

REPORT ON PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE RELATIONSHIP BETWEEN
THE DURAL CARAVAN INCIDENT AND PARLIAMENTARY
DEBATES ON LEGISLATION**

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At Jubilee Room, Parliament House, Sydney on Monday 7 April 2025

The Committee met at 9:30.

PRESENT

The Hon. Rod Roberts (Chair)

The Hon. Susan Carter (Deputy Chair)

The Hon. Greg Donnelly

The Hon. Wes Fang

Ms Sue Higginson

The Hon. Bob Nanva

The Hon. John Ruddick

The Hon. Emily Suvaal

The CHAIR: Welcome to the public hearing for the inquiry into the relationship between the Dural caravan incident and parliamentary debates on legislation. My name is Rod Roberts and I'm Chair of the Committee. I ask everyone in the room to please turn their mobile phones to silent. I want witnesses to know that parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants, and I encourage Committee members and witnesses to be mindful of those procedures.

Just before we go any further, I'd like to make a statement in relation to procedural fairness. The Committee is very aware that the NSW Police Force made an application for the hearing today to be held in camera. The Committee was not mindful of doing that because it was a carte blanche application for the whole hearing to be in camera, which we didn't think was appropriate. There was no demonstrable need for it to be held in camera. However, I want it recorded and I want the witnesses to know that if at some stage during the hearing today there is evidence that you believe would be best served being heard in camera, and the Committee is also mindful of that, we will avail you of that process. Please bear that in mind.

Although we've rejected an initial application for the whole hearing to be in camera, we are very mindful of the need that perhaps certain parts of the evidence may well be best served if heard in camera. If that is the case, it is my intention to defer those lines of questioning towards the end of the day. Rather than having the room cleared, witnesses giving evidence, allowing people back in, and then going through that procedure on and off, we'll try to defer everything to the end of the day to make it much smoother, easy and free-flowing.

Commissioner KAREN WEBB, APM, NSW Police Force, sworn and examined

Deputy Commissioner DAVID HUDSON, APM, Investigation and Counter Terrorism, NSW Police Force, sworn and examined

Deputy Commissioner PETER THURTELL, APM, Metropolitan Field Operations, NSW Police Force, sworn and examined

The CHAIR: Thank you very much for attending this morning. Just before we start, I'd like to make another statement from the chair. I want it recorded in *Hansard* that the New South Wales Legislative Council passed a Standing Order 52 on 19 March for papers from the NSW Police Force, the Minister's office, and Premier's office and Cabinet that were due to be returned on Wednesday 2 April that were specific to this particular inquiry. I want it noted that that return has not been complied with, and the Government has failed to produce those papers by the due date. It is my opinion as Chair—this is not the Committee's view, but my personal view—that this will hinder this investigation and will prevent certain lines of questioning being asked that could have been availed of today. We haven't called for submissions from you. Does anybody want to make an opening statement on behalf of the New South Wales police in relation to this matter?

KAREN WEBB: Chair, I was just going to talk about the arrangements that work in terms of the ANZCTC space, if that's useful for the Committee or not.

The CHAIR: I did intend to ask that as one of our opening questions, Commissioner. I'll open the questioning. For the benefit of everybody here today and those that are watching, and for report writing at a later stage, Deputy Commissioner Hudson, you're probably best to address this. Could you give us a basic timeline from when the New South Wales police first became aware of the discovery of the caravan through to your statement on 29 February—you can correct me on that date—when you make a public statement that you were 100 per cent certain that this was a criminal act, not an act of ideology? Could you just take us through a rough timeline of how it all fell into place? That will then allude to the introduction of the Joint Counter Terrorism Team, and then I'm going to ask you to explain what that is and how that came about.

DAVID HUDSON: Yes, sir. The NSW Police Force were notified on 19 January that a resident at Dural, who'd previously moved a caravan, had that day opened it and found explosives and some material inside that caravan, which caused him concern and caused him to contact the New South Wales police. The NSW Police Force responded. The Terrorism Investigations Squad responded as well and they contacted, through Assistant Commissioner Mark Walton, the Australian Federal Police, who also attended that scene. That scene was processed into that afternoon and overnight. I was contacted in relation to that discovery late that afternoon.

Over the ensuing days, based on some reporting that was ingested into the investigation by the Australian Federal Police, a multi-jurisdictional joint management committee was established under the Joint Counter Terrorism Team arrangements under the ANZCTC, which I think first sat on 23 January, to consider the evidence, all the facts of the matter. Subsequent investigations ensued. Further reporting through the AFP kept that investigation at the level it was at. This investigation, our Joint Counter Terrorism Team in New South Wales is comprised of us, the AFP, the NSW Crime Commission and ASIO. Because of the reporting that was received, it also expanded to include that multi-jurisdictional component of Queensland and Victoria.

Subsequent to that, further joint management committee meetings, multi-jurisdictional in nature, were held over the ensuing period—a lot of conversations between myself and the AFP, and other agencies. Ultimately, on 21 February, the Australian Federal Police discredited the source of that information, which allowed us to then merge the operation in relation to the caravan, which was Operation Kissinger, and a parallel investigation into other antisemitic incidents, Strike Force Pearl, which was conducted solely by the New South Wales police. As of that disclosure on 21 February, it was apparent that there was a common source. The senior investigation officer from New South Wales who was running Kissinger was also placed in charge of Strike Force Pearl the following week when those arrangements could be made, and we quickly moved to resolution through that process. We resolved by the execution and arrest of 14 individuals on 10 March this year.

The CHAIR: You made a press statement—I don't have the exact date in front of me—towards the very end of February. Again, I'm not saying these were your exact words—I'm paraphrasing—that the police were 100 per cent now convinced that it was never an antisemitic attack as such, but it was a furtherance of a criminal enterprise. What date was that?

DAVID HUDSON: That was at the press conference on 10 March.

The CHAIR: When did you inform the Premier that the New South Wales police were convinced that it wasn't a terrorism attack as such?

DAVID HUDSON: At my briefings, which were limited, with the Premier, I expressed my suspicion over the motivation behind it from very early on. But the reporting received through the Australian Federal Police, which could not be ignored at the level it was being provided, kept it at a level that needed to be investigated by the Joint Counter Terrorism Team, even though it was our belief from quite early on that this was not—I won't say "con job", because that's not a term that the NSW Police Force has used. That's used by the AFP.

The CHAIR: What terminology are you using, then?

DAVID HUDSON: My terminology is a manipulation of the justice system because, firstly, it's not a term I would use and, secondly, I don't think the NSW Police Force were conned. Even though we believed that, it was a possibility and a belief that terrorism charges might still be able to be referred against the perpetrators of the offence. We asked the Australian Federal Police for an advising on that. That was received by the NSW Police Force on 5 March. The police Minister wanted an update in relation to what was happening with the investigation to ensure that public safety issues were being addressed. I provided that by telephone on 7 March and also informed the police Minister that we were moving to resolution on 10 March, on the Monday, for Strike Force Pearl. The Australian Federal Police, which were assisting as well, were moving to overt activity on 10 March as well.

The CHAIR: On 21 February, did you have a conversation with the Premier or the police Minister in relation to this matter?

DAVID HUDSON: Not to my recollection, no.

The CHAIR: We'll come back to that, then.

DAVID HUDSON: I'll check my notes but I don't remember that specific date.

The CHAIR: I know that we're all champing at the bit to ask questions, and I'm sure we've all got very similar questions, so I might start with Mrs Carter.

The Hon. SUSAN CARTER: Thank you very much for all being here today. It's very much appreciated. Mr Hudson, if I can just go back to the question that you were just answering from my colleague in relation to dates and communication, I think you said that you'd been speaking to the AFP and on 5 March you got an understanding from them that this was a criminal conspiracy, rather than fuelled by ideology.

DAVID HUDSON: I'll correct you, sorry, ma'am. The legal advice was received on 5 March by the New South Wales police. I didn't receive it personally; I became aware of its existence. But the information being provided to the AFP was discredited by them on 21 February.

The Hon. SUSAN CARTER: And that aligned with what your view of the case had been all along, did it?

DAVID HUDSON: As I indicated earlier, ma'am, there was a parallel investigation being conducted by New South Wales police under Strike Force Pearl, which predated the caravan investigation. It was quite apparent to New South Wales police that the investigations were related. Once the caravan information had been discredited, we moved very quickly the following week to merge the investigations under the one leadership banner so there were no opportunities lost in relation to investigation and no silos of information being held. From that, it was very easy to see our pathway to resolution on 10 March.

The Hon. SUSAN CARTER: When you talk about silos, was the NSW Police Force directly involved with investigations relating to terror?

DAVID HUDSON: Yes, we were. We're a very large component of the joint counterterrorism team. However, by the very nature of those investigations, some of the information needs to be kept within that investigation and not shared.

The Hon. SUSAN CARTER: You've said that from the beginning that, at its highest, the threat was a terrorist threat, but it was open to other views or other theories of the crime as to what it was.

DAVID HUDSON: Correct.

The Hon. SUSAN CARTER: If you were in charge of the whole of the resources of the investigation, what percentage of resources would you have allocated to the terrorist threat as opposed to other theories of the investigation?

DAVID HUDSON: I would suggest equal. We have a large component in the joint counterterrorism team, which is matched by the Australian Federal Police and then supplemented by intelligence support from the NSW Crime Commission and from ASIO.

The Hon. SUSAN CARTER: So is that allocation based on the ASIO and AFP resources available to you, or on your thinking about what the most likely explanation for the caravan and other events was?

DAVID HUDSON: It's based on our commitment to the joint counterterrorism team, which is significant—approximately 50 detectives, I seem to have in my head; it might fluctuate at times based on filling vacancies. But that number is matched by the Australian Federal Police, or is supposed to be matched by the Australian Federal Police, in the Sydney office.

The Hon. SUSAN CARTER: If you said roughly fifty-fifty allocation, am I correct in characterising it that you would think that the AFP resources could be allocated to the terrorism theory but the NSW Police Force resources would be allocated to other possible theories of the crime?

DAVID HUDSON: The investigative strategies are up to the senior investigating officer and also the joint management committee, which needs to approve the strategic direction of the investigation.

The Hon. SUSAN CARTER: I'm not asking you for information about the strategies that were employed. I'm asking you for, based on your understanding of what was happening, all other things being equal, if you were the only person and you had 50 detectives available to you, how many of those 50 would you think should have been allocated to pursue the terrorism line and how many should have been allocated to pursue other possible theories of the crime.

DAVID HUDSON: I don't think resourcing would have been any different if I'd been solely in charge of the investigation. The information that was being ingested into the joint counterterrorism team environment had to be investigated at its highest.

The Hon. SUSAN CARTER: And the information that was being ingested, was that solely through AFP sources or was it coming to NSW Police Force sources as well?

DAVID HUDSON: It was solely through the Australian Federal Police.

The Hon. SUSAN CARTER: So the NSW Police Force was getting no reports in relation to terrorist events; it was all coming to the AFP?

DAVID HUDSON: Correct.

The Hon. SUSAN CARTER: If I can just take you to the transcript from budget estimates, you've indicated that the NSW Police Force received legal advice on 5 March that the terrorist theory was discounted, yet you indicated:

The information being ingested into the joint management committee was discredited on 21 February.

DAVID HUDSON: That's correct.

The Hon. SUSAN CARTER: So the management committee knew on 21 February that it was not a terrorist plot, but it took until 5 March for that legal advice to be prepared by the AFP. Is that right?

DAVID HUDSON: On 5 March we'd asked for that advice on the pretext that, even though our suspicions were that it was not a legitimate terrorist plot, our question was whether we could still charge those responsible with terrorism offences.

The Hon. SUSAN CARTER: And that was what the legal advice was?

DAVID HUDSON: And that was what the legal advice was based on: knowing that it was no longer a threat of terrorism, but whether those who orchestrated the event could be charged with a terrorism incident.

Ms SUE HIGGINSON: Just for the sake of absolute clarity, on 5 March you received advice that there could be no terrorism charges applicable to these offences?

DAVID HUDSON: That's correct.

Ms SUE HIGGINSON: This is for any of the three of you: What happened then in terms of communication between the police and members of the New South Wales Government between 5 March and 10 March?

DAVID HUDSON: I had communications with the police Minister. She asked for an update as to the status of the investigations.

Ms SUE HIGGINSON: That happened on 7 March?

DAVID HUDSON: That happened on 7 March.

Ms SUE HIGGINSON: Were there any conversations before then?

DAVID HUDSON: No. I don't push into the Minister's office. That's not my job. But she requested an update in relation to what was happening in relation to ensuring that public safety was being addressed. I informed her, firstly, that the AFP had discredited the information they had been ingesting—I hadn't had a conversation with her since that date—secondly, that legal advice had been obtained to suggest that terrorism offences were not possible, even though that information had been discredited; and thirdly, that we were moving to resolution on the Monday. That conversation happened on the Friday the 7th, and we moved to resolution on the Monday.

Ms SUE HIGGINSON: During that conversation, did anything come up about the Premier's concern, the Attorney General's concern and the fact that New South Wales was planning new laws to be dealing with different kinds of offences?

DAVID HUDSON: Not conversations I had, no.

Ms SUE HIGGINSON: And no indication from the police Minister that that was what her Government's intention was, or—

DAVID HUDSON: On 7 March?

Ms SUE HIGGINSON: Or any time between. Any conversations had either on the 7th—I take your word that there were none before the 7th—or any leading up until the 10th, and on the 10th?

DAVID HUDSON: No.

Ms SUE HIGGINSON: I want to go back to the fact that on 30 January you made it very clear that the owner of the caravan was somebody who was held in custody in New South Wales.

DAVID HUDSON: Yes.

Ms SUE HIGGINSON: Was that information provided to the AFP? It was all part of the joint counterterrorism meetings—all of that information?

DAVID HUDSON: Yes, it was.

Ms SUE HIGGINSON: And was that a large or a substantive indicator to you that this event was more than likely an opportunistic event, or a perversion of the course of justice type of event, or a conspiracy event, rather than an outright terrorism event?

DAVID HUDSON: The first suspicions that I had were on the afternoon that I was told about it. It didn't sit right. But then—

Ms SUE HIGGINSON: Are you able to elaborate a little bit more in terms of that thinking and, if you could, provide any conversation? Can you give us some understanding on any conversations you may have had with your colleagues and the boots on the ground, the people who were on the scene?

DAVID HUDSON: When I was first informed by Superintendent Albert Joseph of the counterterrorism command, it seemed certainly to be an escalation from what we had been seeing in Strike Force Pearl matters. But it seemed to be too obvious in relation to explosives—notes of potential targets, and just very unusual, which we discussed. It was very quickly identified, either that night or the next day, that the owners of that caravan were targets and had been charged under Strike Force Pearl. That made us believe that, obviously, those investigations were linked in some form.

Ms SUE HIGGINSON: What were the reactions from within the counterterrorism group of the Australian Federal Police in relation to that intelligence?

DAVID HUDSON: The reporting that they were receiving overtook that information at a higher level and kept the investigation escalated—

Ms SUE HIGGINSON: Sorry to interrupt. Could you give us a small indication of what you mean when you say "the reporting that they were given"? Where was that coming from?

DAVID HUDSON: I apologise; I would have to take that question in camera.

Ms SUE HIGGINSON: That's a matter for the Chair.

The CHAIR: We'll defer that question to later on today. We'll have a deliberative in the morning tea break, as a Committee, and then we'll decide what to do. We'll just hold that question in abeyance at the moment, Ms Higginson.

Ms SUE HIGGINSON: Sorry, I interrupted you—if you were able to carry on in terms of that information, your intelligence and the intelligence of the officers on the ground as part of that existing investigation. Something then intervened, or the information intervened, in terms of the joint counterterrorism group. What else happened in that group in terms of that intelligence?

DAVID HUDSON: The intelligence received caused the investigation to go more broadly than New South Wales and incorporate Victoria and Queensland. It became a multi-jurisdictional joint management committee, with representatives from Queensland, Victoria, New South Wales, New South Wales police, NSW Crime Commission, AFP and ASIO. As the current protocols dictate, a multi-jurisdictional joint management committee is chaired by the Australian Federal Police, and that was the process that was established to investigate the caravan, or Operation Kissinger.

Ms SUE HIGGINSON: Was there any information during those sessions or those joint meetings—sorry, just so I can get a better understanding, given those meetings were now multi-jurisdictional, how did they take place?

DAVID HUDSON: It's over a secure network.

Ms SUE HIGGINSON: Like a Zoom kind of thing, but for the police?

DAVID HUDSON: It's a secret level.

Ms SUE HIGGINSON: But is there a face-to-face capacity in that or is it just voice only?

DAVID HUDSON: No, it's video.

Ms SUE HIGGINSON: As part of that, and those briefing sessions, were there any discussions within those about government Ministers, advice being provided or the requirement to provide advice back to government Ministers in those jurisdictions?

DAVID HUDSON: The only discussions that came up—and I'm not too sure. I wasn't in all of the joint management committee meetings. Deputy commissioners aren't required to attend. It's an assistant commissioner level. Subsequent to strike force Silves, which was the airport investigation in 2017, the protocol was changed to allow deputies to attend those meetings, basically, on the basis that assistant commissioners don't really want to make decisions that are then overturned once they leave that meeting by their deputies or commissioners, because it doesn't suit one of the agencies. Deputies are involved when required.

I did attend some of those meetings, but not all of them. The only conversations that I had with the AFP—and I think outside of that environment was following 29 January, when there was an article in *The Daily Telegraph* and also reported in other media sources about the caravan's existence. The Premier and I did a press conference and he said that he had been briefed and the AFP questioned me on that—when did I brief the Premier. But that is the only conversation I've had with them about whether politicians were briefed. It was in relation to that initial discovery.

Ms SUE HIGGINSON: Just for clarity now, when did you brief the Premier in the lead-up to that 29/1 press conference?

DAVID HUDSON: Initially the Premier was briefed by then Acting Commissioner Thurtell, and then there was a briefing on 21 January.

Ms SUE HIGGINSON: Deputy Commissioner Thurtell, when did you brief the Premier?

PETER THURTELL: At 9.25 a.m. on Monday 20 January over the phone.

Ms SUE HIGGINSON: On 20 January?

PETER THURTELL: Yes.

Ms SUE HIGGINSON: In your capacity at the time as acting commissioner, did you also brief the police Minister and, if so, when?

PETER THURTELL: Yes, at 9.37 a.m. I telephoned her. She was away at the time. Yes, I briefed her at 9.37 a.m. over the phone.

Ms SUE HIGGINSON: On the 20th?

PETER THURTELL: On the 20th, yes.

Ms SUE HIGGINSON: Do you recall follow-up briefings that you gave to either the police Minister or the Premier?

PETER THURTELL: I didn't give any further follow-up briefings to anyone.

Ms SUE HIGGINSON: Commissioner Webb, when did you return?

KAREN WEBB: I returned at lunchtime on the 21st, so I was present at the briefing that Deputy Commissioner Hudson mentioned that occurred on the 21st.

Ms SUE HIGGINSON: Did you provide any further briefings to the Premier and the police Minister between the 21st and 7 March?

KAREN WEBB: We did have scheduled briefings as updates, the deputy commissioner and I. I can provide those. I don't have them in front of me immediately, but we had scheduled meetings.

Ms SUE HIGGINSON: Is there any particular reason you didn't come today with notes? Is there any particular reason that you don't have documents that you can refer to?

DAVID HUDSON: I'm not sure I need them.

Ms SUE HIGGINSON: No, I gather that.

KAREN WEBB: We prepared responses to the SO 52s and they're all in that material. I can get that reasonably easily for you.

PETER THURTELL: There were only a couple of documents that were relative to me, and I read them just to get the information out of them. Yes, there's no particular reason; I just didn't believe I needed them.

Ms SUE HIGGINSON: I was just very curious; I come with bundles.

The Hon. BOB NANVA: Just in terms of the briefing of the Minister and the Premier in the first instance on 20 or 21 January—

PETER THURTELL: The 20th.

The Hon. BOB NANVA: They were both advised that the JCT was involved in the investigation.

PETER THURTELL: Yes.

The Hon. BOB NANVA: Presumably that would indicate, in the first instance, that the event had to be taken seriously as a potential form of violent extremism or terrorism.

PETER THURTELL: Yes, that's right.

The Hon. BOB NANVA: With respect to the protocols and governance of the JCT, I just want to get some information around that. Presumably they would look at investigative strategies, priorities, the nature of media commentary and government briefings—is that correct?

DAVID HUDSON: I'm not too sure if government briefings came up as part of the joint management committee meetings that govern the direction of the Joint Counter Terrorism Team investigation. Certainly, strategies in relation to investigation and process were discussed. But early on in that investigation, when I did attend one of those meetings—I think it was one of the first ones on 23 January, very soon after its establishment, or perhaps it was the very first meeting—we weren't that satisfied with the direction of the joint management committee meeting, about the structure of it and about the fact that they didn't have a coordinating senior investigating officer to coordinate the different jurisdictions, which is an option under the multi-jurisdictional JMC arrangements. We flagged that for the Australian Federal Police, and that officer was subsequently appointed. We also sent one of our superintendents, who was a very experienced counterterrorism investigator, to Canberra to assist them in the establishment of some of the structures and protocols that were required for this type of investigation.

The Hon. BOB NANVA: Is it fair to say that if a particular incident or investigation needed to be kept out of the public domain, that would be a collective decision of the JMC or the JCTT?

DAVID HUDSON: Whilst the investigation was ongoing, that's correct. There was no threat to public safety. We had mitigated that. We were quite confident that we had mitigated that. There was no requirement to

warn the public in relation to the discovery or potential discovery of other matters that might be linked to that caravan. It was an investigative decision to not publicly disclose this detection at that time, but that was an investigative strategy. There's no forensic purpose for us in disclosing that caravan.

The Hon. BOB NANVA: Apologies if I've got the date wrong, but you've said that on 21 February the source was discredited.

DAVID HUDSON: That's correct.

The Hon. BOB NANVA: How would the JCTT decide to close off an investigation?

DAVID HUDSON: I was in that meeting. Then there were two joint management committee meetings that day on the 21st. I think the first one was at nine o'clock and the second one was at 4.00 p.m. Once that disclosure had been made, it was quite evident to me that the investigations in relation to the caravan under Operation Kissinger and the investigations of Strike Force Pearl should be merged in some regard. It was discussed at that joint management committee that we would put our efforts into resolving the incidents on the ground, and the Australian Federal Police and other Commonwealth agencies should focus on the source of their information.

The Hon. BOB NANVA: Notwithstanding your suspicion that this whole incident was a criminal enterprise—I'm going to read a statement from the AFP Deputy Commissioner, Krissy Barrett, at the press conference of the 10 March. She stated:

The JCTT discussed providing this information earlier to the public, however, during our investigations, we continued to receive tip-offs about other terror plots related to this matter.

Out of an abundance of caution, it was agreed by all agencies that the operation would remain a JCTT investigation. While we were confident all these tip-offs were fake, we could not risk ignoring the information provided, and we kept investigating at the highest level.

That was your position as well as the New South Wales police's position?

DAVID HUDSON: That's the AFP's position, sir. My position is slightly different.

The Hon. BOB NANVA: Could you articulate that?

The CHAIR: Maybe later on this afternoon.

The Hon. WES FANG: Yes, he might do that in camera.

DAVID HUDSON: The option's there to take that in camera. I certainly would like to avail myself of that opportunity.

The CHAIR: I'm sure you would. Mr Nanva, I will ask you to remember that question and we'll discuss whether we will do it in camera, so that will be the appropriate time.

The Hon. BOB NANVA: But it's fair to say that JCTT would still treat the threat at its highest level until its investigations had concluded and it had looked at all the tip-offs?

DAVID HUDSON: My discussions with the Australian Federal Police centred around the fact that, until the source of the information had been disclosed and discredited, then the threat needed to be treated at its highest. We didn't have access to the source of that information. So up until we were informed on 21 February that the source of that information had been discredited, we needed to continue investigating it at the highest level of threat. I think it would be irresponsible not to have done that.

The Hon. BOB NANVA: Notwithstanding the intelligence that may have existed about this being a criminal plot, you needed to investigate—not speculate—gather the evidence and form a conclusion?

DAVID HUDSON: That's correct, sir. But just a correction: There was no intelligence to suggest that it was anything; the intelligence suggested it was a terrorist plot.

The Hon. BOB NANVA: For the sake of clarity, can you advise the Committee when it was unequivocally decided by the JCTT that this was not a terror plot?

DAVID HUDSON: On the 21st—the actual plot was on 21 February when the information was discredited. However, as I indicated earlier, it was still a suspicion that we might be able to prefer terrorism charges against those responsible until the legal advice was received on 5 March.

The Hon. BOB NANVA: And the first advice to the Minister was 5 March?

DAVID HUDSON: The first advice to the Minister was on 7 March, when she asked for an update.

The Hon. WES FANG: I just want to take a step back. We've obviously looked at the timeline from 19 January. Prior to that, the person that discovered the caravan indicated that it had been sitting roadside for a period of time. Do you have an idea as to when that caravan was first seen by that person that discovered it, how long before they decided to move it and then how long before they decided to open it?

DAVID HUDSON: I think that citizen came across the caravan around 7 December. I think he believed it to be in a dangerous position and moved it to his property, around the 9th or 10th, where it remained until 19 January when he opened it.

The Hon. WES FANG: In effect, this attempt to pervert the criminal justice system, as you've indicated—not the con job that were the words of the AFP—was put in train in early December. Is that correct?

DAVID HUDSON: Yes, that's correct.

The Hon. WES FANG: In relation to the person that owns the caravan that we've determined was discredited on 21 February, who was in receipt of the intelligence that that person—the person that owned the caravan; the person that was effectively the mastermind of attempting to pervert the criminal justice system—was offering? Was it the New South Wales police or the Australian Federal Police?

DAVID HUDSON: We're not suggesting that the owners of that caravan were the criminal masterminds behind any of these jobs—Pearl or Kissinger. We are suggesting that the owners of that caravan have been manipulated by the mastermind.

The Hon. WES FANG: I'll rephrase the question, perhaps. It's my assumption that the mastermind who was seeking to manipulate the system perhaps provided resources to the caravan owners to buy those caravans and to create the illusion that there was an issue with that caravan being used to target people. When was it clear that the mastermind behind the whole plot was providing information to the law enforcement agencies and who were they providing that information to?

DAVID HUDSON: As I indicated previously, sir, the information ingested into the investigation came through the AFP. However, there are further elements of that question which I would like to take in camera this afternoon because there are matters before the court at the moment.

The Hon. WES FANG: Understood. In relation to the intelligence that they were providing, was that intelligence that they were aware of possible or probable antisemitic or race-based attacks—was that the basis of any briefing provided to the Premier and the police Minister prior to the discovery of the caravan on 19 January?

DAVID HUDSON: Pardon me, sir, was your question whether information in relation to the purpose of the caravan had been relayed to the—prior to our finding, we were unaware of the discovery of that caravan until the 19th or its existence.

The Hon. WES FANG: I appreciate that. What I'm seeking to understand is—in my head I've built a picture that there is somebody that is seeking to receive either a more lenient sentence or more lenient conditions in relation to possible charges or convictions that they may receive in the future and therefore they are providing law enforcement with evidence to try to assist in other matters so they can get leniency. Was that matter—that there was somebody providing information about possible antisemitic attacks or possible terrorism attacks—ever a briefing that was provided to the Premier or the police Minister prior to you discovering the caravan?

DAVID HUDSON: Sir, are you asking if we believed, prior to the discovery of the caravan, that the incidents were orchestrated by other elements apart from being antisemitic? Is that your question?

The Hon. WES FANG: I would be interested to find out that answer as well. But were you providing a brief to the Premier or the police Minister that there was somebody that was providing intelligence to law enforcement about possible antisemitic or terrorism attacks in New South Wales?

DAVID HUDSON: No, we didn't, because prior to 19 January we weren't receiving any intelligence or reporting through the Australian Federal Police or other sources.

The Hon. WES FANG: That person—the mastermind—was providing that intelligence or those leads to the Australian Federal Police, not to the New South Wales police. Is that correct?

DAVID HUDSON: That's correct.

The Hon. WES FANG: They're tipping off the AFP so the AFP should have been aware of those matters. You've discovered the caravan. Prior to any information from the AFP about the source of possible terrorism or antisemitic attacks, you've felt that there was something not quite right in relation to the caravan being too overt, the address of attacks, the sort of attacks, so you had questions at that point. When did the AFP share with you

that they had an informant that was providing them intelligence in relation to attacks similar to ones that were being formulated with the caravan?

DAVID HUDSON: The information was first provided to New South Wales police on 20 January.

The Hon. WES FANG: You've now got two avenues where you've got concerns. You've got the overt nature of the caravan and the information inside of it that doesn't seem quite right and doesn't sit right with you. You've got the AFP that is providing intelligence from somebody that is seeking to get a more lenient sentence or more lenient conditions in relation to potential charges or convictions that are coming up. Did that form the basis of the briefings that were provided to the Premier and the police Minister on 21 January, Deputy Commissioner Thurtell?

PETER THURTELL: The 21 January briefing was not provided by me. My phone call to him was on the 20th.

The Hon. WES FANG: Commissioner Webb?

KAREN WEBB: I don't have that information in front of me. It would have been based on information in that JMC meeting, so I'll have to ask for that to be taken in camera this afternoon, perhaps.

The Hon. WES FANG: This is the last question before I hand over to someone else. When was it provided to the Premier and the police Minister that there was, in all likelihood, a link between the informant who was providing information to the AFP in order to receive leniency, and the caravan matter—and that this could be something that was orchestrated in order to achieve an outcome for that mastermind? When was that explicitly communicated to the Premier and the police Minister?

DAVID HUDSON: The possibility of other options, rather than it being a terrorist attack, were provided to the Minister and the Premier quite early but, whilst the reporting was continuing, we could not discount that and had to investigate that at its highest. I might correct you just on one point, sir, if that's all right. The NSW Police Force was totally unaware of the motivation behind the information being fed. You said it might have been to receive some assistance in some form. We were not told. We repeatedly asked what the motivation of the person providing that information was. However, their internal policies prevented them from doing that.

The Hon. WES FANG: When were you advised, then, Deputy Commissioner Hudson?

DAVID HUDSON: On 21 February.

The Hon. WES FANG: So you've asked for more than a month and the AFP withheld the motivation for the informant providing that advice?

DAVID HUDSON: From me, sir. Based on our repeated requests, the senior investigating officer from New South Wales who sat over the top of that investigation was informed at some stage. I think it was around 10 February. However, he was forced to sign a non-disclosure agreement.

The Hon. WES FANG: That's extraordinary, Deputy Commissioner Hudson.

Ms SUE HIGGINSON: Ask him his name.

The Hon. WES FANG: Ms Sue Higginson is gently prompting me to ask the name of the person who was asked to sign the non-disclosure agreement. Therefore, in order to assist my colleague, I will ask the question even though she could have just jumped in.

DAVID HUDSON: Based on the way this line of questioning is progressing, I would prefer to take that in camera this afternoon, if that's all right.

The Hon. JOHN RUDDICK: Thank you for joining us. Deputy Commissioner Hudson, on 10 March the Australian Federal Police unequivocally said about the caravan incident that it was a criminal con job. I prefer your language that you've used this morning, which was that it was "a manipulation of the justice system". But is it fair to say that, since that caravan incident has been exposed as being bogus, there has been a cessation and ending of high-profile antisemitic attacks in the city, at least for now?

DAVID HUDSON: That's correct, sir. In fact, since 2 February, when we started making initial arrests in relation to Pearl prior to the resolution on 10 March—but we were making arrests along that pathway and identifying individuals through Pearl—the links to those jobs became more apparent because of the cessation of incidents as we were arresting offenders. But certainly since 10 March—the resolution—there has been no major incident.

The Hon. JOHN RUDDICK: But you're saying that, since early February, this city has not had—and I'm sure antisemitic events happen every day, but ones that actually make the media and that you would investigate—anything significant.

DAVID HUDSON: There hasn't been anything that fitted the criteria of Strike Force Pearl—the terms of reference to be captured under that investigation—since 2 February, except—I apologise—two nurses from Bankstown hospital were investigated by Strike Force Pearl.

The Hon. JOHN RUDDICK: On 12 March the police Minister told a budget estimates committee that, since the Hamas attacks in October 2023, there have been 700 antisemitic incidents that the police have been at least made aware of, and some they've investigated. Does that figure sound accurate to you?

DAVID HUDSON: I believe those numbers are captured by Strike Force Shelter. Strike Force Shelter was established on 11 October 2023 to be a central point of capture—us being of the belief that, based on the incidents in Gaza and the potential retributions in relation to that, we needed a central point of capture to coordinate taskings against religious places, both Jewish and Islamic, and schools, both Islamic and Jewish, and capture incidents that might need some form of coordination for investigation. Since that time, I believe there have been 700 incidents captured on that system. I don't believe they are all antisemitic; I believe some are anti-Islamic as well. There is a number of 700 which I don't actually control—Mr Thurtell does through field operations—but I believe there is a database or spreadsheet that captures over 700 incidents on Shelter.

The Hon. JOHN RUDDICK: That's news. So that is not just antisemitic attacks; that is also what are referred to as Islamophobic attacks.

DAVID HUDSON: That's my understanding, yes. Mr Thurtell might be able to help you.

The Hon. JOHN RUDDICK: No-one would doubt that in the last two years this city has experienced an escalation in antisemitic incidents, but the highest profile one was the caravan incident. What I am unclear about, what I think is vague—and I'm hoping you can help us understand it better—is that over the weekend I went through a lot of newspapers over the last six months. The first high-profile antisemitic attack was on 13 October, which involved an abusive note being sent to a Jewish-owned bakery in Sydney. That made a lot of news. I don't suspect that that would be part of this manipulation of the justice system, but it then did escalate over November, December, January. I've got a lot of these media reports here. At what point did it move from being a bona fide antisemitic attack to being part of this manipulation of the criminal justice system? Everyone agrees that the caravan incident was a manipulation, but what about these other incidents that had happened in the months before? I'm not doubting that most of them over the last two years were genuine, but then at what point did this criminal mastermind start coordinating these attacks, in your view, with all the information you have today?

DAVID HUDSON: Those matters are being investigated under Strike Force Pearl. I believe there are 14 incidents separate to the caravan. It would be our suggestion that we believe all of those have the same common source.

The Hon. JOHN RUDDICK: Fourteen?

DAVID HUDSON: Fourteen incidents.

The Hon. JOHN RUDDICK: And when was the first of those 14? When did that take place approximately?

DAVID HUDSON: There were incidents at Bondi in relation to a brewery and a kitchen. It was mistaken by offenders trying to commit damage against one of those. They mistook the wrong premises and then other people subsequently damaged that by fire. We would suggest that was a coordinated attack. That was unknown at the time. Obviously there was no pattern prior to that. That was investigated by local police and arrests were made in relation to that. That was subsequently captured under Strike Force Pearl because of links to other jobs. But then, as you say, certainly incidents did escalate with attacks on vehicles in the eastern suburbs, attacks on premises, attacks on childcare centres, attacks on synagogues at both Newtown and Allawah. Those incidents, we would suggest, are part of the same manipulation of the justice system.

The Hon. JOHN RUDDICK: This city was alarmed over the summer with these media reports, and, understandably, the Jewish community more than anybody, would have been acutely alarmed. Looking back, we're saying that this criminal mastermind was involved in 14 of these incidents, which is pretty alarming. We can now say, looking back, with what we know today, that it's very likely that 14 of these were linked to the mastermind. At what point, approximately, did you start to have serious reservations that this may be a criminal enterprise and not what it appears to be at face value? Was this something that happened in December or January,

or was it only something that happened when the caravan incident fell apart that we then started to think, "Gee, maybe several of these other incidents also have this common origin"?

DAVID HUDSON: In my mind—I can't speak for other investigators—we realised in late December that the matters needed some level of coordination and therefore Strike Force Pearl was commenced at my instigation, and counterterrorism command took those investigations.

The Hon. JOHN RUDDICK: But if you're saying that there was coordination in December, that could still have been an antisemitic gang coordinating to do these things. When did it occur to you that maybe this is not motivated by antisemitism but it's actually motivated by somebody trying to negotiate a reduced sentence?

DAVID HUDSON: Sir, I would refer to the attacks as still being antisemitic. Having dealt with the Jewish community through this, attended a number of forums and spoken to individuals within that community, I know the impact that it has had on that community. I would consider these attacks antisemitic. Whether the individuals that committed the act had any ideology of antisemitism I think is immaterial. The Jewish community was being targeted, which I believe is antisemitic. But up until the discovery of the caravan and the owners of that caravan being identified as targets of Strike Force Pearl and having been charged under Strike Force Pearl—certainly from 19 January, when the caravan was discovered, there was some belief that the jobs were linked and might have a common cause. But that couldn't be proven in any justifiable form at that stage.

The Hon. JOHN RUDDICK: Media reports have said that the mastermind is an Australian on the run and apparently now living in Turkey. I don't know what our extradition—

DAVID HUDSON: I think I said earlier, sir, that when 21 January—I'm not 100 per cent sure of all the details of a person of interest because it's immaterial to me. The Australian Federal Police are pursuing that person. I believe they've charged an individual with assisting him to leave the country, unbeknownst to New South Wales police and, I believe, even Queensland police. There is certainly an investigation being pursued by the Australian Federal Police and not us.

The Hon. JOHN RUDDICK: I'm pleased to hear that. I have a question for Deputy Commissioner Thurtell. I appreciate you keep your records very carefully. You said that on the day after the caravan was first discovered—on 20 January—you've rung the Premier early in the morning and you've rung the police Minister early in the morning. You're doing your job; you're outlining that this incident has happened. Your colleague did say earlier today that "very early on"—that was a direct quote—he had suspicions this was not what it appeared to be. Did you share those suspicions in those very early days? If so, when you briefed the Premier and the police Minister, did you say, "There could be some doubt here, because some of our senior officers think that this may not be bona fide. It may not be what it appears to be"?

PETER THURTELL: No. My briefing to the Premier on the 20th and the Minister on the 20th were very factual briefings about the discovery of the caravan, the explosive and the notes et cetera, and the owners of the caravan. There was no speculation provided to them by me about what it could or could not be associated with.

The Hon. JOHN RUDDICK: Was that because you didn't have suspicion or because that's not your remit?

PETER THURTELL: That was Mr Hudson who formed his opinion very early on. As far as I was involved with it, as the acting commissioner, I was relaying factual information.

The Hon. JOHN RUDDICK: Deputy Commissioner Hudson had not—in that 24 hours or so between finding the caravan and speaking to the Premier and the police Minister, you hadn't been told that there could be some doubt about this?

PETER THURTELL: As far as I recall, not by 9.00 a.m. the next morning. But we certainly had a conversation within a day or two of the discovery of the caravan about how he thought that was a possibility.

The CHAIR: While we're on that point, Mr Thurtell, you've made the phone call to the Premier and the police Minister. Where did you obtain the information that you used in that phone call?

PETER THURTELL: Every Monday morning we have a Commissioner's executive team operational briefing, and the information that I relayed to the Premier was provided to me during the operational briefing.

The CHAIR: Mr Hudson has ultimate control over this because it's a counterterrorism operation at that stage. Did Mr Hudson tell you of his suspicions in relation to that?

PETER THURTELL: I don't think so by 9.25 a.m., but sometime in the day or so after that I think we had a brief discussion about it.

The CHAIR: Before you rang the Premier, and bearing in mind that Mr Hudson is in control of this, did you seek a briefing from him as to the full facts surrounding the discovery of the caravan?

PETER THURTELL: Mr Hudson was in the operational briefing with me and we'd had quite extensive conversations leading up to this. As I said, at that stage it was being dealt with on its facts.

The CHAIR: I understand that. The facts are facts, but Mr Hudson is on the record—and we'll come to that later—saying that as of the 19th, the day of the discovery, he had his suspicions already. You're telling me that one deputy commissioner doesn't tell the next deputy commissioner, "Listen, these are the facts. However, my suspicions are—and my suspicions are grounded for these reasons—that this may well be part of a criminal manipulation." He hasn't told you that at all?

PETER THURTELL: Not as far as I recall. But, as I said, that was early on in the investigation and early on in our information, bearing in mind we'd only discovered it, as an executive team, that morning before our 8.30 a.m. briefing, and it was purely dealt with on the facts of what had been discovered.

The CHAIR: Let's play along that line, then. Let's go with that. We'll come back to Mr Hudson on that in a minute. Later on that day, though, it's now discussed with you. Is that right?

PETER THURTELL: I don't recall the exact time. If I had to estimate it, I think it was the following day-ish. I can't be exactly right.

The CHAIR: Let's go with that. Let's not split hairs over it. The following day Hudson then tells you, "Listen, we have grave suspicions about the motivation behind this caravan." Is that a fair summation?

PETER THURTELL: No, that's not a fair summation.

The CHAIR: What did he say?

PETER THURTELL: I don't want to put words in Mr Hudson's mouth. It may have been along the lines of "We don't know about the motivation of the person that's providing this information," or "What is the motivation of the person providing this information?" Not too factual enough—

The CHAIR: Mr Thurtell, I didn't ask about the information. He had his suspicions around the caravan itself.

PETER THURTELL: Yes. That's what I'm relaying to you. My discussions with Mr Hudson were him—as far as I recall. I stand to be corrected. Mr Hudson might correct me.

The CHAIR: You'd have notes on these conversations?

PETER THURTELL: I beg your pardon?

The CHAIR: You'd have diary entries on those conversations?

PETER THURTELL: No.

The CHAIR: None at all?

PETER THURTELL: No.

The CHAIR: We've got a caravan loaded with explosives, being considered at its highest—a terrorism threat—and there's no notes, no record of the conversation, no nothing.

PETER THURTELL: I've got diary entries of phone calls, of the fact that we attended the operational briefing on the Monday morning, the fact that it had been discussed, the fact that I had contacted the Premier that morning, the fact that I'd contacted the police Minister that morning, but not word-for-word relaying of what information I had.

The CHAIR: When were you made aware, then, that there was grave doubt around the motivation behind the finding of the caravan?

PETER THURTELL: I think I would suggest that probably in the week or two afterwards, after the discovery of the caravan, that it had escalated from "I wonder what the motivation of the informant is" to there's now stronger information to suggest that the motivation of the informant places doubt on the actual discovery of the van and what was likely the reason behind it being placed there.

The CHAIR: You weren't the commissioner then, though?

PETER THURTELL: No.

The CHAIR: Commissioner Webb, when were you first informed of the grave suspicion that Deputy Commissioner Hudson had around the authenticity of the caravan?

KAREN WEBB: Certainly I came back to work on the 21st and was present for the briefing with the Premier et cetera on the 21st. I guess, as a detective, early on it didn't seem quite right that there was a caravan that just happened to be discovered with explosives and with notes and not too carefully hidden or secreted, I think. But ultimately the issue was about we were relying on the information from the AFP. Without being able to test that information, we had to take it at its highest.

The CHAIR: Nobody's disputing that. You have to do that. If it turns out to be serious and you haven't taken it at its highest, we're having another inquiry into something completely different.

KAREN WEBB: That's exactly right.

The CHAIR: So nobody's disputing that. When did you find out, though? When did Mr Hudson confide in you the suspicions that he held on 19 January that it wasn't quite right?

KAREN WEBB: I don't know the exact date, but I certainly formed my own view early on. But, again—

The CHAIR: As a result of what he told you and what other information was at hand.

KAREN WEBB: And what I learned myself, of course. But, as I said, we were relying on the JMC and the work there.

The CHAIR: Yes, I understand that. When did he tell you? When did you form this opinion?

KAREN WEBB: Not long after I came back to work. I can't give you the exact date.

The CHAIR: Did you ring the Premier and tell him then?

KAREN WEBB: In our briefings—and, as I committed earlier, we'll get the dates of those briefings—we talked about our concerns about this investigation. But we reiterated that we had to take it at its highest.

The CHAIR: Take it at its highest—we know that. I'm not asking that.

KAREN WEBB: No, but I think it's important to note, though, because that's—

The CHAIR: It is important, and we note that, we know that and we applaud you for that. That's what you have to do. That wasn't what my question was. My question was: When did you tell the Premier that the New South Wales police, at its upper echelon—you and Dave Hudson—had fears that this was not a legitimate terrorist attack?

KAREN WEBB: Well, I don't—

The CHAIR: Early on in the piece, according to your words.

KAREN WEBB: I wouldn't express it as "not as a legitimate". I had some concerns early on about what the motive was behind it.

The CHAIR: So you told him, though—

KAREN WEBB: We expressed concern.

The CHAIR: —that there could be other motives, other than terrorism?

KAREN WEBB: Well, I think the inference was—again, based on that we couldn't test the information, so we weren't able to give any guarantee one way or the other.

The CHAIR: Nobody says that. We're not saying you discredited it—

KAREN WEBB: No, but I think that's important.

The CHAIR: —or you confirmed it. We're just saying, did you relay your suspicions to the Premier?

KAREN WEBB: I directly recall relaying to the Premier and the Minister our concerns that we weren't able to test the veracity of the information.

The CHAIR: Did you also tell the police Minister?

KAREN WEBB: She was present in those briefings.

The CHAIR: Who else was present in those briefings?

KAREN WEBB: There was generally just the Premier and the Minister and, on occasion, maybe his chief of staff and, on occasion, the Secretary of the Premier's Department.

The CHAIR: We know from budget estimates that Kate Meagher was present at one of those.

KAREN WEBB: I know that was said at budget estimates. I just don't recall that she was there.

The CHAIR: Well, she said she was there—

KAREN WEBB: Yes, I understand that.

The CHAIR: —so we'll accept that on face value.

KAREN WEBB: I think she was relieving for Mr Draper at the time.

The CHAIR: Mr Hudson, you told me at budget estimates of my questioning—if I can just refer to the page, these are your words and I have a copy of it here. I know you gave true and legitimate evidence, so you'd have no doubt that I'm not misleading you. Your answer was, "If you ask me when I had suspicions, sir, I had them on 19 January when I got told about it." We're talking about the caravan itself now.

DAVID HUDSON: Correct.

The CHAIR: You still stand by that as being the case?

DAVID HUDSON: Yes, I do. I think there's probably a point of clarification around what I said there as well: When you investigate the discovery of a caravan containing explosives, and the addresses of certain Jewish interests in it—which, if you take at face value, might be targets of the intended use—you need to make an assessment as to whether the caravan was intended to be used in an attack, or whether it was used to be discovered to create fear within the community. I think my recollection is my initial reaction was it was used to be discovered. It had been parked, as I said earlier, in a fairly hazardous position and therefore had been removed by a member of the public to safety in the front of his property.

But, if it had been left in a hazardous position containing that material, one would expect someone to contact the police. Having said that, sir, that doesn't escalate to then having some criminal mastermind behind it manipulating that and other jobs, because that information didn't come to me on 19 January. I think I first became personally aware of that information on the morning of 21 January. On the afternoon of the 20th, it may have been made available to the counterterrorism command, but it wasn't provided to me. So my suspicions were based on whether this caravan was used to conduct a terrorist attack or whether it was placed to be discovered and create fear within the community.

The CHAIR: We're both detectives, Mr Hudson. You turn up at the scene of this caravan. There's one question, and one question only: Is it legitimate or is it not legitimate? If it's legitimate, there are lines of inquiries to follow. If it's not legitimate, there are lines of inquiry to follow. That's the first decision, though, isn't it? Have we got a real crime here, or we don't?

DAVID HUDSON: It's always a crime to have explosives contained. The early days of that investigation were focused on things that are common to both those trails of investigation. Before you make an assessment, you start wide and you narrow, as you know, Mr Roberts.

The CHAIR: Yes. Certainly you have your suspicions. With any crime, there's a number of hypotheses.

DAVID HUDSON: Yes.

The CHAIR: But you focus on the more likely one. You don't forget about the others; you eliminate them, but you concentrate your efforts on what you think to be the case.

DAVID HUDSON: I think the first few days of that investigation were focused very much on searching, forensic analysis, doing all the things that were common to any potential motivation behind its placement rather than pursuing any particular line of inquiry. That particular line of inquiry surfaced once the reporting was received from the AFP of an avenue that had to be followed. That was, as I said, I think provided to the counterterrorism team within 24 hours of the discovery of the caravan and to me the next morning, on the morning of the 21st.

The CHAIR: Let's go back again to that answer you gave me, "If you ask me when I had my suspicions, sir, I had them on 19 January when I got told about it."

DAVID HUDSON: Yes.

The CHAIR: Why did you form that opinion on 19 January?

DAVID HUDSON: Because I think there are alternate options as to whether that caravan containing explosives and potential targets was to be used as a vehicle to commit a terrorist attack. They were my suspicions. It seemed unusual to me that that would be in that way. I was initially of the opinion that the caravan had been placed there to cause fear within the Jewish community, not to commit a terrorist attack.

The CHAIR: Certainly. Let's put that into a percentage. What percentage were you?

DAVID HUDSON: I'd be guessing, sir, but—

The CHAIR: You're a very educated man and you don't speculate, you investigate.

DAVID HUDSON: I do.

The CHAIR: I know. I'm quoting your own words from a press conference.

DAVID HUDSON: That's right, sir.

The CHAIR: As it turns out to be, Deputy Commissioner Hudson, your suspicions were correct from the very get-go, so congratulations on your investigate skills. What percentage level did you have that this is legitimate, or not legitimate on 19 January?

DAVID HUDSON: I think if you're talking about whether the caravan was intended to be used in the commission of a terrorist attack—

The CHAIR: Yes, that's the question. What is the percentage versus the percentage it was there to create fear, or further a criminal enterprise?

DAVID HUDSON: On the first night, it seemed suspicious to me. In discussions with other members of the New South Wales counterterrorism command, we tended to agree with that; but then the reporting that they received that afternoon, and myself the next morning from the AFP, balanced that out that, that it potentially couldn't be excluded that a terrorist attack was the intended purpose of that caravan.

The CHAIR: Very nice answer, Mr Hudson, but you didn't answer my question. What percentage did you have on 19 January?

DAVID HUDSON: I can't say now because since 19 January the investigation has flowed. Information has come in and swayed and manipulated what that perception might be. I wouldn't be able to tell you. All I can say is that the discovery of the caravan on 19 January didn't sit right with me, and I thought it was a possibility that it was not to be used in the commission of a terrorist attack, but positioned for discovery to create fear within the community.

The CHAIR: Did you share that with the rest of the executive team?

DAVID HUDSON: Within the first couple of days, I think it was well known what my opinion was.

The CHAIR: Did the New South Wales police themselves possess any intelligence in relation to this caravan or the motivation behind the caravan? It appears to me, from what you've been saying today, that the intelligence in relation to that has come from the AFP, but your own sources—your own informants and intelligence units—didn't come up with anything at all?

DAVID HUDSON: Nothing specific, sir, but I can elaborate that in camera this afternoon, if you like.

The CHAIR: Just correct me and tell me: When were you told again by the AFP that it was—I have to be careful, because I'm not sure if this is what you said, that I'm not putting words in your mouth. When were you told by the AFP that this was in furtherance of a criminal enterprise? When were you officially told that?

DAVID HUDSON: The source of their information was discredited on 21 February.

The CHAIR: I want to take you back to a press conference held on 29 January—you and Premier Minns.

DAVID HUDSON: Yes.

The CHAIR: Just after your words, "We investigate; we don't speculate," at 21 minutes into the interview, you said that it may be used by somebody seeking assistance at court. Do you recall those words?

DAVID HUDSON: I do.

The CHAIR: What do we find out at the end of all of this? It's a plot used by somebody attempting to manipulate the justice system to get some assistance at court.

DAVID HUDSON: I raised that in the press conference as being a potential motivation for placement of that caravan, as an option, and also to allay fear within the community that they were under attack from individuals who were looking to blow up certain Jewish places of interest.

The CHAIR: If you put that forward as a proposition which, in turn, is correct, why didn't you put forward the proposition that they might be doing it for financial reward or something else? Why did you specifically say—an experienced investigator like yourself who would not say anything at a public briefing. I watched that briefing very carefully, front to back and back to front and all over again. You were very careful with the words you chose, but you said, "Maybe somebody seeking assistance at court". Why did you say that? Where did you form that opinion before saying that in a public briefing?

DAVID HUDSON: Because it's not an uncommon practice for that type of manipulation of the justice system, where someone is looking for some form of assistance. Police, certainly within New South Wales and certainly through organised crime elements, are often provided information so that an individual might gain some assistance at court. I don't think my words were specifically true in that instance because I don't think they are after assistance at court. But, from my understanding—although we're not pursuing that investigation. However, I put it forward as an alternate option, as I did the following morning in a radio interview—as to what potential options might be available if it was not to be used for a terrorist attack—to try and allay some fears within the Jewish community that they were under a more positive attack and a more violent attack than they had already been.

The CHAIR: Commissioner, let's go back to you. The Terrorism (Police Powers) Act 2002 gives you permission or allows you to make a declaration of a terrorist attack or likely terrorist attack. I'm saying that because the members here wouldn't know that.

KAREN WEBB: Yes, of course.

The CHAIR: What does that Act give you, as Commissioner of Police?

KAREN WEBB: If there's an application before me from members of the counterterrorism investigation unit, for example, to seek a declaration, it's on the basis that it would assist them, the investigators, with additional powers and access to Commonwealth powers et cetera that they wouldn't ordinarily have.

The CHAIR: You didn't make a declaration, and I believe deputy commissioners can make a declaration as well, not just a commissioner. Is that right?

KAREN WEBB: If the commissioner is not available. But there was no application made to me, and I don't think there was one made to you, was there?

The CHAIR: You didn't think it was necessary? You didn't prompt anybody?

KAREN WEBB: There was no application made to me. That's a matter for the investigators.

The CHAIR: Mr Hudson, there was no application under the terrorism powers Act at all?

DAVID HUDSON: No, sir. The declaration of a terrorist incident, whilst certain people in the media might like us to declare terrorism more frequently, should only really be declared when you need additional powers. We did not need additional powers from the Minister in relation to this. We didn't need powers of detention. We didn't need powers of search. We didn't need powers of protection for police taking a life under this particular investigation. So there was no real need for an application to be made.

The CHAIR: Why didn't you need those additional powers?

DAVID HUDSON: We had sufficient investigative resources and legislation available to us based on not just our own legislation but supplemented in the joint counterterrorism team arrangements by Commonwealth legislation to appropriately investigate the matter at that stage.

The CHAIR: The powers Act allows you to if there's threat of serious harm too. I think that's some of the terminology, isn't it? That's my paraphrasing.

DAVID HUDSON: I think that's generally right, sir.

The CHAIR: Well, that's the gist of it. So the caravan wasn't at that stage a serious threat of harm to the community?

DAVID HUDSON: I think it was definitely a serious threat of harm, but we did not need additional powers to investigate it. The caravan had been located. The explosives had been recovered. And, as I indicated previously, there was no ongoing threat to the community based on the contents of that caravan.

The Hon. SUSAN CARTER: Mr Hudson, you talked about your statements at the press conference on 29 January, where you were anxious to provide as full a picture as was reasonable at the time, with the understanding you had of the events, to make sure that it could be seen as a terrorist threat, but also to give as clear a picture as possible, especially to members of the Jewish community, of the nature of the threat that they were facing. There were other theories of the crime that were advanced. At that same press conference, the Premier said, "There's only one way of calling it out, and that is terrorism." Did it surprise you that he was seeing it only one way when you were clearly outlining that there were multiple ways that this could be seen?

DAVID HUDSON: I can't talk for the Premier—

The Hon. SUSAN CARTER: Sure.

DAVID HUDSON: —but I'm talking about terrorism and the need for powers from a legal point of view and an investigative point of view. I'd be surprised if the Premier was talking from that point of view. He's probably, I would suggest, talking from what public perception would be. I think it's in that context.

The Hon. SUSAN CARTER: You indicated that the AFP source was discredited on 21 February.

DAVID HUDSON: Correct.

The Hon. SUSAN CARTER: But there was legal advice in relation to charges received on 5 March.

DAVID HUDSON: Correct.

The Hon. SUSAN CARTER: When was that legal advice sought? You can take that on notice if you need.

DAVID HUDSON: I can. We had discussions about it. I'm not too sure of the exact date that our police requested that advice.

The Hon. SUSAN CARTER: Were New South Wales charges available if Commonwealth terror charges were not available?

DAVID HUDSON: For?

The Hon. SUSAN CARTER: For the matters that you were seeking legal advice on in relation to the Dural caravan.

DAVID HUDSON: Certainly. Terrorism charges not being available does not mean that no other crimes have been broken or have been committed.

The Hon. SUSAN CARTER: As at the relevant date, there were adequate New South Wales charges available for events which occurred in January?

DAVID HUDSON: Yes, correct.

The Hon. SUSAN CARTER: You indicated that the NSW Police Force had not been conned, and therefore it was inappropriate to be using that language. When did the NSW Police Force deliver what we might call a healthy scepticism that the caravan at Dural was, in fact, a terror plot?

DAVID HUDSON: I probably will be touching on matters that are subject to discussions within the joint management committee and, therefore, I would prefer to take that in camera, if that's alright.

The Hon. SUSAN CARTER: I'm happy to come back to that at an appropriate point later in the day. Going back to the 29 January press conference, you saw your responsibility as providing appropriate information to the New South Wales public without unduly alarming members of the public. Is that a fair statement?

DAVID HUDSON: Yes, I think that's fair.

The Hon. SUSAN CARTER: Therefore, statements about what we consider terrorism and the other ways of looking at it were designed to make sure that people had a clear understanding but were not unduly alarmed?

DAVID HUDSON: That's correct.

The Hon. SUSAN CARTER: So any statements from other people that focused only on terrorism would have been undermining your attempts to ensure that the community was—what's the phrase about terrorism?—alert but not alarmed? Isn't that the phrase that we're using?

DAVID HUDSON: I look at terrorism through a certain lens of criminality and legislation. The term is used more broadly within the community, rather than the legal definition. I deal with the legal definition. I'm

looking at alternatives to that. I am quite aware that a great deal of media reporting refers to things as being "terrorism" or "terror attacks" and so on. "It created terror, why isn't it terrorism?" But we deal very specifically with what is captured by the definition legally under the Commonwealth Criminal Code. We are acquiesced, within New South Wales, to that definition. Others use that term more liberally than I do. But I can't talk for what others may have intended with their words.

The Hon. SUSAN CARTER: I understand that entirely. As I understand it from the evidence that you and Commissioner Webb have given before, early on you entertained suspicions that there were different lenses through which these incidents could be viewed other than solely terrorist attacks and that those views were shared in briefings that were given to the Premier and the police Minister. Is that correct?

DAVID HUDSON: It was certainly relayed that there were other possibilities than that caravan, with explosives and addresses, being towed to one of those addresses and detonated—there might be other alternatives to that scenario.

The Hon. SUSAN CARTER: And that would have been relayed in the briefings that occurred on 21 January?

DAVID HUDSON: On 21 January, I think we did suggest that there may be alternatives. However, that particular briefing was inflated by the reporting that had been received from the Australian Federal Police, which had been received prior to that briefing?

The Hon. SUSAN CARTER: When you say "the reporting that had been received", is that information that the Australian Federal Police were receiving that was not being shared with the NSW Police Force about an informant in relation to terror?

DAVID HUDSON: The information was shared. However, the source of that information was not.

The Hon. SUSAN CARTER: Just to be clear, at the briefing on 21 January, you would have relayed the range of theories about the Dural caravan incident and also the fact that there was information received from the AFP that would suggest that the terror line of investigation should not be discounted and needed to be pursued, as well as other lines?

DAVID HUDSON: I think the balance of that discussion was that information had been received that would cause us to establish a multi-jurisdictional joint management team committee to investigate the information and the discovery of the caravan at its highest. However, we were not ignorant to the fact that there could be other motivations behind this. On balance, at that time, on the 21st, two days after its discovery, investigations were very much focused on crime scene examination, fingerprint and DNA analysis, and everything else that the examination of a crime scene dictates. Whilst there may be other options or causes as to why that caravan had been placed there, we needed to very specifically treat the information from the AFP at its highest, and that was the focus of our efforts.

The Hon. SUSAN CARTER: What briefings occurred between you and the Premier, and you and the police Minister, between 21 January and 29 January?

DAVID HUDSON: I think there were other briefings, which the commissioner has given an undertaking to get back with dates, basically to ensure that the threat to public safety was being mitigated and there was no escalation in what we were seeing through our investigations.

The Hon. SUSAN CARTER: The AFP press release and evidence you've given indicates that there was not considered to be a threat to public safety when the Dural caravan laden with explosives, with the address of a synagogue, was discovered on 19 January. Is that because, right from the very beginning, it wasn't really seen as a viable terrorist plot?

DAVID HUDSON: No, it was because we had recovered the caravan. We had recovered the explosives. We had identified individuals involved in that, being the owners of the caravan, who were targets of Pearl. Whilst, in my belief, the caravan being used as an implement of terrorism had been mitigated through its discovery, there is no doubt that other attacks in the eastern suburbs of Sydney that at some stage, I would suggest it will be alleged, are orchestrated by the same individual or group of people certainly did put the community in danger. With firebombings, in particular, that would put individuals in extreme danger, potentially.

The Hon. SUSAN CARTER: Given the firebombings, given the terrifying events facing the Jewish community in the eastern suburbs in particular, how could the AFP and the NSW Police Force be so certain that once the caravan had been found, there was not an ongoing threat to the people of New South Wales?

DAVID HUDSON: There was still a threat of other incidents occurring. However, we think we had appropriately mitigated that, not just through the recovery of the caravan but also through proactive interventions we were taking through Strike Force Pearl, who were conducting regular patrols of the eastern suburbs around Jewish places of interest that may be potential targets. They had coordinated. I'd ingested 16 detectives from State Crime Command to supplement Strike Force Pearl. We injected people from the Public Order and Riot Squad and from the Raptor Squad to enhance the proactive patrols of the eastern suburbs. I think, in that manner, we certainly had mitigated what might be a potential threat from that caravan and potential further attacks.

Ms SUE HIGGINSON: I just wanted to ask about the Premier's briefing on 20 January and the police Minister's briefing on 20 January. How was the Premier's briefing given?

PETER THURTELL: As I've said, I rang him.

Ms SUE HIGGINSON: And it was a short briefing. How long would you estimate that briefing was?

PETER THURTELL: I think it was eight minutes, the extent of the phone call.

Ms SUE HIGGINSON: And then the briefing, following that, to the police Minister?

PETER THURTELL: That was at 9.37 a.m., and that was about five minutes.

Ms SUE HIGGINSON: And again on the phone?

PETER THURTELL: Yes.

Ms SUE HIGGINSON: I think the briefing that happened on the 21st was with you, deputy. How did that briefing take place?

DAVID HUDSON: That was in person at the police executive offices.

Ms SUE HIGGINSON: And that was with the police Minister?

DAVID HUDSON: Certainly the commissioner had returned. I believe he may have been doing a press conference in relation to child care that afternoon; I'm not sure. He may have been there for that, I think, but he wanted a briefing on the update on the caravan prior to that.

Ms SUE HIGGINSON: The Premier?

DAVID HUDSON: Yes.

Ms SUE HIGGINSON: Where do you recall that briefing was held?

DAVID HUDSON: In the commissioner's boardroom.

Ms SUE HIGGINSON: And the police Minister was present for that one as well?

DAVID HUDSON: I believe so. I'll have to—

Ms SUE HIGGINSON: If you could check, please. Deputy Commissioner Hudson, with the incidences that—

DAVID HUDSON: The police Minister may be still on leave at that stage. I apologise. They wanted a briefing later on, so I think she was still on holidays.

Ms SUE HIGGINSON: You're going to provide us with a clear outline of those briefings, so if they could include where they happened and how long those briefings were, that would be very helpful. Deputy Commissioner Hudson, in relation to the register or the record of the 700-odd incidences—I understand that's not a register you hold personally, but from your understanding of that, what would the breakdown be in terms of antisemitic events and Islamophobic events recorded on that?

DAVID HUDSON: I'm not 100 per cent sure what's captured on it. As I said, Mr Thurtell controls Shelter. But antisemitism has escalated, I think, fourfold, and we need to produce those statistics for the Premier's engagement and hate crime panel. I think they've certainly escalated since 7 October 2023, and continue to happen.

Ms SUE HIGGINSON: Deputy Commissioner Thurtell, just roughly, if you had to categorise or characterise the breakdown of those incidences, what would you say the percentages are in terms of antisemitism or Islamophobic incidences?

PETER THURTELL: If we're going on percentages—and I stand to be corrected on this, but I think I'm roughly right—approximately 40-odd per cent antisemitic and a bit over 10 per cent—about 15 per cent, maybe—anti-Islamic, and the rest have been categorised as other. What you need to understand is Shelter was set up, as

Mr Hudson said, in October 2023 to keep an overarching watch on what started as the protest activity and all that sort of stuff, and our engagement with groups in the community et cetera. The others could be any number of things, such as a particular protest was held somewhere—tick, there's one. A particular protest held somewhere else—tick, there's two. Somebody's arrested with something—that might be Shelter-related; let's put it in there as other.

This is a loose capture of what's been happening since October 2023 by what comes under Shelter's overarching responsibility. Some of those things are disseminated through our COPS system to Shelter. Once it's received, my understanding is it becomes part of their stats, but it doesn't necessarily need to be sent to them or it's not necessarily directly relevant. It's not an exact science on everything has to be either antisemitic or anti-Islamic or protest activity; it's something that was referred to them and has been captured in the database.

Ms SUE HIGGINSON: Just to be clear—and you could be some margin either end—about 40 per cent of those 700 entries would be antisemitic?

PETER THURTELL: Antisemitic directly. Of the ones that I classified as other, I can't specifically say that there's no antisemitic or anti-Islamic element to them, but in our spreadsheet they're not directly attributed as either one of those.

Ms SUE HIGGINSON: As parliamentarians, we were required to consider laws that amended the sentencing laws in New South Wales to look at whether a circumstance was aggravated or not, based on whether the motivation was wholly or partially motivated by hate factors. Is this something that any of the three of you were ever consulted about or discussed with anybody as part of the executive or their staff members at any point in time?

KAREN WEBB: That is normal process if the legislation comes out of Cabinet and through involvement through the Attorney-General's Department et cetera. Formal consultation on the crimes amendment racial hatred bill came to us on 31 January for the consultation commencing, which is a normal process in terms of a bill coming out for consultation to every agency that's affected.

Ms SUE HIGGINSON: So there was nothing extra in terms of that specific provision? I'm just referring to your evidence, Deputy Commissioner Hudson, about ultimately the motivation around the caravan. I hear the dual approach that you're saying, "Well, look, there was clearly antisemitism involved because of the nature of what was left in the caravan and the notes, but clearly this was something motivated by something else." Has there been any discussion around the offences available and the sentencing in terms of the existing law and the need to change the existing law?

KAREN WEBB: Not with me.

DAVID HUDSON: No.

The Hon. SUSAN CARTER: Chair, with your indulgence, can I just ask, Commissioner, you have taken on notice that you're going to provide details of times and places and locations of briefings. Can you also provide a list of who was present at each of those briefings?

KAREN WEBB: I've got the dates of those briefings in terms of how they were conducted, but I'll have to take it on notice for who was in attendance.

The CHAIR: Perhaps your staff might be able to do that in the morning tea break for us.

KAREN WEBB: If they can ready that information, we will do that.

The CHAIR: Excellent. We will now adjourn for half an hour.

(Short adjournment)

The CHAIR: Welcome back. We're continuing with the hearing in relation to the Dural caravan incident and its relationship to debates in Parliament and on legislation.

The Hon. SUSAN CARTER: Deputy Commissioner Hudson, if I could start with you. The story became public on 29 January. Were you or anybody else in the police asked any questions prior to that being made public? Did you have any contact with the press prior to the story becoming public?

DAVID HUDSON: Yes, I did. On the day of the 29th I was contacted by the editor of *The Daily Telegraph* to say he had a story in relation to the caravan explosives; Jewish targets that had crossed his desk. I requested that he not publish that, which he agreed, on the pretext that no-one else had that story. Later that same afternoon,

there was an inquiry of the police media unit, which was sent to me from ABC in Victoria asking almost identical questions or having almost identical information.

The Hon. SUSAN CARTER: That was ABC Victoria that rang the police media unit?

DAVID HUDSON: Yes. Honouring my agreement with the editor of *The Daily Telegraph*, I told him that, and they published that afternoon.

The Hon. SUSAN CARTER: Did they ask you to confirm any details or was there just a general discussion?

DAVID HUDSON: I didn't confirm any details. I just indicated that another news outlet had the same information that they had.

The Hon. SUSAN CARTER: And then did ABC Victoria publish after *The Daily Telegraph* published, or are you not aware of that?

DAVID HUDSON: I'm not aware. I presume they did, but I'm not aware.

The Hon. SUSAN CARTER: There was a press conference responding to the publication early evening on 29 January, I believe?

DAVID HUDSON: Correct.

The Hon. SUSAN CARTER: Whose idea was it to hold the press conference?

DAVID HUDSON: The Premier's office, I would imagine. I was summonsed.

The Hon. SUSAN CARTER: When you were approached by the editor of *The Daily Telegraph*, did you contact either the police Minister or the Premier?

DAVID HUDSON: I told the commissioner, I believe.

The Hon. SUSAN CARTER: Commissioner, did you contact the Premier or the police Minister?

KAREN WEBB: I actually can't recall, but I presume so. It was a significant change in the posture.

The Hon. SUSAN CARTER: After you knew that *The Daily Telegraph* were going to publish, Mr Hudson, did you also tell the commissioner that they were going to go ahead and publish?

DAVID HUDSON: Yes.

The Hon. SUSAN CARTER: At that point, Commissioner, would you have informed the Premier and the police Minister that *The Daily Telegraph* was going to publish the story?

KAREN WEBB: I would have phoned the Minister. I wouldn't have communicated directly with the Premier.

The Hon. SUSAN CARTER: You would have phoned the police Minister, saying, "*The Daily Telegraph* have the story and they're going to publish."

KAREN WEBB: Yes.

The Hon. SUSAN CARTER: Then you received communication from the Premier's office in relation to putting a press conference together. Is that right?

DAVID HUDSON: Our police media unit attended my office. I think I was actually in there with the commissioner at the time, but they said I was required down at 52 Martin Place within an hour.

The Hon. SUSAN CARTER: You were meeting with the commissioner when the police media unit spoke to you. Is that right?

DAVID HUDSON: That's correct.

The Hon. SUSAN CARTER: The police media unit, you understand, had been speaking to the Premier's office?

DAVID HUDSON: The Premier's or Minister's office. I'm not too sure what the conduit was for the relaying of the information or the request.

The Hon. SUSAN CARTER: Is there a particular person in the police media unit that you had these discussions with?

DAVID HUDSON: Shannon—whatever Shannon's last name is. What is Shannon's last name?

KAREN WEBB: Carr.

DAVID HUDSON: Shannon Carr.

The Hon. SUSAN CARTER: Whose decision was it to hold a press conference?

DAVID HUDSON: I'd imagine it was the Premier's office. It wasn't instigated by us.

The Hon. SUSAN CARTER: What briefings took place prior to the press conference?

DAVID HUDSON: None. There was no time.

The Hon. SUSAN CARTER: You didn't have any conversations with the police media unit? They didn't indicate what they thought the questions were going to be, or they didn't help you draft a statement of any kind?

DAVID HUDSON: No. In the limited time I had, I changed into a uniform, as they thought it would be a better look if I was in uniform.

The Hon. SUSAN CARTER: In relation to uniform, I must admit, I have never seen you in civvies before. I'm just wondering, Commissioner, was there a deliberate decision not to wear uniforms today?

KAREN WEBB: Yes, there was, actually. We had a conversation at the end of last week and said that this is a matter for which, at that stage, we had an application in for an in-camera hearing. Not knowing what the outcome was and the nature of the discussion, we decided that we could attend in plain clothes.

The Hon. SUSAN CARTER: But this surely is formal parliamentary business. Every other parliamentary hearing I've seen you at, you've all been in uniform. Why not today? Isn't this as important as budget estimates?

KAREN WEBB: I think we're suitably attired.

The Hon. SUSAN CARTER: But not in your official police uniforms today, and that was deliberate.

KAREN WEBB: It was just a question we had with the discussion we had on Friday, on the basis of the request we had for an in-camera hearing.

The Hon. SUSAN CARTER: You knew that this was not proceeding in camera when you arrived this morning?

KAREN WEBB: No, not that stage.

The Hon. SUSAN CARTER: But this morning?

KAREN WEBB: Yes, of course.

The Hon. SUSAN CARTER: But you still decided not to come in uniform.

KAREN WEBB: We had the discussion on Friday and we hadn't seen each other until this morning.

The Hon. SUSAN CARTER: Mr Hudson, if we can go back to the 29th, was there any statement put out prior to the press conference? Or was it was simply, "There will be a press conference. Come and ask questions."

DAVID HUDSON: My understanding is that it was an advisory that there would be a press conference. That was it.

The Hon. SUSAN CARTER: You were at the press conference; the Premier was at the press conference. Was there anybody else at the press conference?

DAVID HUDSON: That spoke?

The Hon. SUSAN CARTER: Attending from the Government. There was you, the Premier and anybody else?

DAVID HUDSON: I don't recall. I know our media unit was there. My staff officer was there in the background, but that's it, I think.

The Hon. SUSAN CARTER: Did the Premier ask for any updates or any material prior to the press conference?

DAVID HUDSON: We had very limited time prior to it. As far as I was concerned, he had the latest information—that the matter was under investigation—and that was going to be all we would be saying.

The Hon. SUSAN CARTER: Prior to the press conference, what was the last time the Premier had been briefed by you, Mr Hudson?

DAVID HUDSON: Probably a few days before. We'll get those dates to you of the exact dates of briefings.

The Hon. SUSAN CARTER: Yes, if you could, thank you. Commissioner, prior to the press conference, what was the last time you'd briefed the Premier about this?

KAREN WEBB: Likewise. I can give you the dates and I will have to get more time to get the answers in terms of those that were present and how long those meetings took.

The Hon. SUSAN CARTER: Yes, thank you.

KAREN WEBB: I could give that to you now.

The Hon. SUSAN CARTER: Perhaps if you just now give me the one immediately prior to 29 January, unless there was a briefing that occurred on 29 January.

KAREN WEBB: No, 23 January and then not again until 31 January.

The Hon. SUSAN CARTER: So the last briefing was 23 January, yet the Premier didn't require any further updates before a press conference on 29 January. Is that correct?

KAREN WEBB: That's correct.

The Hon. SUSAN CARTER: Mr Hudson, I've got a note that you gave evidence earlier this morning that at the press conference on the 29th—or at a meeting on the 29th there was a question from the AFP about when did Hudson brief the Premier. Do you recall giving that evidence early this morning?

DAVID HUDSON: I think it may have been a surprise to the AFP.

The Hon. SUSAN CARTER: I'm wondering, in relation to the media story breaking on the 29th, why the AFP would have been asking about briefings you would have given to the Premier.

DAVID HUDSON: I think they were surprised that we had briefed the Premier. As I explained to the AFP, the machinery of how New South Wales operates is different to the Commonwealth. When we are investigating a terrorism incident in New South Wales, there have been circumstances where we're required to go to Government, to the Minister, to ask for special powers, either in relation to expanded search or detention powers, and that's been used. As I explained to the AFP, the time for us to do that is not the first time we're telling them about the incident and we need to give them an overview of what we're investigating prior to that. That's what we did from the initial briefing by Mr Thurtell, the existence of the caravan and how we were investigating it, so that if we did at any time require special powers, then the job would not be a surprise to them.

The Hon. SUSAN CARTER: As we've already heard, that briefing would have been at its highest; it was a terrorist incident. But there were other theories of the crime.

DAVID HUDSON: Correct.

The Hon. WES FANG: Mr Hudson, you indicated in an answer to the Chair in relation to some of the statements you gave at that press conference on 29 January that, in answer to one of the questions, you indicated that the motivation could have been so that somebody could receive assistance at court. We've now established that the press conference was, effectively, held in response to *The Daily Telegraph* publishing, that you had a notice to attend that press conference and that there was no time for the Premier to receive a briefing in relation to the events that had occurred in the last week. Commissioner, you've just indicated that the last briefing the Premier received was on the 23rd, before that press conference on the 29th. After you made that statement at the press conference, did the Premier ask you, "Deputy Commissioner Hudson, what do you mean by this could have been done to assist somebody at court?" Did that occur at all?

DAVID HUDSON: On that day or post the press conference?

The Hon. WES FANG: Either.

DAVID HUDSON: I think from very early on, in the briefings with the Premier, we suggested there could be ulterior motives.

The Hon. WES FANG: So the Premier wasn't surprised at that answer that you gave?

DAVID HUDSON: I don't know.

The Hon. WES FANG: But he didn't ask for any clarifying information post the press conference about why you'd said that or what you might have meant; he just accepted it as the answer that was provided by you.

DAVID HUDSON: At no stage did he question any of the comments I made, no.

The Hon. WES FANG: I imagine that the AFP would have been watching that press conference on 29 January like a hawk. Did they ask you? Deputy Commissioner Hudson, how did you provide that answer at the press conference? Did they seek to engage with you around that response?

DAVID HUDSON: No, because our discussion with them from the commencement of the investigation was that we thought there was something not right about this investigation, and there could be other motivations. As I indicated earlier, the reporting that was being ingested into the investigation kept it at a high level—that reporting coming from the AFP. But, in the absence of that, we certainly would have been focusing more on other avenues.

The Hon. WES FANG: So it didn't surprise the AFP that you provided that answer at the press conference.

DAVID HUDSON: No, and I think they've quoted it subsequently.

The Hon. WES FANG: In relation to that, on 29 January you've provided an answer at the press conference to say that this might be the circumstances why the caravan was in the location it was with the contents that it had. It's not until 21 February, however, that there's ruling out of the owner and discrediting of the source of any information there. What you said to me earlier, though, in this hearing was that on 10 February the senior investigator was provided advice in relation to this and was asked to sign a non-disclosure agreement. Could you indicate for the Committee exactly what the AFP provided by way of advice to the senior investigator on that matter, and why they were required to sign a non-disclosure agreement?

DAVID HUDSON: Based on my answers earlier, I'd prefer to take that in camera.

The Hon. WES FANG: Understood. I thought that might be the case; I just thought I'd put the question anyway. Does it relate at all to statements you made on 29 January at that press conference? That is, did they provide an indication that what you had said in answer to a question was correct—that this was somebody seeking to receive benefit by providing this information to the AFP? Is that what was provided to that officer on 10 February?

DAVID HUDSON: Again, we'll talk further in camera. However, my understanding is their internal protocols and processes precluded them from identifying the source or motivation of that source to us, which I can further talk about in camera.

The Hon. WES FANG: At that point, then, I'd say 12 days have flowed from the time of your press conference until the senior investigator has been provided that information. Another 11 days then goes by before the discrediting of that source. Why did the AFP take 23 days—from the time that you provided an answer at a press conference to actually discrediting the source—to be open with the joint counterterrorism unit, including elements from Queensland, Victoria, New South Wales and the AFP? Why did it take 23 days? Do you have any insight as to how that occurred?

DAVID HUDSON: That's a matter for the AFP, which you can explore further in camera. But I will say that, as I indicated earlier, we had a parallel investigation, Strike Force Pearl, which was systematically and quite effectively arresting individuals responsible for some of the attacks that we now allege were orchestrated by the same individual or individuals. I think they were also getting closer to the truth behind the matter through that investigation, which was a totally New South Wales investigation. I think all roads were leading one way.

The Hon. WES FANG: Given the answer you provided on 29 January and given that the Premier wasn't surprised and didn't seek any clarification around that, did the Premier seek at all through New South Wales police to get a briefing directly from the AFP in relation to the wider investigation that was occurring? Did the Premier or the police Minister, knowing that there were joint operations occurring around this, seek to speak directly or get briefings directly from the AFP?

DAVID HUDSON: Not to my knowledge.

The Hon. WES FANG: So they were happy with everything that was being provided by New South Wales police alone. They didn't feel the need to get an alternative AFP briefing. They were fully confident in the advice you gave, which was that this is likely not a terrorist incident.

DAVID HUDSON: No. That was not the direct advice to Government. The advice was that we're investigating a terrorism incident, or acts in preparation for a terrorism incident, but there were—

The Hon. WES FANG: I appreciate I paraphrased what you said.

DAVID HUDSON: There were other alternatives that we also needed to investigate and there were other possibilities that hadn't been excluded.

The Hon. BOB NANVA: Deputy Commissioner Hudson, if I could just come back to the briefing of 21 January to the Premier and the Minister—and perhaps this is to Deputy Commissioner Thurtell as well. I just want to be clear. Is it an accurate reflection of the evidence that the theory of the criminal manipulation at that point was one line of inquiry among other possibilities, including the possibility of a genuine plot to commit a mass casualty event? Is that an accurate reflection of the evidence?

DAVID HUDSON: That is, sir, based on the fact that reporting had come to the investigation, which said exactly that was what the matter was about.

The Hon. BOB NANVA: Regardless of the reporting from the AFP of that additional information that you received, notwithstanding that, on the day that the caravan was found, would the material inside the caravan and the explosives have constituted a potential act in preparation of a terrorism offence, which would have necessitated, through protocols, the establishment of the Joint Counter Terrorism Team?

DAVID HUDSON: Yes, and that was the case.

The Hon. BOB NANVA: And that is what occurred.

DAVID HUDSON: Yes.

The Hon. BOB NANVA: The Premier and the Minister were advised of that on the briefing of 21 January as well?

DAVID HUDSON: Yes.

The Hon. BOB NANVA: For a layperson without your investigative skills, instincts and experience, you'd agree that the involvement of the JCTT is an indication that the event was being taken very seriously as a potential terrorism event or risk of violent extremism? Is that a fair assessment?

DAVID HUDSON: Yes. It would be irresponsible not to treat it that way.

The Hon. BOB NANVA: Given the genuine terror plot at that point remained a live line of inquiry, I imagine it would be prudent to treat it with the utmost seriousness, notwithstanding your instincts about it?

DAVID HUDSON: That's correct, yes.

The Hon. BOB NANVA: If I could turn to just the gap between the discrediting of the source on 21 February and the legal advice on 5 March, could I seek some clarification on who sought that legal advice and why? Was it a JCTT decision?

DAVID HUDSON: There'd been discussion within the New South Wales environment that even if it was proven that the cause of the caravan being placed there was a manipulation of the justice system, whether those responsible could still be prosecuted with a terrorism offence. There were divided opinions on that. I think at the instigation by New South Wales of the AFP, the AFP obtained that advice, as I said which was received by us on 5 March.

The Hon. BOB NANVA: You've given evidence that, regardless of the motivation, the acts were still antisemitic. What I would like to explore is did you feel that it had a sufficiently chilling effect on the Jewish community because that criminal manipulation still had the effect of terrorising Jewish Australians? Was seeking that advice on whether those terrorism charges could still be laid, effectively, as a result of that?

DAVID HUDSON: As a result of that but also as a deterrent to others who might try and do something similar. But the fear within the Jewish community was very real, about what was happening, regardless. Premises were being firebombed, cars were being firebombed and graffitied, and synagogues were being attacked. Regardless of whoever was pulling the strings on those jobs, those incidents were very real. In speaking to members of the Jewish community, they were in fear and they were being bullied.

The Hon. BOB NANVA: I have a series of questions around that broader context of the environment and conditions which have, effectively, allowed antisemitism and antisemitism acts to go into the open in ways which we would all agree are unacceptable. Deputy Commissioner Thurtell—please excuse me if I've got this wrong—I think you suggested that approximately 40 per cent of incidents under Operation Shelter were antisemitic.

PETER THURTELL: Yes, I've had that clarified: It's 41 per cent.

The Hon. BOB NANVA: For the sake of context for the Committee, is 41 per cent hundreds of antisemitic incidents? Three hundred and—

PETER THURTELL: I think it's three hundred and something, yes.

The Hon. BOB NANVA: Could you perhaps, in that context, provide the Committee—

PETER THURTELL: It's 329. There you are—close.

The Hon. BOB NANVA: That's 329 cases of antisemitic incidents. The Director-General of ASIO recently told Senate estimates on 25 February that antisemitism and significant antisemitism acts are prominent in their investigation case load at this point in time. Would that be a reflection of New South Wales police's case load currently or, certainly, prior to the Dural incident?

PETER THURTELL: Certainly for Operation Shelter, which was capturing the statistics, and certainly around that time, we had a very strong operational presence in the eastern suburbs and were putting a lot of resources into stopping these antisemitic attacks. So it was and has been a very strong focus for us operationally for quite some time.

The Hon. BOB NANVA: In terms of risks to personal security and threats to life, that would certainly have been a priority for New South Wales police given the weight of incidents that were taking place since 7 October.

PETER THURTELL: Yes, and that's why Operation Shelter was expanded during this period, beyond that monitoring of protest activity et cetera. Brought under the same umbrella was the operational, proactive phase of Shelter, which was trying to increase our presence in the community but also, through that, protecting the community and stopping these events from happening.

The Hon. BOB NANVA: Operation Shelter is one thing. Presumably, the Community Security Group would be reporting to you hundreds of other incidents that they are aware of. Would that be fair?

PETER THURTELL: Certainly, they were in regular contact with both the police area command that houses their facility and also with Central Metropolitan Region.

The Hon. BOB NANVA: In terms of the environment and the conditions that led up to the criminal manipulation, would it be a fair assessment to say that it was an opportunistic plot which aimed to exploit and, frankly, leverage the fear that existed in the Jewish community largely because of the foundation of all the other incidents that have been taking place since the Hamas terror incident of 7 October?

PETER THURTELL: I can't really comment on the motivation behind what they were trying to do, but certainly that was the outcome.

The Hon. BOB NANVA: I suppose I'm asking why you think those people chose to use antisemitic language and chose locations close to Jewish communities to undertake action.

PETER THURTELL: I can only speculate that that is what they believed would achieve the ends that they were seeking to achieve.

The Hon. BOB NANVA: But it is the case that the incidents at Strike Force Pearl, notwithstanding not being ideologically motivated, still struck fear and terror in the Jewish Australian community.

PETER THURTELL: Yes. As Mr Hudson has already said, very real fear within the community.

The Hon. BOB NANVA: I'm not asking you specifically about the tranche of laws that the Parliament has recently passed in respect of these incidents, but I'm interested in your experiences as experienced police officers. In circumstances where there are conditions where there is a weight of criminal incidents that are taking place or where people are emboldened to do things in the open in ways which we all agree are unacceptable, it wouldn't be remarkable, would it, for a parliament to express its views about how experienced that behaviour is and how contrary those criminal elements are to community standards and seek to instil confidence in those groups that it seeks to protect generally?

PETER THURTELL: It happens all the time, as we all know.

The Hon. BOB NANVA: If there were a package of reforms dealing with an increase in incidents or behaviour that's now taking place openly to give police and the community additional powers and resources to respond to those acts, that's not unremarkable either?

PETER THURTELL: No.

Ms SUE HIGGINSON: During the budget estimates hearing, the police Minister responded to a question from me. She said, "I will remind you, Ms Higginson, that from July 2023 until January 2025 there have been more than 700 antisemitic events and incidences and arrests in this city." We now know that's not correct.

PETER THURTELL: My understanding is that the information that had been provided was Operation Shelter statistics as a whole.

Ms SUE HIGGINSON: And that's not right. It's clearly 329 incidences from Operation Shelter.

PETER THURTELL: That have been labelled as antisemitic, yes. And, as I said before, whether part of the other 400-odd that we've classified as "other" have an element of antisemitism within them, I can't say without going through each one of the 400-plus. But we haven't categorised them—the New South Wales police—based on the statistics provided by Operation Shelter as purely antisemitic.

Ms SUE HIGGINSON: In terms of the joint committee—and if this needs to be taken in camera, I'm okay about that—were there any discussions within that group about pressures on the AFP from the Prime Minister or anybody from the Executive of the Federal Government or their staff?

DAVID HUDSON: Not at the meetings I was at. I wasn't at all of them, but I'd be surprised.

Ms SUE HIGGINSON: On that, of those of those meetings, how many do you think you were present for?

DAVID HUDSON: Four or five.

Ms SUE HIGGINSON: Out of?

DAVID HUDSON: Probably 10, I'd suggest.

Ms SUE HIGGINSON: In your absence, who was the most senior New South Wales police officer present?

DAVID HUDSON: The member of the committee is Assistant Commissioner Mark Walton. It's an assistant commissioner-level meeting. Deputy commissioners have the prerogative of attending if they wish.

Ms SUE HIGGINSON: At the media conference back in January and the subsequent ones—but particularly that first one with the Premier—was there concern amongst the senior NSW Police Force that the Premier had been so forthright in declaring that this was a terrorism event? Was there concern? Obviously there is a lot of evidence that you had dual concerns that there were terrorism elements involved and the potential for mass casualties et cetera, but clearly there was a clear suspicion early on. Was there a view being formed that there was genuine concern about the approach that the Premier and others had taken with the "terrorism, that's all you can call it" announcements? Was that concerning?

DAVID HUDSON: I wouldn't say "concerning", because that's what we were investigating at that stage. The Premier was aware that we were investigating the matter at its highest. We had briefed him on that. That is what we continued to do until 21 February.

Ms SUE HIGGINSON: On 21 February, in that briefing with the Premier, did you provide the recommendation or advice that the Premier should alert the public that there was a clear view of the police about what the incidents involved, and that it would be important to notify the community, who had been labouring for a long time under the assumption that it was purely a antisemitic terrorist event?

DAVID HUDSON: On 21 February, did you say?

Ms SUE HIGGINSON: Yes, let's say 21 February first.

DAVID HUDSON: Once the AFP discredited their information—

Ms SUE HIGGINSON: I do appreciate that there is the legal advice coming back on 5 March. But at that point was there any conversation with the Premier or the police Minister about having to notify the public that we were not in the territory that we thought we were?

DAVID HUDSON: I didn't speak to either the Premier or the police Minister until 7 March.

Ms SUE HIGGINSON: Was there any contact with anybody from the Premier's or Minister's offices?

DAVID HUDSON: No, I briefed the commissioner.

Ms SUE HIGGINSON: In terms of both of you, Commissioner and Deputy Commissioner, was there any ongoing communication, even at a staff level? I am coming from the notion that when we become aware that

something isn't the elevated or worse concern for the public at large, at what point do we really need to correct the record?

KAREN WEBB: I understand what you're saying. For clarity, the issue around joint management committees is that those meetings and minutes are held in secret. Any communications out of that are also to be held tightly. If there was no public statement after 21 February until we got the legal advice and there was overt activity on 10 March, that was on the basis of the decision out of the joint management committee for whatever investigative purposes and reasons. As has been said before, investigative strategies are developed and agreed to in the JMC environment. We can't act outside of that environment.

Ms SUE HIGGINSON: On that basis—and clearly the Premier's office would be aware that the JMC was having its deliberations—were there any proactive communications with your office seeking to understand where things were going?

KAREN WEBB: Certainly we were keen to resolve some of the issues that we will talk to later. To this day the JMC is still running, so it's still an active investigation. We're still in that environment, so it's difficult because it still exists. It hasn't been folded. Operation Kissinger is still running.

The Hon. JOHN RUDDICK: We've had it confirmed that prior to the caravan incident there were 13 previous incidents which we now accept were part of the manipulation of the criminal justice system. Deputy Commissioner Hudson, you've told us that you had immediate suspicion that the caravan incident was part of this. My hunch is you had that suspicion because you had already had that suspicion for several weeks, if not a couple of months, because it fit in with the pattern that you had been investigating earlier. Does that sound accurate?

DAVID HUDSON: No.

The Hon. JOHN RUDDICK: So you came to the view that it was a manipulation of the justice system based mostly on the evidence you saw at the scene of the caravan, not because—you've told us there were 13 other incidents which are part of this thing, which you would have looked into very carefully. You must have had a suspicion prior to the caravan incident that there was something very fishy going on here.

DAVID HUDSON: In relation to the caravan, my initial suspicions were that it didn't seem right for a terrorist incident, without knowing, because of the circumstances of the discovery of that caravan. Investigations through the other matters being investigated under Pearl were being treated very much as individual incidents until progress down the path of those investigations identified some linkages between jobs.

The Hon. JOHN RUDDICK: But was that linkage made only after the caravan incident or had you been starting to put it together before the caravan incident, before the discovery of it, that something weird is going on here and it may not be what it looks like at face value?

DAVID HUDSON: Strike Force Pearl was escalated, I think, on about 9 or 10 January. We ingested, I think, another 16 detectives from State Crime Command, based on a continuing pattern of incidents occurring. But links had not been established between most of those jobs.

The Hon. JOHN RUDDICK: But you had suspicions.

DAVID HUDSON: I didn't have suspicions about them being a manipulation of the criminal justice system, no.

The Hon. JOHN RUDDICK: So that only fell into place in your mind after you'd worked out that the caravan incident was itself a manipulation of the justice system.

DAVID HUDSON: The initial suspicion around the caravan was it didn't seem right as a terrorist incident.

The Hon. JOHN RUDDICK: Yes, but it seems very unlikely to me, but I'm happy to be proven wrong. We've now established there were 14 incidents masterminded by this criminal figure, and you're saying that, prior to the caravan incident, it hadn't really occurred to you that they might be linked. But then the caravan incident sort of opened your eyes and you put it all together at that point. That doesn't seem right to me.

DAVID HUDSON: I apologise.

The Hon. JOHN RUDDICK: On 11 December *The Sydney Morning Herald* reported that two men were in custody facing charges over an antisemitic attack on a restaurant in Chiswick the month earlier. That's the first time I can find in the paper that people were held in custody over these incidents. I'm guessing that those two people that you held in custody were low-level street criminals who had no ideological motivation.

DAVID HUDSON: What date was that, sir?

The Hon. JOHN RUDDICK: It's on 11 December in *The Sydney Morning Herald*. It says, "Two men are in custody facing charges over that incident", and that incident was an antisemitic attack which had happened at Matt Moran's restaurant in Chiswick the month earlier. It sounds like they had been in custody since at least late November.

DAVID HUDSON: I'd have to check. I'm not sure that's a matter that we are—

The Hon. JOHN RUDDICK: Well, I don't expect you to know the details of this particular case. But I do have a strong suspicion that you were interviewing and holding some people in custody at this point, and it told you, "Gee, these people are not motivated by ideology. They are street criminals who are probably being paid by the people who are running this criminal enterprise."

DAVID HUDSON: I'm not too sure if that's right. I don't think any offence at Chiswick is a matter that Strike Force Pearl is investigating.

The Hon. JOHN RUDDICK: People were held in custody, so we should have had curiosity about what motivated them to do this incident.

DAVID HUDSON: I would suggest they were being arrested by local police. It hasn't been captured by Pearl, and therefore not linked to the matters that we are talking about today.

The Hon. JOHN RUDDICK: Seems odd to me. Commissioner Webb, I have a question. The elephant in the room is that this Parliament has recently passed laws which severely restrict the freedom of the people of New South Wales to speak and think freely. Now, we know that politicians and the press are prone to get whipped up in hysterias, and that's what happened.

The Hon. WES FANG: Speak for yourself.

The Hon. JOHN RUDDICK: Libertarians are exempted. I was in Europe when the caravan incident became public—I think 29 January. It made news in Europe, so there was an enormous amount of interest in it. The politicians and the press were saying, "We've got to do something. We've got to do something." And what could we do? "Let's restrict the people's right to free speech." That is a very grave step to take. The Premier was out there making all these claims. The press was out there making all these claims. I know that police are apolitical and you don't get involved in suggesting laws, but you also have close proximity to the people that do make laws—to the most senior people. Do you think, at any point, you should have said to the Premier, "Hey, look, before you go ahead with these anti free speech laws because of this current hysteria that we're in, it may not be what it appears to be"? Did you have any type of discussion with the Premier about the recent curbs on free speech in this State?

The Hon. GREG DONNELLY: Point of order: It goes to directing a question to the witnesses or witness inviting the witness to express a position about the policy of the Government. In hearings that I've been involved in over the years, of all different sorts, when we have representatives from an agency or a department or a commission, it's been appreciated and understood that questions can be robust and to the point. But it is stepping over the line in seeking them to express a position on policy.

The Hon. JOHN RUDDICK: I'm not asking—

The Hon. GREG DONNELLY: I haven't finished. I think we have got a trespassing of that line, and I think the question should either be reformulated or ruled out of order.

The CHAIR: There are two points. One, my recollection is that the Hon. John Ruddick asked if there had been a conversation, which doesn't impact on policy. Two, to my knowledge, the New South Wales police made a submission to the Attorney General in relation to these laws, and therefore would have formed a policy. Either way, I rule in favour of the question being allowed to continue.

The Hon. JOHN RUDDICK: I would be keen to hear your response, Commissioner Webb.

KAREN WEBB: Certainly, whenever there's a discussion around policy—like I've said previously—if it's legislation, we are invited to comment, like every other agency that is relevant to the policy decision et cetera. We have been unable to find any references to the caravan incident—any briefing materials prepared by our legislation policy branch. And I haven't been asked. I'll leave the politics to the politicians. We provide comment when we're asked to, but we don't provide comment without being asked.

The Hon. JOHN RUDDICK: I would say it was a dereliction of duty. I mean, you were the adult in the room. You're not an island. While you are apolitical in your senior role, you knew what was happening because you obviously read the media. There was a lot of discussion. The Premier was saying almost every second day,

"We need new laws to curb the citizens' right to free speech." By this stage—by the time the Premier was saying that—it sounds like you and your team were very well aware that this was a manipulation of the justice system. What would you say in response to my claim that you were derelict in your duty to tell the Premier, "Hey, look, we should not rush into this because this is a murky situation and it's not what it appears to be"?

KAREN WEBB: I reject that to start with. When we are asked, we will provide comment, as we always do. This is not one that we have led. As has been said throughout this morning's discussion, what we may feel isn't right and we might think is something and being able to disprove it are completely different notions altogether.

The Hon. JOHN RUDDICK: I would like it recorded in *Hansard* that the New South Wales police sat back and did nothing when these bad laws were being passed.

The Hon. GREG DONNELLY: Point of order: I appreciate, John, where you are coming from with this but I just don't understand that last statement. A series of questions have been directly and honestly answered. If you don't mind me saying, I think it is rather gratuitous to say, "I would like *Hansard* to record something." That, I think, is really out of order. You can make a dissenting statement in this report when it comes up and all of that, but to be placing on record, "I want on the record", is out of order, particularly—

The Hon. JOHN RUDDICK: I think free speech is a very important—

The Hon. GREG DONNELLY: The reflections on the witnesses here, the most senior representatives from the NSW Police Force, to say nothing about the people within the NSW Police Force, is a terrible reflection and indictment. I just think that's unfair.

The Hon. JOHN RUDDICK: I had finished my questioning anyway, Mr Chair, so maybe we can move on.

The CHAIR: Let's be honest, it's all recorded in *Hansard* anyway.

The Hon. JOHN RUDDICK: That's right.

The CHAIR: Commissioner Webb, when you brief the Premier or the police Minister, whether it be in relation to this matter or any other matter, do you deliberately withhold from them pertinent or relevant information?

KAREN WEBB: Would you like to give an example?

The CHAIR: No, that's just a question. Do you deliberately withhold from the Premier or the police Minister relevant or pertinent information in relation to the briefing that you are giving?

KAREN WEBB: The briefings that I will give are based on factual information and based on something that wouldn't compromise an investigation. As I said earlier, the matters that we're talking about today are being dealt with in an ANZCTC arrangement, where the meetings are held in secret and the minutes are held in secret. I'm very careful in how I communicate that material to my Minister.

The CHAIR: Mr Hudson, when you brief the Premier or the police Minister in relation to any matter, whether it be this one or any other, do you withhold pertinent and relevant information from the Premier or the police Minister?

DAVID HUDSON: It depends what the purpose of the briefing is for, sir. Briefings to the Premier and the Minister in this particular instance were to give them comfort that we knew what we were doing, that there was no threat to public safety and that the investigation was progressing. There were details of the investigation and how that was progressing which were not passed on, but in relation to giving comfort that there was no threat to public safety, we went through exactly what we were doing in relation to proactive patrolling and investigations. But details of the investigations weren't disclosed. It would not be appropriate.

The CHAIR: How were you able to give comfort? How were you assured that there was not another—I will use the word "cell", for example, in operation?

DAVID HUDSON: Through the investigations, we hadn't identified anything. We put a lot of good detectives on this job—on both jobs, Pearl and Kissinger. You don't know what you don't know. But, from all the investigations we conducted and all the avenues of investigation we were exploring—and that's why, rather than focus on one, it's important to cast your net very wide and narrow down on what is the truth. We weren't seeing anything that would pose significant threat to the community, apart from the reporting that we were receiving through the AFP.

The CHAIR: Continuing on, then, you said that—I tried jotting down notes—when you briefed the Premier, you briefed him on the investigation at its highest.

DAVID HUDSON: Yes.

The CHAIR: Did you also tell him about your suspicions as well, at the same time?

DAVID HUDSON: I think I said in the press conference as well that there are other alternatives, when he was present next to me. But, yes, there were.

The CHAIR: On the 29 press conference that you and the Premier held, not once did you use the word "terrorism" in your responses to media questions. Why didn't you?

DAVID HUDSON: I didn't know that I hadn't, sir.

The CHAIR: Well, you hadn't, at all. I've watched the tape from beginning to end. You never mention the word "terrorism". And there's no reason for that?

DAVID HUDSON: It wasn't a conscious decision to exclude that word.

The CHAIR: Let's go to the next stage, where there was yourself, the commissioner and the Premier. Not once in a 17-minute interview did you use the word "terrorism" at all, as well. Was that a conscious decision as well?

DAVID HUDSON: Neither were conscious decisions. I was responding to questions asked of me, I think. If that didn't come up in the context of those answers, then it didn't come up in the context of those answers, sir.

The CHAIR: The Premier used those words but you didn't. Were you careful with the language you chose to use for a particular reason?

DAVID HUDSON: I think I'm careful during press conferences, but whether I used the word "terrorism" or not was not something that I was conscious of not using.

The CHAIR: Commissioner, in the interview of the 30th as well, you didn't use the word "terrorism" either. Was that a conscious decision of yours or just a fluke again, like Mr Hudson's?

KAREN WEBB: It might be just a fluke. It was certainly, as has been well articulated this morning, we kept our minds very open to what was behind this. Obviously the acts were the acts, but what the motive was was unclear, even at that stage.

The CHAIR: Mr Hudson, you said that you threw a wide net and it was narrowing it down, I think was the terminology used. What other avenues did you investigate? What other lines of inquiries were there other than, "Is this realistic or is this not?" Where did you end up? Well, we know where you ended up. What other avenues did you investigate, though?

DAVID HUDSON: I guess the net being wide or not depends on the circumstances, and how wide you go is based on the facts of what you've got. The incidents of the caravan, a lot of effort was being put into the Pearl investigations and identifying links between those jobs, or attempting to identify the links between those jobs, and subsequently links between the Pearl investigations and the Kissinger investigation. Motivations behind what caused the placement of the caravan were certainly narrowed to a point, I think, where the disclosure by the AFP was made to us on 21 February, but I can certainly talk more about that in camera, sir.

The CHAIR: Let's just touch upon that, bearing in mind that we will be going into camera shortly. Correct me if I'm wrong here, but it's my understanding that on 21 February the AFP tell you everything's one hundred per cent discredited as it being terrorism related as such, and not a manipulation of the justice system. Is that right?

DAVID HUDSON: No, on 21 February they discredited the source of the information.

The CHAIR: And their source of information was saying what, that it was a terrorism-linked attack?

DAVID HUDSON: In hindsight, in answer to your previous question about why I may have avoided the word "terrorism", the only ingestion of that possibility was from the AFP source. Based on the secrecy, as articulated by the commissioner, I was probably avoiding that and raising that threat. But I'll certainly answer that question in camera, sir. I don't think it's useful to—

The CHAIR: While we're on that then, bearing in mind that there are only you three that briefed the Premier, how did the Premier come to the conclusion it was terrorism then? Because that's what he said at the press conference.

DAVID HUDSON: We were treating the investigation at its highest, and he knew that, which was a terrorism incident.

The CHAIR: But you've just said, and I can't remember your exact words, along the lines that you didn't say "terrorism", because of concerns that you had. Yet here's the Premier in front of all the media saying it's a terrorism attack. Where would he have possibly got that information from if he didn't get it from you?

DAVID HUDSON: He got the information from us. The matter was being investigated by a joint management committee controlling the Joint Counter Terrorism Team. We explained that investigative process to him and to the police Minister as to the protocols, then again in relation to the multi-jurisdictional component of that and the leadership or the chair of that committee being the AFP. Based on the multi-jurisdictional nature of that investigation, he was well aware that it was being investigated as a terrorism incident because of the procedures and protocols that were enacted to investigate it.

The CHAIR: But you said—well, you didn't say. At any interviews at all, you didn't use the word "terrorism" at all.

DAVID HUDSON: I have to believe you on that. As I said, it was not a conscious decision of mine, but the links to terrorism were through the AFP reporting, and I was reluctant to disclose that at the time.

The CHAIR: Let's go back to 21 February, which is an important date for us as politicians because we debated into the wee hours this legislation. On 21 February, coincidentally, the AFP discredit their source. It is 100 per cent discredited at that point in time. Then there are ongoing discussions like, "Can we charge them with other things?" and that sort of stuff. The AFP discredit 100 per cent on 21 February. You had your suspicions from 19 January. At what stage did you and the New South Wales police come to a decision, 100 per cent, discrediting it all—because I can guarantee it would have been before 21 February—not as a joint operation but as the New South Wales police and the commissioner's executive team? As the senior members of the New South Wales police—notwithstanding what the AFP are doing, and we'll talk about that later—when did you guys come to the conclusion, bearing in mind that you said from 19 January you had your suspicions? When did you finally come to a conclusion that this wasn't a terrorism-related attack and it was, in fact, furtherance of a criminal enterprise to manipulate the justice system? I know, Mr Hudson, you wouldn't have waited for the AFP to tell you.

DAVID HUDSON: It was progressive assessment, Mr Roberts, based on—

The CHAIR: If it's going to progress, let's go backwards. There was 21 February. What about 14 February, a week before that? If we're in increments, where were we at then?

DAVID HUDSON: That is information best disclosed in camera, I think, but other jurisdictions are also conducting operational activity.

The CHAIR: I'm not asking about other jurisdictions.

DAVID HUDSON: It was all part of the one joint management—

The CHAIR: I'm asking about the New South Wales police commissioner's executive team. What was your opinion in relation to the legitimacy of this on 14 February, for example, just seven days before the AFP did their 100 per cent discrediting of their source? You guys would have discredited it long before that. In fact, you started on 19 January.

DAVID HUDSON: With other operational activity taking place in other jurisdictions, if that had come to positive outcomes based on the information, which was from the same source, that may have renewed our interest in whether this was terrorism or not.

The CHAIR: But it didn't, though, did it?

DAVID HUDSON: No, it didn't. But around that time there was other activity taking place, apart from what we were doing, based on the information ingested by the AFP.

The CHAIR: I'll pose one more question to you. You're telling me that the upper echelon of the NSW Police Force can't come to a decision on something unless the AFP tells them something or not? Surely there would have been a genuine, valid, forensic opinion achieved by you and the rest of the commissioner's executive team and Assistant Commissioner Walton before 21 February.

DAVID HUDSON: Sir, I had numerous discussions with the AFP based on the source of the information that they were ingesting into the investigation and also the motivation behind the individual or individuals who may be providing that. We were precluded from knowing that, based on internal Australian Federal Police

protocols and procedures, until our SIO was, as I said earlier, provided a name and then requested to sign a non-disclosure agreement in relation to it. We went through a process in the absence of that information and confirmation as to the motivation. To be perfectly honest, the identity of the source wasn't that important to me. The motivation behind it was. As we progressed through the Pearl investigations and evidence was gleaned through that process, as we further investigated those matters, it became more apparent to us that there was potentially a common source between all jobs. Still, the motivation behind that common source was not known, because we didn't know what the motivation of the information being provided to the AFP was, but all our investigations tended to point in one direction.

The CHAIR: What was that direction?

DAVID HUDSON: Towards the source of their information. But that was progressive in nature. It was incremental, as different individuals were charged, progressively, with different investigations under Pearl. We'd charged 15 individuals prior to 10 March, when we went to resolution, and we charged a further 14 individuals that day. Through the progression of charging those individuals, up to that point we were getting a better picture of what was happening in the environment and the links to those jobs. At what point did I personally become aware? I don't know. It was progressive as things were firming up, as every investigative process we went through tended to come up with the same answer.

The Hon. SUSAN CARTER: I have a couple of questions, Mr Hudson. You indicated that you had calls from ABC Victoria in relation to the caravan incident. Do you have any understanding or idea of where ABC in Victoria would have received information about the caravan at Dural?

DAVID HUDSON: No, I don't.

The Hon. SUSAN CARTER: It didn't come from ABC New South Wales; it was ABC Victoria?

DAVID HUDSON: It was definitely ABC Victoria. I received an email from the media unit, or my staff officer did, who forwarded it on to me that afternoon.

The Hon. SUSAN CARTER: Would it be normal that emails come to you or would they normally go to the police media unit?

DAVID HUDSON: It went to the media unit. It was forwarded on from them.

The Hon. SUSAN CARTER: This is perhaps to all of you. I understand that briefings were given to the police Minister and to the Premier. Did any other Ministers, or their senior staff, ask for briefings about the caravan incident, the presumed terror plot or any other matters relating to this?

DAVID HUDSON: Not from me, no.

KAREN WEBB: No.

The Hon. SUSAN CARTER: Did the Attorney General ever ask for a briefing about these things?

DAVID HUDSON: No.

The Hon. SUSAN CARTER: Did the Attorney General ever ask for specific briefing or information about enforcement issues relating to existing laws?

DAVID HUDSON: No.

The Hon. SUSAN CARTER: Any requests for briefings in relation to enforcement difficulties with, for example, section 93Z of the Crimes Act?

DAVID HUDSON: No. I think those difficulties are well documented.

The Hon. SUSAN CARTER: In terms of developing legislative solutions, there was no request for a particular briefing about your experience and what your advice might be, in a way to structure laws to deal with those issues?

DAVID HUDSON: No.

Ms SUE HIGGINSON: Is it fair to say that, regardless of what the AFP were doing, if you had thought that these were serious terrorism offences, you would have been acting differently in the lead-up to the public announcement that these were not terrorist offences?

DAVID HUDSON: On 10 March?

Ms SUE HIGGINSON: Yes.

DAVID HUDSON: We can't act independently of the joint management committee, otherwise it's pointless having a joint management committee. Media decisions are made through that committee, allegedly. I will say this, because I don't think this should be taken in camera, that the AFP did want to come out prior to 10 March and call this investigation a criminal con job or whatever they refer to it as. But the joint management committee's and my personal opinion, which agrees with it, was that until the source of their information and the motivation of the people or persons behind it who were providing that information—then no public announcement could be made because we were still being fed information to say this is a terrorist plot. That was being fed by them. That was being treated at their security level at the highest, and their authenticity at the highest level. However, they wanted to discredit it by saying that they wanted to do media to discredit it. And I said, "Well, until the source of the information is discredited, we can't do that."

Ms SUE HIGGINSON: Just to clarify—and again, only if you're comfortable here now—in terms of the JMC, how does it actually make decisions? What is the final arbiter of what—you've got a bunch of different opinions, possibly, or slightly varied views on what steps come next. How does a decision actually get made on that committee?

DAVID HUDSON: The purpose of the JMC is to make strategic decisions in relation to the investigations. The SIO—ours was a New South Wales officer, and I believe Queensland and Victoria were both AFP officers—needs to make their own decisions for their own investigations but, for the purposes of the joint management committee, a coordinating senior investigating officer needs to be appointed. That wasn't done initially until I raised it, but that needs to coordinate the operational activity between those jurisdictions. But there is autonomy within the jurisdictions to make investigative decisions.

Ms SUE HIGGINSON: So if conflict arises—and differing views—about what the best next step is within the strategic framework, you can still go alone, so to speak, as a jurisdiction.

DAVID HUDSON: It would be unwise but, yes, you could.

Ms SUE HIGGINSON: And on this occasion it was the decision of the New South Wales participants in the JMC that no public decision would be made until the source had been completely discredited.

DAVID HUDSON: And the motivation known for—

Ms SUE HIGGINSON: And the motive, yes.

DAVID HUDSON: Yes.

Ms SUE HIGGINSON: And it was discredited on the 21st but it wasn't until the 5th that you felt in the position where you knew.

DAVID HUDSON: On the 5th—

Ms SUE HIGGINSON: Sorry, and you'd received the legal advice on the 5th.

DAVID HUDSON: That terrorism charges were not possible, yes.

Ms SUE HIGGINSON: Thank you. I know we've got to the time.

The CHAIR: I pose this to all three of you; one can answer. Do you think that the interaction and information sharing between the Australian Federal Police and the New South Wales police, and the operation of the joint counterterrorism team, should be reviewed and, in fact, can be improved?

KAREN WEBB: Yes and yes, from my point of view.

The CHAIR: Sorry, I couldn't hear.

KAREN WEBB: Yes and yes to those two propositions.

The CHAIR: That will do us. We only need the answer from one. There being no further questions, we thank you for your attendance. If you have taken any questions on notice—and I think there were some—the secretariat will be in contact. Thank you very much for your time and for the good job that you did in relation to that particular investigation.

(The witnesses withdrew.)

The Committee adjourned at 14:05.