before they contact their parents. He said that his young daughter has now said to him that she would not contact the police if she was dying. It is a dramatic statement and the young woman is clearly upset after what has just happened. But do you make an assessment of how your handling of these matters plays out for the police, knowing that a lot of people do not have a lot of respect for the police? It is one of those things that many of us are constantly trying to change. Do you make the assessment based not just on the individual operations but how this plays out for the police in terms of a public relations way, is it something that was really worth it in terms of, like, if there has been an overreaction has this damaged your standing in the community, the standing of the police force?

Mr SCIPIONE: There are a number of assumptions in that. The first assumption is that there has been an overreaction. I still at this stage am not convinced that that is the case. Having said that—and we will let the examination take its course—what I am not going to do is prematurely get out there and necessarily suggest that somebody is in trouble. At this stage my view is that the police have gone there, they have acted professionally, they have done the job required of them by the community. And I am certainly not going to criticise them. In terms of the behaviour you talked about, when we respond to an operation of this type we certainly do not think through what it is that we will be doing in terms of a public relations exercise. My primary concern is the safety of the officers and the safety of the community that they are there to serve. The rest falls in behind it. So it is not as if we were looking to try to create a situation for media consumption. That is the furthest thing from the minds of the police that turned up, particularly at events like this.

CHAIR: Before Mr Jenkins asks his questions I would like an indication from the Committee whether anyone has any questions for Mr Bradley in particular? There being no questions, I thank Mr Bradley for coming along to day. We will let you get back to probably more important things for you.

Mr BRADLEY: Thanks very much.

(Mr Bradley withdrew)

The Hon. JON JENKINS: Is it operationally possible when you attend an event like this to provide some area where children, particularly underage children, who do not want to get involved with violence—all they want is to be protected from the violence—can gather? Is that operationally possible? Is that part of this inquiry?

Mr SCIPIONE: I assume you are talking about after the event in terms of any potential violence. You are looking for a safe zone in which you can hold them?

The Hon. JON JENKINS: Yes.

Mr SCIPIONE: That is something that I am sure will be covered in this examination but can I indicate the difficulty we may have encountered there was we were not aware that the event was on.

The Hon. JON JENKINS: But it would have been immediately obvious to officers attending that there were young children—

Mr SCIPIONE: And older—

The Hon. JON JENKINS: Mixed in with older people.

Mr SCIPIONE: Yes, a mixture. Those situations generally are not very orderly. Because there are huge amounts of disorder, you are talking about a busy part of a busy suburb; it is darkness; there is a whole range of issues running. There are people who necessarily did not get into the event—

The Hon. JON JENKINS: As part of your priorities—

Mr SCIPIONE: It would be sensible. We like to work with organisers of these types of events, to make sure we cover every possible contingency. On this occasion that did not happen; we were not advised.

The Hon. JON JENKINS: But it is under consideration to provide, if you like, a safe haven for younger people or people who do not want to be involved in the violence, or the protest, or the confrontation?

Mr SCIPIONE: In terms of how we manage this from the time that we were called through until the matter was finalised, that is part of the consideration. Yes, it is a very sensible suggestion.

The Hon. JON JENKINS: When people have been sprayed with capsicum spray, two follow-on effects are possible. Is there any sort of follow-up for people who may be asthmatics? Are they arrested and held, in case they have an allergic reaction? They may be partially disabled. If they are now roaming the streets at night, they are liable to become victims of crime themselves, if they cannot see properly or they are out of breath. What is the routine?

Mr SCIPIONE: The advice I have received this morning—which verifies the advice I received on the morning of this particular event last Wednesday—is this. Two people were affected by capsicum spray. One of those persons was a police officer.

Ms LEE RHIANNON: How do you know it is only two?

Mr SCIPIONE: That is the advice I have received. Those two people, one of whom was a police officer who administered the spray, were the only people that we had been advised had been contaminated. In that regard we call an ambulance. We never rely on the police officers alone to deal with these matters. We call the ambulance, they deal with not only the member of the public who has been sprayed but also the police officer. They have a formal decontamination process, and they do it very well.

The Hon. JON JENKINS: Will Taser guns be issued only for tactical operations, or will they be distributed generally to duty police officers?

Mr SCIPIONE: Tasers are currently in use within NSW Police. As has been previously indicated, they are in service with our tactical operations unit, which is the State protection group tactical operations focus, and our State protection support unit, which is the equivalent of the tactical operations unit but around the State. Currently we have Tasers in service with those offices. There is no other Taser in operational use across the State. However, as has been indicated, there is a trial under way. A trial that is under way is closing in terms of its period. I am expecting recommendations to be forwarded to me, in my role as Deputy Commissioner Field Operations, in the not too distant future, which will then take into consideration not only what is happening here and our experience with Taser in Australia and more particularly in New South Wales.

As recently as less than a month ago I had the senior officer in charge of our public order riot squad in the United Kingdom training with and observing how these particular devices are in use with riot squads across the world. That in itself is something we needed to do. We needed to rule things in before we could rule them out. The advice I am getting is that I should have recommendations within the coming months and then, depending on what those recommendations are, we may or may not be going back to government seeking to have an extension of those particular devices for use further across the State.

The Hon. JON JENKINS: What would be the cost of equipping every police officer with a Taser gun?

Mr SCIPIONE: I will hand the question over to Ms McPherson. The particular devices are not that expensive. But I can indicate to you that in my role at this stage no-one has even floated with me the notion that we would issue a Taser gun to every officer in this State.

Ms McPHERSON: I am sorry, I do not have that information. I am happy to take the question on notice.

Mr SCIPIONE: We can take it on notice and provide that information.

The Hon. JON JENKINS: Taser guns have the potential to affect bystanders and so on accidentally. I would hope you would implement some sort of protocol to protect people who have been hit by these things, either deliberately or accidentally. For example, quite a lot of eye injuries have occurred in the United States from the use of Taser guns.

As referred to in the commissioner's report for last year, 42 per cent of people who were surveyed do not believe the police act fairly when dealing with matters. In my view, that is an extraordinarily high number of people. I am not sure what mechanisms could be used to address that. Do you see that as a problem: nearly half the population believe that police do not act fairly?

Mr SCIPIONE: A survey being a survey, it is difficult to know just how accurate it would be.

The Hon. JON JENKINS: What is your opinion?

Mr SCIPIONE: I am not quite sure what survey it is, so rather than speculate—

Hon. JON JENKINS: It is in the Commissioner's report.

Mr SCIPIONE: But it may well be that it is a national survey, which is not ours.

The Hon. JON JENKINS: No, it is from NSW Police.

Mr SCIPIONE: Does it say who the source is?

The Hon. JON JENKINS: I am not sure.

Mr SCIPIONE: Can I indicate to you that a lot of our survey material, in order for it not to be suggested that we are slanting things one way or another, we fit into a national survey mechanism. Those sorts of figures, no matter where you are in Australia, if you are a senior police officer in this land, you would always look to be trying to improve that level when it comes to people believing they are being treated fairly. The level of satisfaction with policing across the nation is lifting, and it continues to rise. Degree of public satisfaction figures over recent years have been improving. It is something we turn our mind to. Yes, you are right. Any sort of concern at all is a concern for us, and whatever we can do to improve that, we will.

The Hon. JON JENKINS: With regard to the use of capsicum spray and Taser guns, the New South Wales Police Association has recommended the production of information on suitable

weight-bearing belts. What is the weight of a belt and all its equipment—batons, capsicum sprays, handcuffs, Glockes?

Mr SCIPIONE: Certainly it is not something I would have. We can certainly bring it to back to you.

The Hon. JON JENKINS: It would be fairly substantial, I would think.

Mr SCIPIONE: It is. That is why we have been addressing the issue and working through it. In terms of the weight, that can be increased depending on whether the officer is carrying a radio. There is a whole range of things.

The Hon. JON JENKINS: With regard to the highway patrol, will the department look at having a traffic command attached to each local area, rather than the present system, where we have a swap mechanism? Will we continue with that?

Mr SCIPIONE: In terms of the current highway patrol arrangements?

The Hon. JON JENKINS: Yes. Will we look at having one traffic command attached to each local area, which we do not seem to have at the moment as I understand it.

Mr SCIPIONE: We have some shared resources that cross local area command boundaries, and that is useful in that it allows us to aggregate resources and move larger numbers to deal with specific issues. There is a central State traffic command, as you are aware, and that command in itself brings a degree of co-ordination so that we can make sure we are focusing on statewide priorities as well as local priorities. There is never any indication, and I have not been advised, that people at local area command level are not getting access to, nor having—your indications are different again. If there was something to that effect that I could be made aware of, I would be happy to. But certainly the notion that at the moment we are looking to put a traffic commander in every local area command is one that has not been put before me by the experts in the field.

CHAIR: We will now have another 20 minutes of questions from the Opposition.

The Hon. MICHAEL GALLACHER: Ms McPherson, I return to the Police Academy. Since the class commenced, 109 students have left. What are the reasons for their leaving?

Ms McPHERSON: Some have deferred. Can I correct that? I am sorry if I have misled you. We have had 991 students commence and an attrition rate of 226.

The Hon. MICHAEL GALLACHER: So it is much higher than that?

Ms McPHERSON: It is much higher. Of those, 72 have deferred for family or personal reasons.

The Hon. MICHAEL GALLACHER: That is 22 per cent.

Ms McPHERSON: Another 100 failed examinations to move from session one to session two. That is in both the practical and academic fields. They did not meet our standards. Another four that I know of were asked to leave. The rest have left for all sorts of other reasons.

The Hon. MICHAEL GALLACHER: Has it been practice at the academy that rather than forcing people to leave if they are deemed to be unsuitable because of conduct they resign and walk out the door with a clean slate, or has everyone found to have conducted themselves improperly for a host of reasons been sacked? Have they all been sacked or have some been given the option simply to resign?

Ms McPHERSON: To my knowledge, if they are guilty of misconduct they are asked to leave. However, I would have to come back to the Committee with information about whether some other arrangements have been made and people have voluntarily walked out the door. I hope that if they had walked out the door voluntarily without going through any sort of process and there was a

question mark about their conduct that that would be recorded for future notice. However, I will have to get the details.

The Hon. MICHAEL GALLACHER: Were the four who were dismissed the subject of an internal investigation prior to dismissal?

Ms McPHERSON: They would have been the subject of either an investigation, albeit preliminary, or a thorough investigation. There are varying reasons for those. One of those matters involved the officer who brought replica weapons and a Kevlar vest into class. That officer was asked to leave virtually the next day and was then the subject of other police investigations and criminal charges. While I do not have all the matters in front of me, they were significant.

The Hon. MICHAEL GALLACHER: Were all four cases brought to your attention?

Ms McPHERSON: Yes. I have made some changes with the agreement of the commissioner and the support of the deputies. We had a professional standards manager—a police officer—reporting to the commander. To achieve some independence, I have an officer reporting directly to me. That officer is independent of the command down there but gives independent advice to me and the commander. I am now across those issues, if I was not previously because of the size of my command and the size of the academy itself.

The Hon. MICHAEL GALLACHER: Good.

Ms McPHERSON: The behaviour of our students is exemplary. We have put measures in place that have been publicised, such as a curfew, and we have patrols. We also have a code of conduct containing guidelines they are asked to meet. As you can see, a very small number breach those rules.

The Hon. MICHAEL GALLACHER: As you are across all the complaints and the supervision by the professional standards manager—

Ms McPHERSON: I am saying currently; there may be something that you—

The Hon. MICHAEL GALLACHER: How many complaints have been made, whether they have resulted in preliminary investigations or full investigations, into the current class at the academy?

Ms McPHERSON: The current class?

The Hon. MICHAEL GALLACHER: It started at 991. How many complaints have been brought to your attention in relation to their conduct and suitability to be members of the Police Force? Four have been dismissed; how many complaints have been received?

Ms McPHERSON: From memory, I know of one other. I am talking about the past couple of months. That is what we would term misconduct or a breach of the code of conduct. There have been instances of a few of students being a couple of minutes late for the curfew. I do not look at that as a hanging offence or serious misconduct. They have been given warnings. In terms of serious misconduct, I cannot recall any incidents. However, if you have that information—

The Hon. MICHAEL GALLACHER: I did not say "serious misconduct". I did not define it; I said "misconduct".

Ms McPHERSON: I am not sure what you mean by "misconduct".

The Hon. MICHAEL GALLACHER: The subject of an internal complaint.

Ms McPHERSON: I am not aware of any. As I said, there was one instance of a student who had an improper association with an officer who was also a student—not a lecturer. However, I am not aware of anything else that has come to my attention. I stand to be corrected if there is something that has not come to my attention. I am interested to hear about anything.

The Hon. MICHAEL GALLACHER: So, 226 students have left for varying reasons. How does that stack up in terms of reaching 750?

Ms McPHERSON: We will do that.

The Hon. MICHAEL GALLACHER: What does that leave you with?

Ms McPHERSON: At the moment, in session two, we have about 882 students. Historically, attrition occurs in the first session. That is the hardest session, both from a cultural point of view with the discipline imposed and the things asked of them. They get to see whether they suitable and we also assess their suitability. In addition, they must sit stringent academic examinations. We are looking at between 800 and 850 as an attestation.

The Hon. MICHAEL GALLACHER: You started with 991 and you have lost 226. Are those numbers correct?

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: How can we have 822 left?

Ms McPHERSON: Sorry, 895 commenced session two, and another 13 have left in addition to the 226.

The Hon. MICHAEL GALLACHER: So it is now close to 240 people.

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: The temperature is slowly rising. You have received only four complaints in relation to those who were dismissed from the academy, but apart from that only one or two others.

Ms McPHERSON: When you say "complaints"—

The Hon. MICHAEL GALLACHER: I will explain. A large number have left for varying reasons. Were they the subject of some initial complaint about suitability and then given the option to leave with a clean slate or, if they refused, were they warned that they to be involved in a fight and full investigation and would be asked to leave with the incident on their record?

Ms McPHERSON: As I said earlier, I am certain, but I will come back to you, that if they were asked to leave for conduct reasons, shall I say—I will put it that way. We have agreed that that is a pretty broad definition—

The Hon. MICHAEL GALLACHER: Let us say "suitability".

Ms McPHERSON: There is academic suitability and professional suitability, so there are two separate things. Charles Sturt University has a say about one and we certainly do, in terms of their professional suitability.

The Hon. MICHAEL GALLACHER: Let deal with professional suitability.

Ms McPHERSON: If that is the case, I would be hopeful, if not confident, that their records would have been endorsed that there was a conduct issue, and that they would not have just been welcomed back into the fold.

The Hon. MICHAEL GALLACHER: I am not suggesting that. I am not suggesting that they would ever get back in—it would be noted—but I wonder how many of them have been given an option to depart now, rather than face investigation? It would save a lot of trouble for everybody.

Ms McPHERSON: I will have to come back to you if that is the case. I have not got that information.

The Hon. MICHAEL GALLACHER: Were professional suitability assessments conducted for all of the people who entered the academy?

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: They were? Is it still the case that student police officers are to work at police stations for up to 80 hours?

Ms McPHERSON: This session they are not.

The Hon. MICHAEL GALLACHER: Why is that?

Ms McPHERSON: Because of the break, because of the Christmas break and, I guess, the discussion about whether or not it was more important to give them a break rather than send them out to a police station. That decision was taken on the recommendation of the police college professionals.

The Hon. MICHAEL GALLACHER: How long is the Christmas break?

Ms McPHERSON: I will have to come back to you on that.

The Hon. MICHAEL GALLACHER: You do not know how long a break they will have over Christmas?

Ms McPHERSON: No. I think it is about 10 days, from memory, 10 days or two weeks.

The Hon. MICHAEL GALLACHER: I go back to my earlier point. Would it not have been far more suitable, rather than try to fit in with the political imperatives of the Government, to actually get these people skilled up? Now we find they are to miss out on what would be probably one of the most important aspects of their training, physically learning how to be police officers. Instead, they will be given a break over Christmas in order to fit in with the Minister's diary. How do you equate that with the needs of the community and the needs of the graduate trainees?

Ms McPHERSON: If I can respond to that: The period over which they would possibly have gone, which would have been the Christmas break, is a time where the resources are very much needed for the front line. It does take a fair bit of support to have a non-sworn person in a police station and that was all taken into account when that decision was made.

The Hon. MICHAEL GALLACHER: But, that has been going on for years, having the trainees going in and doing their time in at the stations.

Ms McPHERSON: As I understand it, that is true. Could I say that that decision was taken and, I guess, the risk of that being a disadvantage was found to be not significant. In fact, it was seen that there was no risk to the officers in terms of their training and their education.

The Hon. MICHAEL GALLACHER: You can also see, though, that if the 14-day Christmas break was taken out and there was a reassessment of the Minister's diary—forget about them actually working 80 hours in the station—we could have had these trainees physically working as police officers out on the streets before Christmas.

Ms McPHERSON: Well, we would not have had those numbers. I am sorry but I have to go back to my initial response to you. The amount of time it takes—

The Hon. MICHAEL GALLACHER: Two weeks!

Ms McPHERSON: But the amount of time it takes us to have the numbers that we have got into the pool, it takes a long time in the lead up to getting offers made to people who are going to join

us as police students. We would not have been able to accommodate those numbers. We just made it, in terms of the numbers, and we were making offers—

The Hon. MICHAEL GALLACHER: The Government just made it.

Ms McPHERSON: Sorry?

The Hon. MICHAEL GALLACHER: The Government just made it.

Ms McPHERSON: Well—

The Hon. MICHAEL GALLACHER: It is the Government's imperative; not yours.

CHAIR: Order! Will you please cease interrupting the answer.

The Hon. MICHAEL GALLACHER: I am just concerned with trying to work out who "we" is.

CHAIR: No. You will cease interrupting the answers. Please proceed.

The Hon. MICHAEL GALLACHER: If I could ask this question: The period between Christmas and the end of January is four weeks. If you take that two-week Christmas break out of the process it leaves two weeks. You could, in fact, have brought on the classes earlier. A two-week break would have had very little effect on your numbers, surely?

Ms McPHERSON: Sorry. Could you repeat that question?

The Hon. MICHAEL GALLACHER: The time between Christmas and the end of January, the passing out parade, is four weeks. A two-week break has been factored into their time down at the academy. I have not before heard of the graduating class, just before graduation, going off to have annual holidays.

Ms McPHERSON: It is not just the trainees; it is the lecturers and the police officers as well.

The Hon. MICHAEL GALLACHER: The point is if it had been moved forward two weeks at the start of the process you could have had all of these police out on the streets before Christmas. Instead, the police force, in conjunction with the academy, has tailor-made this process to coincide with the Government's election needs.

Ms McPHERSON: I guess I go back to what I said previously, that we would not have had or been guaranteed of having those numbers to put out there.

The Hon. MICHAEL GALLACHER: Two weeks!

Ms McPHERSON: I am saying it took us two weeks to get through the process, both academically and professionally, of having a look at who was suitable. As I said, we did not drop our standards, contrary to what is popular belief. We did not drop our standards and, to keep those standards, it took us quite an effort to get those numbers into the pool.

The Hon. MICHAEL GALLACHER: What is the current attrition rate of police officers—the percentage?

Ms McPHERSON: Police officers?

The Hon. MICHAEL GALLACHER: Yes.

Ms McPHERSON: I think what we are looking is around about just over 50 a month. In 2005-06, 727 officers left. The reasons were: 431 of those were medically unfit—I have not got the breakdown of whether or not most of those or the percentage of those that were pre-1988, but I

imagine the majority of those would have been—and 237 resigned. I guess we are just keeping a very close eye on that.

The Hon. MICHAEL GALLACHER: If I can move to the submission from the Police Association. Perhaps Mr Scipione might best answer this: Will you indicate to the Committee what staff and resources have been allocated to examine the proposal by the Police Association for an additional 3,000 police between now and 2011?

Mr SCIPIONE: I assume, when you ask what staff have been allocated, you mean specifically allocated to consider the Police Association's proposal?

The Hon. MICHAEL GALLACHER: The Police Association's submission and also what is possible?

Mr SCIPIONE: I could not tell you how many from within the human resource command have been allocated to specifically examine representations made by the Police Association. In fact, I am not sure that there has been anyone specifically dedicated to that. Perhaps Ms McPherson might be able to advise me?

Ms McPHERSON: We have not done any specific planning for the 3,000 that the association has asked for. But, if 3,000 additional police officers were funded, NSW Police would make every effort and very quickly be able to utilise those resources.

The Hon. MICHAEL GALLACHER: Do you have the facilities, both accommodation and down at the academy, to handle 3,000?

Ms McPHERSON: It would depend over what period they were going to be—

The Hon. MICHAEL GALLACHER: Between here and 2011?

Ms McPHERSON: Sorry?

The Hon. MICHAEL GALLACHER: Between here and 2011?

Ms McPHERSON: I would suggest we would have. As I said, we have invested quite significantly in extra classrooms and all the facilities that go with those classrooms. I would suggest that we would be able to deal with them. It may well be—

The Hon. MICHAEL GALLACHER: What about accommodation at stations, as well?

Ms McPHERSON: I do not make the decisions about where they would go; I merely facilitate that, following consultation with the deputies and the commissioner. But there are all sorts of roles for NSW Police officers.

Mr SCIPIONE: Mr Gallacher, I indicate that I am on the record, as you know, about this. I will take every officer I can get. I would never knock back a police officer. We would do all we could to ensure that we are able to use those officers, train them and use them, effectively within their communities.

The Hon. IAN WEST: Even Mr Gallacher?

The Hon. MICHAEL GALLACHER: If the offer is right!

Mr SCIPIONE: He would be most welcome. At this stage we would take everyone we could get. Certainly issues would arise from that, but none are insurmountable I would suggest, between now and 2011.

CHAIR: Are there any Government questions?

The Hon. IAN WEST: Not at this time, Madam Chair.

CHAIR: Ms Rhiannon may now ask questions.

Ms LEE RHIANNON: Mr Scipione, have you read the New South Wales Ombudsman's recently released review of the Police Powers (Drug Detection Dogs) Act 2001?

Mr SCIPIONE: I have looked at the documentation and certainly have been in discussions with our officers regarding what is contained within it.

Ms LEE RHIANNON: To refresh your memory, because I am sure a lot of reports cross your desk, I will quote from the report and will ask you questions about them. The report states:

There is little or no evidence to support claims that drug detecting dog operations deter drug use, reduce drug-related crime or increase perceptions of public safety. Further criticisms of the cost effectiveness of general drug detection operations appear to be well founded.

Another part of the report states:

We have misgivings about whether the drug dogs Act will ever equip police with a fair efficacious and cost-effective law enforcement tool to target drug supply. In light of this, we have recommended that the starting point, when considering our report, is a review of whether the legislation in its present form or amended as suggested should be retained at all.

Will you recommend that the Ombudsman's suggested starting point, that is a review of legislation, be undertaken?

Mr SCIPIONE: Legislation is exclusively the domain of government. However, I can indicate that as an organisation NSW Police are happy that we have access to, and have been able to draw down on, drug detector dogs. The issue in regard to any proposed or suggested amendments or reviews of the legislation would sit with government.

Ms LEE RHIANNON: Maybe Mr Tree could help with this, I am interested to understand the process now that the report has come out. I assume you will have an input into that process. Could either of the two of you explain the process with regard to the police and the Minister's office?

Mr TREE: At the time the Minister at the time the report was released accepted a number of the procedural recommendations but categorically affirmed that drug detector dogs would continue to be used by NSW Police.

Ms LEE RHIANNON: Which procedural operations did he support, which aspects?

Mr TREE: My understanding is that the Ombudsman's report had 30 or 40 recommendations. The ones that the Minister accepted I am happy to take on notice and inform the Committee.

Ms LEE RHIANNON: I still do not fully understand the process for the recommendations. Did NSW Police have an input on the recommendations?

Mr TREE: NSW Police was provided with a draft report by the Ombudsman and was consulted by the Minister in his response.

Ms LEE RHIANNON: You are saying that NSW Police has had an input in that?

Mr TREE: Correct.

Ms LEE RHIANNON: Although one of the stated reasons for the legislation was to crack down on supply of illegal drugs, the report states that the use of drug detection dogs has proven to be an ineffective tool for detecting drug dealers. Overwhelmingly the use of drug detection dogs has led to public searches of individuals in which no drugs were found, or to the detections of mostly young adults in possession of very small amounts of cannabis for personal use. It is interesting that in the two-year period the Ombudsman found only 1.38 per cent of all indications led to drug finding and deemed supply. The Ombudsman said:

It is clear that drug detection dogs are not an effective tool for detection persons involved in the supply of prohibited drugs.

Considering that—and obviously I have heard Mr Scipione's response that you will continue to do it—and in answer to one of my previous questions, you said that the police do not take operations for public relations purposes, why are you undertaking those operations when you have such low returns? You have incredibly low returns.

Mr SCIPIONE: I apologise. Could you repeat that question?

Ms LEE RHIANNON: Okay. You probably heard where I am coming from. In response to an earlier question today, you said that the police do not undertake operations for public relations purposes. You said also that you ensure that no police officers are harmed, and that the public are not harmed. What is the benefit of undertaking those operations when so few people are detected with drugs let alone deemed supplyable amounts? The outcomes are not there. Why persist in using such large amounts of police resources in that way?

Mr SCIPIONE: Thank you for the question, and I will cite two particular reasons. Some three months ago I was on a road in the far west of New South Wales, remote of Dubbo, where there was a heavy vehicle traffic enforcement operation running. I saw trucks that were laden with cattle and equipment and a whole range of items including vehicles and the like being carried interstate and intrastate. A drug dog was in use in that operation and detected a number of drivers who had in their possession illegal drugs that would allow them to drive and keep driving. If we are able to stop one of those drivers from consuming a drug which in turn stopped him from being involved in a motor vehicle accident which could decimate a small town by the fact that a family could be lost in a truck accident, that is a significant plus. That is about protecting the community.

Likewise, I am aware of many operations, some as recently as two weekends ago, when drug dogs were used in this city. As a result of their operations many prohibited drops were seen to be dropped to the floors of clubs and abandoned. Every one of those tablets that is abandoned on the ground is one less potential problem at St Vincent's Hospital. One of those tablets could have been used to drive someone into a psychotic state or to be involved in crime, or to become a victim of crime. The use of drug dogs is effective from our perspective. That use is effective because it saves lives, potentially, as much as it steers us in the right direction when we are trying to detect people who might be supplying drugs. Just because someone is charged as a user does not necessarily mean that that person has not supplied. For all those reasons, and many more that I could state, I think it is an effective use of resources.

Ms LEE RHIANNON: With all due respect, your stories are anecdotal. If you are sticking by them that would mean you are disagreeing with the Ombudsman's report because, to give one quote, "We were not able to identify any evidence that the use of drug detector dogs has had a deterrent effect on drug users".

Mr SCIPIONE: I did not address the deterrent effect; I talked about the facts surrounding those operations that I am aware of, particularly in regard to the statement that I made earlier when you said that the primary police response is to protect our community. Taking drugs out of the pockets of people and having them dropped on the floor is in itself keeping those people, even for that short period, away from those drugs. I suggest that that is an effective use of resources.

Ms LEE RHIANNON: You are probably aware that the primary objective of the drug dogs Act is identification and prosecution of persons involved in the supply of prohibited drugs. Taking into consideration what you have said in terms of people dropping drugs to the ground, et cetera, and taking the primary objective, you would agree that it has not been successful on the basis of the Ombudsman's report. It is that the case?

Mr SCIPIONE: To some extent you do not really know. I do not know if someone drops a bag of drugs to the ground whether we may have prevented that supply happening.

Ms LEE RHIANNON: My question was whether you are disagreeing with the Ombudsman. I am trying to ascertain where you stand with the report. The primary objective of the drug dogs Act is

really clear: it is the identification and prosecution of persons involved in the supply of prohibited drugs. The report from the Ombudsman shows very clearly that that is not happening. Quantitatively the figures are not there to show that that is happening.

Mr SCIPIONE: I am happy to provide you with any advice that I can, but I think I have answered the question on the basis of my opinion—and those of my police colleagues would bear this out—that there is a belief that the use of drug dogs is very effective in terms of what we are doing. You referred to the Ombudsman document. The Ombudsman may have a different view, but that is a matter of the opinion of the Ombudsman and those who prepared the document for the Ombudsman. I have answered all I can in this regard and clearly set out what we, as an organisation, believe to be the case.

CHAIR: We will now have 10 minutes of questioning by the Hon. Jon Jenkins.

The Hon. JON JENKINS: I return to the figure I quoted of 40 per cent from your 2004-05 report. The source is "Community satisfaction with policing survey: NSW Police complaints handling system". So that is the source of that. The reason I asked that question is that the Standing Committee on Social Issues report 38 of June 2006 on Policing Strategies and Resources in the Macquarie Fields Area found there was a need to develop and support initiatives to prevent further disturbances in the area. I am aligning that 40 per cent with people reacting the way they feel they have been treated unfairly. The Macquarie Field area and Cronulla riots have seen resources allocated after the events. So the event has happened, and the resources have been allocated. Has the department identified potential areas of future conflict? In other words, are you aware of where the next area of conflict might be, and have you pre-allocated resources to the local area commands accordingly; or are you pre-empting what is potentially happening out there in consumer land?

Mr SCIPIONE: Can I ask you to clarify for me again that source document?

The Hon. JON JENKINS: "Community Satisfaction with Policing Survey: NSW Police Complaints Management System".

Mr SCIPIONE: I would need to take some advice, but it could well be that the complaints management system means that those surveyed are those that have made a complaint. The complaints management system is one that brings us into contact with the community when we receive a complaint.

The Hon. JON JENKINS: I do not believe that is so. It is called community satisfaction. That is the heading.

Mr SCIPIONE: It is important that I clarify this for you. There are two key determinants as to whether we are managing complains well: timeliness of investigation, and complainant satisfaction level. If the complainant satisfaction level is what you are reading about there, then particularly that means people who have made a complaint to the police and the matter is under investigation.

The Hon. JON JENKINS: I do not believe so. It is not so indicated here. It is indicated as being general satisfaction with the police.

Mr SCIPIONE: So it just says—

The Hon. JON JENKINS: "Community satisfaction rating, general satisfaction" is the heading.

Mr SCIPIONE: I can clarify that for you. But I think you may well find it comes out of the complaints management system, which by its nature we engaged when we receive a complaint, because that is one of the key criteria.

The Hon. JON JENKINS: The question is: Within these areas of Macquarie Fields and Cronulla there seems to be a perception that police do not act fairly. Are you pre-empting, by resource allocation, what is going to happen next? To give you an idea, the average level of domestic violence

and so on in Macquarie Fields is two times the average; so, presumably, you should be monitoring this and pre-empting where the next—

Mr SCIPIONE: We can tell you down to the individual event what involvement there is, not only in terms of the domestic violence rates, but also alcohol is a factor. We can break it down into some of the social issues surrounding housing, health and education levels. This is a very complex issue. It is not one that is just in the domain of police.

The Hon. JON JENKINS: Let me ask you the next question. In the Macquarie Fields area there are approximately 200 complaints a month of domestic violence. There is only one police person allocated as the community services interaction person to handle those 200 complaints per month.

Mr SCIPIONE: When you say a community services person, are you talking about the Department of Community Services?

The Hon. JON JENKINS: No. I am talking about Police.

Mr SCIPIONE: I would need to clarify that. My most recent discussions with the local area commander out there would tell me that they have quite a few domestic violence officers, because we know there are problems there. We work whole-of-government in trying to resolve these problems. But I will come back to you. I am confident that there are many more domestic violence liaison officers. We also have working in those communities youth liaison officers. There are a range of ethnic community liaison officers. So we have many people, all focused on the same issue.

The Hon. JON JENKINS: Are these police officers?

Mr SCIPIONE: These are police officers. Some of our ethnic community liaison officers are unsworn, because they come from some of those respective communities. But our domestic violence liaison officers and our youth liaison officers are sworn police.

The Hon. JON JENKINS: So you believe you are making a reasonable effort at pre-empting the potential problems?

Mr SCIPIONE: Certainly. It is not only pre-empting, it is proactively getting in there and trying to defuse these situations.

The Hon. JON JENKINS: How do you assess your success in that?

Mr SCIPIONE: It is always hard to do that. As I said, this is not the unique domain of police. The reality is that there are so many different issues. If you look at the average take-home pay in a place like Macquarie Fields, you would be astounded to see how many people live on \$400 a week, or less.

The Hon. JON JENKINS: I would not be.

Mr SCIPIONE: No, you may not be, I am sorry. It is probably wrong of me to say that. There are financial issues. But there are so many impacting issues. The number of young people out there who have completed high school is considerably than in most other communities. Likewise for public housing; the amount of public housing out there is enormous. All of those things come together. At the end of the day, we generally see the problem in its last stages.

The Hon. JON JENKINS: Which is the wrong thing.

Mr SCIPIONE: But I can indicate that there is some light at the end of the tunnel. We have not only been working with government, but we have been working with non-government organisations like Chris Riley's people, Youth Off the Streets, and there has been a significant improvement out there. We are seeing those who in the past were our problems now coming in and being part of our solutions. That is encouraging from my perspective.

The Hon. JON JENKINS: Have you seen the recent unemployment figures for the area?

Mr SCIPIONE: I would love to be able to affect the unemployment figures. At this stage, we have not been able to have much of an effect on them.

The Hon. JON JENKINS: If I could change tack. I understand there is a review on the upgrading of bullet-proof vests at the moment. Is that a correct assumption?

Ms McPHERSON: Yes.

The Hon. JON JENKINS: Does the department intend to bring in load-bearing bullet-resistant vests and issue these to all officers? And, if so, what is the cost?

Ms McPHERSON: I would have to come back to you on the cost. In terms of our intention, a decision has not yet been made on that. We are looking, at the moment, to the best of my recollection, to ensuring that there enough protective vests to cover officers in vehicles. That is not one for every officer, per head, but when they are out in operation that there is one that is available for their use.

The Hon. JON JENKINS: One per vehicle?

Ms McPHERSON: One per officer in the vehicles; so they reside in the vehicles.

The Hon. JON JENKINS: There is no intention to equip our police—as are British police for instance—with a standard bullet-proof or knife-proof vest or stab-proof vest?

Mr SCIPIONE: I can indicate to you that there is also a scheme whereby officers can elect to purchase soft body armour, which is a different ballistic rating for all sorts of reasons, and a number of officers across New South Wales have purchased and been reimbursed for soft body armour. Many wear them all the time, whenever they are on shift.

The Hon. JON JENKINS: Is this out of their own money?

Mr SCIPIONE: Yes. But they are recompensed.

The Hon. JON JENKINS: The last questions I would like to ask you about relate to random drug testing. What is the time line for bringing in drug testing of drivers in New South Wales? Are we going to see saliva tests at some point in time?

Mr SCIPIONE: I understand that is in the current session, but Mr Tree might be able to assist.

Mr TREE: My understanding is that the legislation has either now passed the Parliament or is before the Parliament.

Ms LEE RHIANNON: It is before the Parliament. It has not come to the upper House yet.

Mr TREE: It is in the lower House, so it will probably come to the upper House this session. The intention is to commence the legislation fairly shortly thereafter. The exact date I can give you on notice.

The Hon. JON JENKINS: What drugs will you be testing for?

Mr TREE: The drugs being tested for are set out in the legislation. I do not have that information in front of me. It is legislation of the Minister for Roads.

The Hon. JON JENKINS: I presume opiates are among them.

Mr TREE: That is correct. But I will take that on notice.

The Hon. JON JENKINS: If I go and have a feed of poppy seed rolls tomorrow and get drug tested within several hours after, I am going to prove positive to opiates.

Mr TREE: Is that a question or a statement?

The Hon. JON JENKINS: It is a statement and a question.

Mr TREE: I think the testing would eliminate that. I think the Victorian experience shows that those sorts of things can be eliminated.

The Hon. JON JENKINS: How do you eliminate them? You have a chemical in your system at a very low level, but nevertheless present.

Mr TREE: There is then a potential for the person tested to be taken to a police station or a hospital for further tests.

The Hon. JON JENKINS: It could be an interesting exercise. Assuming the legislation goes through, do you have the drug testing kits available to be issued—I presume they go through the traffic command—to local area commands or traffic commands at this point in time?

Mr TREE: I understand that there are four specialist vehicles and a number of officers have been trained. The equipment is ready to go.

Mr SCIPIONE: We are going to make haste very slowly on this. We want to get this right. Yes, there are specific people trained and specific vehicles are available. We will do this in a proper fashion.

The Hon. MICHAEL GALLACHER: Ms McPherson, could we go back to the numbers of the academy so that we can finalise it? Please correct me if I am wrong, you started with 991, 239 have left, which leaves 752. But you told us this morning that you have 882 down there. Could you explain the discrepancy?

Ms McPHERSON: We have had additional students go into what we call session two. They are students who have done distance education or who have done previous studies at the University of Western Sydney. I apologise for that. I should have been more specific.

The Hon. MICHAEL GALLACHER: If we could go back to the last point we were discussing before we broke off Opposition questions, in relation to the association's submission, what modelling do you currently use to determine how many police officers are required overall?

Ms McPHERSON: It is an operational question. There are a whole lot of factors, but they are usually inputted from the operational areas. I guess it is fair to say there is no absolute scientific model. A lot of it has to do with what is happening out there in the community, the community's perceptions and issues. All those things are discussed. Requests and invitations are put to the local area commanders and they are fed into our work force planning area. They come up with what their view is as to whether or not what they have asked for is reasonable, or whether or not they require more or less. That is then discussed with the deputies, the commissioner and then the Minister. My role is to implement that and to ensure that the word gets out there, and that the appropriate resources are in place to support those additional numbers when they go to the appropriate local area command.

The Hon. MICHAEL GALLACHER: My understanding is that a decision is made from the senior ranks, including Mr Scipione and the commissioner, and then it is brought down to you to implement.

Ms McPHERSON: Yes, sure.

The Hon. MICHAEL GALLACHER: Do you make recommendations to them as to how many you can carry?

Ms McPHERSON: The fields themselves have the human infrastructure. All the training resources and the appropriate rank, et cetera, is out there in the field. My people in the work force planning area are aware of that. They may make a comment on that. But usually they are in a position to take that into account when making a recommendation supporting, or otherwise, what the regional commander—the assistant commissioner—has put into the deputy.

The Hon. MICHAEL GALLACHER: Mr Scipione, if we use the 750 as an example, what model did you use in determining whether 750 would go?

Mr SCIPIONE: The allocation of those numbers has not yet been finalised, but can I indicate to you that the area that Ms McPherson has indicated, work force and planning, takes on notice advice that is coming from the respective local area commands from across the State. That information is then rolled into, and considered, as part of a range of issues that impact us. Things like futures plan based on potential growth, increasing vehicle traffic, housing, community expansion and the like. Work force planning will come to me with a recommendation that is subject to all things being considered and, looking at trying to meet as many things as possible, will then be recommended through to the commissioner for his endorsement and then he will work through final allocation and I will be advised. But we do this in unison with our work force and planning area, and certainly we need to, and we often, require our local area commands to give us specific advice in the first instance, which we can then work from.

The Hon. MICHAEL GALLACHER: When was the last time they made a submission to you in terms of future projections?

Mr SCIPIONE: In terms of the local area commands, or are you talking about work force and planning?

The Hon. MICHAEL GALLACHER: Work force and planning.

Mr SCIPIONE: In terms of the future planning, I have not had a submission from work force and planning in this regard. We have been in consultation with a number of regions specifically dealing with futures planning and potential growth over the next five to 10 years. That has been a specific project. A number of those submissions are currently with me, and we are working through them. But this is longer-term work. It is about sitting down and looking at, and trying to estimate growth in a number of our growth areas and, of course, the impact that might have in the reverse as people move from areas.

The Hon. MICHAEL GALLACHER: They are looking at a number of submissions. Is one of those submissions the Police Association's submission?

Mr SCIPIONE: I do not have the Police Association's submission at all, no.

The Hon. MICHAEL GALLACHER: In relation to judicial police resources?

Mr SCIPIONE: I have not personally got that, no. If it has gone to the Human Resource Command, it certainly has not been brought to my attention and I have not sighted it.

The Hon. MICHAEL GALLACHER: Mr Tree, in relation to the surplus police property portfolio, in answer to a question on notice that came through in early hearings is it that no properties had been transferred to the State Property Authority following legislative changes in New South Wales. Can you indicate how many properties are currently owned by New South Wales Police in your portfolio?

Mr TREE: I will have to take the exact number on notice. It is several thousand properties.

The Hon. MICHAEL GALLACHER: At his current stage are you responsible for managing the New South Wales Police property?

Mr TREE: No.

The Hon. MICHAEL GALLACHER: Who is?

Mr TREE: The ownership of the properties rests with New South Wales Police, but under the contract that was signed with the United Services group, they manage the property function under the supervision of the Property Authority in conjunction with New South Wales Police.

The Hon. MICHAEL GALLACHER: That contract that was signed, was it with United Services group?

Mr TREE: That is correct.

The Hon. MICHAEL GALLACHER: Does that contract list all of the New South Wales Police property?

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

The Hon. MICHAEL GALLACHER: If that is the case, could you also take on notice the full list of all properties owned by New South Wales Police and table it with the Committee?

Mr TREE: The contract was published on the Department of Commerce web site as part of the Government's tendering process. I am not sure whether the appendix with the properties was there, that is why I have taken it on notice.

The Hon. MICHAEL GALLACHER: I understand that. I am not so much worried about the contract, I am more interested in the list of properties. I asked whether you would be prepared to submit to the Committee on notice a list of all property held by New South Wales Police.

Mr TREE: Yes, certainly.

The Hon. MICHAEL GALLACHER: Given your earlier answer that you would take on notice how many were owned, do you know how many properties currently held by NSW Police contain operational police duties or—

Mr TREE: I will wrap that up in the question. Obviously, a number of properties are leased. There are police stations. There are police residences. There are specialist police premises that deal with different matters that the specialist commands deal with: for example, the marine command or the air wing, forensics, those sorts of things.

The Hon. MICHAEL GALLACHER: How many copies are currently being looked at as being suitable for transfer across to the State Property Authority?

Mr TREE: The State Property Authority has no role in owning the properties. At the moment my understanding is that all properties will remain in the ownership of or leased by NSW Police.

The Hon. MICHAEL GALLACHER: What will therefore be the role of the State Property Authority in relation to NSW Police property?

Mr TREE: The State Property Authority has a number of statutory functions that were set out in the legislation that passed through. So far as NSW Police is concerned, those statutory functions apply, but also the State Property Authority is the contract manager for the contract with United Services.

The Hon. MICHAEL GALLACHER: Can you refresh the Committee's memory on what the statutory responsibilities were as spelt out in the legislation?

Mr TREE: I do not have a copy of the State Property Authority Act with me but—

The Hon. MICHAEL GALLACHER: Could you indicate therefore how many of the buildings and other properties are looking at being transferred, complying with the statutory authority as spelt out in the legislation, to the State Property Authority?

Mr TREE: As I said just a moment ago, to my understanding, none.

The Hon. MICHAEL GALLACHER: But how many are being looked at to be transferred to comply with the statutory authority?

Mr TREE: To my understanding, none.

The Hon. MICHAEL GALLACHER: Could you also include in your response that you will take on notice, I suspect, unless you know now, what is the total value of all property held in New South Wales by NSW Police?

Mr TREE: I will include that in my answer on notice.

The Hon. MICHAEL GALLACHER: Ms McPherson, could you indicate how many outstanding claims there are in respect of HOD claims?

Ms McPHERSON: When you say outstanding --

The Hon. MICHAEL GALLACHER: Matters that are yet to be finalised that the department is aware of, and not ones coming in in the future that you are not aware of. I understand that there are 256 officers who have medical discharges pending and what I am interested to find out is how many of them are HOD.

Ms McPHERSON: One hundred and ninety three applications or submissions have been received for pre-88 medical discharges, which is for hurt on duty: 144 of those with the Police Superannuation Advisory Committee and 49 with the New South Wales Medical Discharge Co-ordinator. That is at the end of August.

The Hon. MICHAEL GALLACHER: What is the average time that these claims have been outstanding?

Ms McPHERSON: I have not got that information. We are trying to as quickly as possible get decisions made. Once they leave NSW Police it is out of our hands. I guess our role is, once something is in train and once they are deemed to be medically unfit that we as quickly as possible separate them from the organisation. But once the submission has left us, unless there are questions going backwards and forwards, it is very much in the hands of either the superannuation advisory committee or the discharge co-ordinator. But we are talking to the association to try as much as possible, once a decision has been taken, to finalise those claims as it is in the best interests of the members.

As I said the previous time I was here, in the sort of medical discharge in the pre-88 stuff, a lot of it has to do with a pre-retirement and retirement. It is tied up with both hurt on duty and a superannuation scheme. As you know, Mr Gallacher, it is a unique scheme. That is not easy to administer. I guess we continue to talk to the association about how we can best administer it and do it as quickly as we possibly can to get people their entitlements once they make a claim.

The Hon. MICHAEL GALLACHER: What is the greatest time that an officer or former officer has been waiting for their claim to be determined?

Ms McPHERSON: I do not have that information but it would be in excess of 12 months; it could even be a couple of years.

The Hon. MICHAEL GALLACHER: I have one matter before me of Mr Phil Douglass, whose matter has been three years waiting. He is still hanging out there on the vine waiting for someone to tell him that he has actually been boarded out HOD. Could you understand the frustration when you have officers waiting for three years but when somebody like Mr Madden decides to pull

the pin it is only a matter of weeks or months and people ask where the equity is in the process? Why is that in existence?

Ms McPHERSON: I have to say again that it is not just a matter for NSW Police; there are external bodies that make the decisions. At times they may call for more evidence and more medical history. As I said, we are desperately trying to work closely with the association to make these things happen as quickly as possible. But a lot of those matters are out of our hands and are not matters for us. Very few officers actually apply to us for a medical discharge; they go through the association or go directly to PSAC. Once we are asked to put matters up we try as much as possible. If we decline a matter there is an appeal process, as you know, that can be gone through. But when a matter is awaiting more evidence that is not just a matter for us; there are external bodies that form part of a superannuation—

The Hon. MICHAEL GALLACHER: Can you see the frustration of Mr Douglass, who makes internal complaints about the way he was treated after very serious investigations involving high-ranking police? He has been treated absolutely terribly and no-one has even bothered to call him to ask how he is. He really is in a terrible physical state. But he sees people like Mr Madden getting the rails run out the door. I am not having a go at Mr Madden but I can understand how frustrated these hard-working officers are when they see this treatment.

The Hon. IAN WEST: Chair, that might be a nice value judgment but I do not think it is a question that these people can answer.

The Hon. MICHAEL GALLACHER: I think it is something that they need to take on board in terms of treating their officers.

Mr TREE: In response to a question Mr Gallacher asked, I refer to Budget Paper No. 3—Volume 2, page 16-22. The current value of building and land owned by NSW Police is \$966,624,000. The value of leased properties is approximately \$44 million. So I will not have to take that on notice; it is in the budget papers.

Ms McPHERSON: On the costing for those additional officers, 750 officers, the annual cost is \$67.7 million.

Ms LEE RHIANNON: Mr Scipione, the Ombudsman's report in January 2004 was critical of inspectors Moore, Douglass and Monk for failing to adequately act upon prior complaints of Richard McDonald. The Ombudsman also indicated that no good reason has been given for the delays. What advice did the police give to the police Minister on this matter in terms of responding to the Ombudsman's report?

Mr SCIPIONE: I will need to take that on notice. I do not have that information.

Ms LEE RHIANNON: Mr Tree, are you able to assist us with that in terms of what response the Government came up with and what advice you received from the police?

Mr TREE: No.

Ms LEE RHIANNON: Will you take it on notice?

Mr TREE: Yes.

Ms LEE RHIANNON: The Ombudsman also found that Phil Brooks' dual role of mentor and reviewing officer involved a significant conflict of interest and was another example of a generally deficient approach taken by NSW Police in this case. I am not asking hear about the specifics but about this issue of the same officer being a mentor and reviewing officer. Does that still continue?

Mr SCIPIONE: I do not have the advice that you have. Therefore I am not really in a position to talk about what Mr Brooks' role was. I will take that on notice and—

Ms LEE RHIANNON: No, that is not my question. You can forget about Mr Brooks. Does it happen that a reviewing officer and the mentor can be the same police officer?

Mr SCIPIONE: Are you talking about in terms of determining an outcome for a complaint investigation?

Ms LEE RHIANNON: Yes.

Mr SCIPIONE: It certainly sounds to be not the norm. My advice would be that it would not be the case; potentially there is conflict there.

Ms LEE RHIANNON: That is your advice. In terms of what happens, are these roles now separated or are there occasions when the same person performs both roles?

Mr SCIPIONE: If you are looking to determine what the policy is within the organisation, in order to ensure that I do not mislead this Committee I would like to take that on notice and I will provide you with the details of the policy in that regard.

Ms LEE RHIANNON: A fax of 21 August 2001 from Mr Phil Brooks to Chief Inspector Latham reads:

If it helps, tell him [Richard McDonald] that you appoint me as his "mentor". I know his acceptance is an issue, particularly as he is suspended.

I am trying to understand what that means. It suggests that he had an interest in becoming Mr Brooks' mentor other than simply assisting Mr Brooks. I appreciate that 2001 is a long time ago. If you cannot answer the question, are you happy to take it on notice?

Mr SCIPIONE: I certainly cannot answer it. In that regard I will take it on notice. The only person who could answer that would be Mr Brooks, I would think.

Ms LEE RHIANNON: If you could assist in that, I would appreciate it. I will add to that question. You may wish to correct me if this has changed. Under the NSW Police Service internal witness support policy point 11 "Nomination of a Mentor", there are two paragraphs stipulating how it works. It spells out that the mentor is pursuing issues on behalf of the internal witness. I wanted to quote from that, firstly to find out if that is still the case and secondly, if it is, how that fits with what Mr Brooks was endeavouring to do with regard to his mentoring of this officer.

Mr SCIPIONE: Thank you. I will need to take that on notice.

The Hon. JON JENKINS: I wish to ask a follow-up question with regard to random driver drug testing. You said there will be four specialised vans, presumably trucks of some sort, which will have specially trained officers which will be positioned at various high-traffic areas on the roads. Is that the way it will operate?

Mr SCIPIONE: Not necessarily four vans. A specific van has been fitted out particularly to do this, but there will be a number of vehicles. They might not necessarily be vans. But certainly officers will be trained—in fact, they have been trained—and they will be moving in and, based on intelligence, they will be addressing problems particularly that we have brought them online to do.

The Hon. JON JENKINS: Will you be testing passengers, or just drivers?

Mr SCIPIONE: I would need to look at the legislation. My assumption is that it is the drivers only. In clarifying that as well, you are asked about the impact of poppy seeds.

The Hon. JON JENKINS: I can give you a list of 100 other drugs and foods that will cause false positives.

Mr SCIPIONE: I wanted to take some clarification. I have received that verbally, so I do not have that in writing yet. But I can indicate to you that in this process we will not be testing for opiates.

The Hon. JON JENKINS: Amphetamines?

Mr SCIPIONE: Amphetamines, cannabis, all non-prescription drugs, and ecstasy, as is contained in the legislation.

The Hon. JON JENKINS: How do you differentiate legitimate amphetamine usage from illegitimate amphetamine usage?

Mr SCIPIONE: Perhaps if that fell into the category of being a prescribed medication, that in itself would suffice, I would think.

The Hon. JON JENKINS: So people on medication will have to carry something with them to indicate that they are on medication?

Mr SCIPIONE: Most people do. Even outside of that, though, these matters are progressed within a time frame, not immediately in that regard.

The Hon. JON JENKINS: What about passive THC—for example, if you are in a club or a room where somebody is imbibing of cannabis and you are subject, without your knowledge, to passive inhalation of THC?

Mr SCIPIONE: That is something that would need to be resolved scientifically. There is medical evidence there that would need to be taken into consideration. It is not for a police officer to determine whether it was a passive or active THC content. We generally resolve those types of matters within the courtroom.

The Hon. JON JENKINS: If somebody is caught with THC in their system, they will be charged?

Mr SCIPIONE: You never say always, and you never say never. The reality is that every circumstance is different. If it were to be that there was somebody in the vehicle who was arrested not for driving but for, in fact, possessing or using Indian hemp, or cannabis, and the driver was necessarily affected, commonsense would have to prevail. But every case is different.

The Hon. JON JENKINS: Earlier we spoke about the number of domestic violence officers. The Legislative Council committee report nominated only one domestic violence officer for the Macquarie Fields area. You indicated that there were substantially more?

Mr SCIPIONE: Yes. I have had discussions with the commander in Macquarie Fields as recently as probably within the last month, specifically dealing with this. I was advised that a number of officers are working domestic violence liaison officers. There may well be a single position allocated, but the number of resources that the commander puts in based on his need is a matter for him.

The Hon. JON JENKINS: It is an operational issue?

Mr SCIPIONE: It is an operational decision that he makes, for the very reasons you indicated: it makes good sense to get out there and pre-emptively and proactively engage.

The Hon. JON JENKINS: You may have to take this on notice. Of the 200 domestic violence disputes per month, which is what was reported, how many of those are repeat disputes? Presumably, there would be a high incidence of repeat disputes?

Mr SCIPIONE: That is the unfortunate reality. I would need to take that on notice.

The Hon. JON JENKINS: How many of those disputes are attended by a domestic violence officer?

Mr SCIPIONE: I will take that on notice. I think it would be sensible for me, and I would be pretty confident to be able to tell you, that at some stage a domestic violence liaison officer gets involved in every matter that is reported to police in that area involving domestic violence.

The Hon. DAVID CLARKE: This information may be in your knowledge, Ms McPherson. In relation to additional police security at Canterbury Bulldogs games in March this year, the police Minister indicated that it was important that there be proper cost recovery on behalf of taxpayers. What has been the total reimbursement to NSW Police by the Bulldogs Rugby League Club since that date?

Ms McPHERSON: I would have to take that on notice.

The Hon. DAVID CLARKE: Are you aware if there has been any reimbursement at all?

Ms McPHERSON: I am not aware. I would have to take that on notice. It is usually done at the local level, through the local area commands. I would have to go back through them and go back through the accounts. I am not across that.

The Hon. DAVID CLARKE: Would you also take on notice what amount is still outstanding?

Ms McPHERSON: Yes.

The Hon. DAVID CLARKE: Also, what cost per officer is the club being charged?

Ms McPHERSON: I will take that on notice.

The Hon. DAVID CLARKE: Mr Scipione, can you outline to the Committee the reasons for denying former police officers who retired prior to 2002 and who had previously served for more than 10 years, the police medal?

Mr SCIPIONE: I cannot answer that. I am happy to take that on notice. I have no knowledge of those matters.

The Hon. DAVID CLARKE: Would you be surprised if that were the situation?

Mr SCIPIONE: In terms of officers who had resigned prior to 2002?

The Hon. DAVID CLARKE: Yes.

Mr SCIPIONE: I would need to go back and have a look at the policy surrounding the striking of that medal. It may well have been that that was one of the issues that was in fact tabled at the time. The police medal you are talking about is one that is only recent; it is a new medal. I will certainly take that on notice and provide that advice.

The Hon. DAVID CLARKE: How many officers are estimated to fall into the eligibility category?

Mr SCIPIONE: I am happy to take that on notice.

The Hon. DAVID CLARKE: On 8 February this year, the Minister told Ray Hadley on 2GB that he would take concerns regarding the Law Enforcement (Powers and Responsibilities) Act on board to see if changes could be made. What progress has been made in the eight months since he said that?

Mr SCIPIONE: There has been significant progress, but perhaps Mr Tree would be best able to answer the question.

Mr TREE: The Minister has indicated publicly that legislation will be introduced this session.

The Hon. MICHAEL GALLACHER: Ms McPherson, I refer to the police legal services reforms. Why was Just Culture Pty Limited selected and what involvement had you had prior to its selection?

Ms McPHERSON: The principal is Helen Vickers. I think you asked about her at our last session. She has had experience in both the private and government sectors. A decision was taken to hire her through her company to undertake that review.

The Hon. MICHAEL GALLACHER: Any you had worked with her before?

Ms McPHERSON: I had, yes. I think I said that at our last meeting.

The Hon. MICHAEL GALLACHER: What directions were given in relation to the scope of the report content and outcome?

Ms McPHERSON: From memory, a brief was given to her to look at some of the concerns that had been put to NSW Police about the performance of the legal services area about the amount of public funds paid out for matters that were decided by the court.

The Hon. MICHAEL GALLACHER: In the common law area primarily?

Ms McPHERSON: Yes, but also in workers compensation. There was a view that those matters could have been settled with a much more commercial focus and having regard to a lot less use of in-house lawyers, but being able to utilise the external expertise that is available to the NSW Police. We have already had some success in terms of our public liability premium and we are hoping that there is a much better way of handling disputed-hurt-on-duty claims, workers compensation claims and common law claims. We are looking forward to a much more pragmatic way of handling those matters. Thank you for the question.

CHAIR: The time allocated for this hearing has concluded. Thank you for your attendance here today. The Committee will determine the timeframe for answers to questions taken on notice and inform you.

(The witnesses withdrew)

The Committee proceeded to deliberate.

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