

# **GENERAL PURPOSE STANDING COMMITTEE NO. 4**

**Thursday, 1 September 2016**

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

## **JUSTICE AND POLICE, ARTS, RACING**

**CORRECTED PROOF**

**The Committee met at 09:00**

### **MEMBERS**

The Hon. R. Borsak (Chair)

Mr D. Clarke

Mr J. Field

The Hon. T. Khan

The Hon. S. Mallard

The Hon. S. Moselmane

The Hon. W. Secord

Mr D. Shoebridge

The Hon. L. Voltz

### **PRESENT**

**The Hon. Troy Grant**, *Deputy Premier, Minister for Justice and Police, Minister for the Arts, and Minister for Racing*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

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

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

**The CHAIR:** Welcome to the public hearing for the inquiry into budget estimates 2016-17. Before I commence I would like to acknowledge the Gadigal people who are the traditional custodians of this land. I would also like to pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals present.

I welcome the Deputy Premier and accompanying officials to this hearing today. The Committee will examine proposed expenditure for the portfolios of Justice, Police, Arts, and Racing. Today's hearing is open to the public and is being broadcast live by the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

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

There may be some questions that witnesses could only answer if they had more time or certain documents to hand. In these circumstances, witnesses are advised that they can take questions on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Deputy Premier, I remind you and the officers accompanying you that you are free to pass notes and to refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning. Could everyone please turn off their mobile phones for the duration of the hearing.

**WAYNE EVANS**, Chief Financial Officer, Department of Justice, sworn and examined

**BRENDAN THOMAS**, Deputy Secretary, Justice Strategy and Policy, Department of Justice, sworn and examined

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice, sworn and examined

**ANDREW SCIPIONE**, Commissioner, NSW Police Force, sworn and examined

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

**ADRIAN MCKENNA**, Director, Office for the Police, Department of Justice, sworn and examined

**DAVID HUDSON**, Deputy Commissioner, Corporate Services, NSW Police Force, sworn and examined

**CARLENE YORK**, Acting Deputy Commissioner, Field Operations, NSW Police Force, sworn and examined

**The CHAIR:** I declare the hearing for the proposed expenditure for the portfolios of Justice and Police, Arts, and Racing open for examination. The questioning of the portfolio of Justice and Police will run from 9.00 a.m. to 10.30 a.m. Questions on the portfolio of Racing, including hospitality and gaming, will run from 10.45 a.m. to 11.25 a.m. The questioning on the portfolio of Arts will run from 11.25 a.m. to 11.55 a.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. LYNDIA VOLTZ:** The original police negotiation truck entered into service in 1994 and was purchased through the national counterterrorism funding. Is that correct?

**Mr TROY GRANT:** That is my understanding.

**The Hon. LYNDIA VOLTZ:** This is the van also known as the police tactical van, negotiators' truck, communications van or siege truck. Is that correct?

**Mr TROY GRANT:** That is my understanding.

**The Hon. LYNDIA VOLTZ:** Does it have any other names that are used to describe it?

**Mr TROY GRANT:** It may be referred to by names within the NSW Police Force that I am not aware of—acronyms or other nicknames.

**The Hon. LYNDIA VOLTZ:** Which name would you prefer to use?

**Mr TROY GRANT:** Police negotiators' truck.

**The Hon. LYNDIA VOLTZ:** What was its cost at the time of acquisition?

**Mr TROY GRANT:** I was not the Minister at the time of the acquisition of the truck so I seek the assistance of the Commissioner.

**Mr SCIPIONE:** The history of this vehicle goes back a long way. Prior to the national counterterrorism arrangements, we had the national anti-terrorism arrangements. The National Counter Terrorism Committee as formed today did not exist. We had SACPAV, the Standing Advisory Committee on the Prevention Against Violence. It was Commonwealth led. It provided, as part of its charter, equipment to States and Territories. That truck was one of a number of trucks that was purpose built for the NSW Police Force in 1994. I am not sure what the cost was because it was Commonwealth funded.

**The Hon. LYNDIA VOLTZ:** That is okay.

**Mr SCIPIONE:** The other thing that I might do, to assist the proceedings this morning, is to say that the truck is exclusively a negotiators' truck. It was not a tactical truck. It was not a communications vehicle. It was exclusively a negotiation truck.

**The Hon. LYNDIA VOLTZ:** Minister, what are the benefits of having such a vehicle in the fleet?

**Mr TROY GRANT:** As I understand it, it gives a specific, dedicated workspace for the carrying out of negotiations during hostage situations and/or life-threatening situations. The vehicle is fitted with specialist equipment and that is specifically made available to the negotiators if and when they deem that its use assists them in carrying out their duties.

**The Hon. LYNDIA VOLTZ:** Is the Police Negotiations Unit the unit responsible for the operation, maintenance and upkeep of that negotiation truck?

**Mr TROY GRANT:** The ultimate responsibility lies with the commander who has the overarching governance of the negotiators' unit. There would be different levels of responsibility with regard to the procurement, maintenance, supervision and deployment of that vehicle.

**The Hon. LYNDIA VOLTZ:** When you say "commander", you mean the negotiations unit commander, yes?

**Mr TROY GRANT:** Would have a role and there would be others above him in the chain of command—him or her—in the chain of command that would have various roles.

**The Hon. LYNDIA VOLTZ:** But at the first point, he would be the person responsible—he or she, I am sorry.

**Mr TROY GRANT:** He or she, yes.

**The Hon. LYNDIA VOLTZ:** That same unit makes a decision as to where the negotiating van will be used?

**Mr TROY GRANT:** The supervisor at an incident would be the one that would determine the appropriate use or not of that vehicle. There are many negotiations that occur on the top of cliff faces or on the Sydney Harbour Bridge or at many other locations where the negotiators truck would not be appropriate or would not be of assistance to that unit in carrying out their duties. It is a case-by-case assessment that would be carried out by the negotiator on scene and/or the supervisor as to whether the vehicle is appropriate or if there is access to other resources within the NSW Police Force. They have a range of other command and communication vehicles. They often have access to other buildings, rooms, and other places that may be more suitable or more beneficial when carrying out their duties during any negotiation.

**The Hon. LYNDIA VOLTZ:** Was a request for a new police negotiating truck received from the police negotiations unit?

**Mr TROY GRANT:** By me?

**The Hon. LYNDIA VOLTZ:** Or by the commissioner?

**Mr TROY GRANT:** No. If I could—

**The Hon. LYNDIA VOLTZ:** Commissioner, did you receive a request for a new police negotiating truck?

**Mr TROY GRANT:** I can help, by way of background, to answer your inquiry.

**The Hon. LYNDIA VOLTZ:** I am just interested whether the commissioner received a request for a new police negotiating truck.

**Mr TROY GRANT:** Yes, so by way of background, I am happy to answer that for you. The New South Wales Government has funded the purchase of a built negotiators vehicle. The funding allocation provides the officers with what has been in the public domain as a state-of-the-art workplace equipped with the technology that is required. In keeping with normal department purchasing procedures, acquisition of the vehicle was considered against other police priorities. The commissioner has advised me they expect construction of the pod—the negotiators truck is in two parts. There is a truck chassis part that is a Mercedes-Benz vehicle, and then to complete the negotiators truck there is a piece of infrastructure that is called a pod, which is placed on top of the truck.

The pod components, which will house the equipment and the negotiators themselves, will be completed by the end of October 2016 with a specialised internal fit-out to follow. The commissioner confirmed with the business manager that the van should be operational this year, and this was confirmed again in mid-August. The original negotiators truck that you referred to beforehand, and as I referred to in my answer and as the commissioner has alluded to, was originally purchased through the national counterterrorism funding in service between 1994 and 2011. A four-wheel drive vehicle, which had been used instead or in tandem with the negotiators truck until 2011, has been continued to be provided to negotiators, once the negotiators truck was rendered unserviceable.

The truck that is now on order is being fitted out and as a replacement will be lighter, safer and more user-friendly than the original vehicle, which has been considered cumbersome and outdated. In conversations with a negotiator only last week, I asked him the question: In his experience, given the commentary around

recent incidents, would he have been able to perform his duties better in the truck or in a different place? He said that the truck has its purposes and its value but he would, under a lot more circumstances, have used broader office space and other arrangements.

**The Hon. LYNDIA VOLTZ:** Commissioner, was a request for a new police negotiating truck received from the police negotiating unit, and when?

**Mr SCIPIONE:** In terms of the negotiator vehicle, it became unserviceable in 2011, as has been widely reported. It was considered and included in a list of potential spends as we went through the financial years from 2011 through until 2014. The decision in terms of where it sat in priority order was one for those who have responsibility for the budget in that area—so those who prepped up the bid that would go forward to Finance for funding. The commander of the negotiations unit, working with, ultimately, the commander of counterterrorism, considered it. They looked at it in terms of replacement. It was prioritised. It was not as high in its priority as some other items, and those items were things like safety equipment that we use, should we be drawn into a chemical, nuclear, biological or radiological type of event, bomb containment vessels, and software upgrades to some very, very specialised technology.

It did not reach the priority in the first year. Subsequent to that, there was an approach made to the Commonwealth for the vehicle to be replaced because it was a Commonwealth provision. That was unsuccessful. It then went back onto the list in terms of priority and, again, it did not get to the point where we were in a position to replace it. Subsequent to that, those decisions that were made led us into the financial year 2014-15. I became aware of this and the fact that there was a replacement vehicle that was to be considered in 2014—in fact, a couple of days towards the end of December. At that time funding was then determined as a priority by me that it would be made available.

**The Hon. LYNDIA VOLTZ:** The request that went in for funding was 2011 and it was prioritised in 2014. Is that correct?

**Mr SCIPIONE:** No. It was prioritised in 2011 but did not reach the cut-off, though, in terms of where funding went to.

**The Hon. LYNDIA VOLTZ:** So it was prioritised, but it was just not at the top of the list.

**Mr SCIPIONE:** Correct.

**The Hon. LYNDIA VOLTZ:** Because you prioritised things such as biological needs.

**Mr SCIPIONE:** Well, there was a range of things. You know, there was other equipment for technical operations. There was a whole range of items. I have not got those items with me but, certainly, there were a number of other very important items that needed to be funded.

**The Hon. LYNDIA VOLTZ:** So in 2013-14 it did reach the top of the priority list.

**Mr SCIPIONE:** No. Let me assure you that it was still in the process. I became aware in 2014 in December that there was a significant need and that it was a priority. I then ensured that there was funding made available.

**The Hon. LYNDIA VOLTZ:** In December 2014 you made sure that funding was available. Minister or Commissioner, when was the van actually ordered?

**Mr SCIPIONE:** If you want some of that specific detail, the Deputy Commissioner, Specialist Operations has responsibility for that one. I am happy to take you through that, but it probably would be better—bearing in mind that it was not the only vehicle that was fulfilling this role.

**The Hon. LYNDIA VOLTZ:** No, I understand that.

**Mr SCIPIONE:** We had a number of vehicles that were there. We have got 60-odd command vehicles across the States—probably half of them in the city—that are available.

**The Hon. LYNDIA VOLTZ:** I am just trying to find the time line—

**Mr SCIPIONE:** The chronology—so perhaps I might—

**The Hon. LYNDIA VOLTZ:** —from December 2014 to when it was actually ordered.

**Mr SCIPIONE:** If I can refer you to the Deputy Commissioner, Specialist Operations, thanks.

**Ms BURN:** In addition to the time line that the commissioner has gone through, in 2015 the prioritisation and the procurement of the vehicle was a matter for our fleet services to work with our counterterrorism command. My understanding is that the negotiators then embarked on some research across

our jurisdictions and internationally about what was the best alternative and tried to work out specifications, et cetera. I do not know the exact date that a final product was determined to be the one that was going to be the most suitable and the date it was ordered. I do know it was ordered either earlier this year or late last year and there was a delay overseas in that ordering process and in the procuring of it overseas, and that it arrived in Australia some months ago. That is really the chassis—the base—that we are talking about. It has since undergone a process of pod construction and further specification design over the type of equipment to go into the vehicle. That has been a process really since 2015 that the negotiation unit has been working on with our strategic procurement people.

**The Hon. LYNDIA VOLTZ:** You may not know this, but do you have an actual estimate of when it will be roadworthy and ready to go?

**Ms BURN:** They are constructing the pod now and designing the equipment to fit out. The estimate we have now is the end of October this year.

**The Hon. LYNDIA VOLTZ:** With the original police negotiating truck, which I understand was struck by lightning—

**Mr TROY GRANT:** That is correct.

**The Hon. LYNDIA VOLTZ:** Were repairs undertaken on that truck or was it unable to be repaired?

**Mr TROY GRANT:** That was prior to my tenure. I need to seek advice on that. I am happy to take that on notice, because it was pre my tenure.

**The Hon. LYNDIA VOLTZ:** Sure, and you might need to take this question on notice: Was the van sold? If so, what was the sale price of the van?

**Mr TROY GRANT:** Again, it was before my tenure and I will have to take that on notice.

**The Hon. TREVOR KHAN:** How much do you get for an old truck?

**The Hon. LYNDIA VOLTZ:** I know how much you get for an old truck.

**The Hon. SHAOQUETT MOSELMANE:** Minister, I want to address the issues of Rebecca Maher's death while in custody. You are aware of her death, Minister?

**Mr TROY GRANT:** Yes, I am aware of her tragic death.

**The Hon. SHAOQUETT MOSELMANE:** When did you become aware of her death?

**Mr TROY GRANT:** I do not have the exact date for you; I will have to check.

**The Hon. SHAOQUETT MOSELMANE:** She died—

**Mr TROY GRANT:** She passed away on 19 July at the Maitland police station. I recognise and want to put on the record that this was and is a tragedy. The New South Wales Government remains strongly committed to fully examining the circumstances of her death through appropriate—

**The Hon. SHAOQUETT MOSELMANE:** When did you become aware of it, Minister?

**Mr TROY GRANT:** I have answered that in that I do not have a specific date; I will have to check my diaries and correspondence to answer that for you. I am happy to provide that answer to the Committee.

**The Hon. SHAOQUETT MOSELMANE:** That is a significant death—the first Indigenous death in custody for 16 years—and you are the Police Minister. That is a very important event that would have been communicated to you immediately after her death, would it not?

**Mr TROY GRANT:** I will have to check, as I said. I want to give the Committee an absolutely accurate answer as to when I was notified, and I will need to check my diaries and office records to be able to confirm when that occurred.

**The Hon. SHAOQUETT MOSELMANE:** Do you know the cause of death?

**Mr TROY GRANT:** It is currently subject to a coronial investigation, which is the appropriate place for that to occur. It is also subject to a critical incident investigation within the NSW Police Force. I am limited in what I can say and comment on, because of those two proceedings that are underway. But I wish to acknowledge that the NSW Police Force have a duty of care to ensure the safety of all people held in their custody. Depending on what custody type they are there for, there are a variety of safeguards and processes they must comply with, and that is absolutely acknowledged. The investigation into Mrs Maher's death will examine a whole range of factors as to why this occurred, and this will include whether there was a failure to comply

with any of the regulatory or other requirements, and whether Mrs Maher was appropriately identified as an Aboriginal person prior to being detained.

**The Hon. SHAOQUETT MOSELMANE:** Minister, what action did you take when you became aware of her death?

**Mr TROY GRANT:** I asked the questions to ensure that the appropriate processes were in place regarding critical investigations, which I was assured were, and that the matter was appropriately being referred to the Coroner, as is appropriate in this circumstance.

**The Hon. SHAOQUETT MOSELMANE:** Did the police follow legal protocols that require them to notify the Aboriginal Legal Service?

**Mr TROY GRANT:** Because the matter is before the Coroner, I am limited in what—

**The Hon. SHAOQUETT MOSELMANE:** This is not in relation to the Coroner, we are just—

**Mr TROY GRANT:** Yes, it is.

**Mr DAVID SHOEBRIDGE:** Point of order: There have been repeated rulings of this Committee and advice that we have been given that simply because the matter is before a court, or because it is the subject of an internal police investigation, is not a basis for any witness or Minister to refuse to answer questions.

**The Hon. TREVOR KHAN:** I do not actually think that point of order is at all correct.

**The Hon. SHAOQUETT MOSELMANE:** You can have the debate—

**Mr DAVID SHOEBRIDGE:** No, you can make the request, but that cannot prevent giving of evidence.

**The Hon. TREVOR KHAN:** He can make the request.

**Mr DAVID SHOEBRIDGE:** I accept that.

**The Hon. TREVOR KHAN:** It is a matter for consideration. There are clearly extensive rulings on the matter. It is not simply as you describe it.

**The CHAIR:** It is not black and white.

**Mr TROY GRANT:** Could I take some advice? I am not unwilling to answer the question; I just do not want to jeopardise any procedures in relation to this matter. Respecting and honouring the coronial investigation, which is properly and as I would expect investigating all of the safeguards and processes around the strategy, it is my understanding from what I have been advised that we are investigating whether Mrs Maher identified whether she was Aboriginal or not. The nature of her detention was that she was not detained as a person under arrest, for which there are requirements for the police to comply with under the Law Enforcement (Powers and Responsibilities) Act [LEPRA]. She was detained as an intoxicated person under the safe custody provisions and protocols of the NSW Police Force.

**The Hon. SHAOQUETT MOSELMANE:** Are you satisfied that the proper protocols were followed?

**Mr TROY GRANT:** Given the information that I am aware of, which is under examination and which may prove to be correct or incorrect and on which I cannot pass judgement, the first question is whether or not Mrs Maher identified as a Aboriginal person, which would have triggered the various notifications. If she did not identify, that may not have been a requirement. That needs to be determined by the Coroner and the critical investigation. That is why I am limited and unsure on how to answer that question. Given until those processes are completed, those are very valid questions and they are questions that I expect both the investigation and the Coroner's inquiry to answer for Mrs Maher's family and for the community at large.

**Mr DAVID SHOEBRIDGE:** Minister, we will stay on Rebecca Maher and the problems that that case has identified in the legal framework for dealing with arrested Aboriginal people in our jails and in our police cells. Minister, do you support the recommendation of the Royal Commission into Aboriginal Deaths in Custody that said when an Aboriginal person has been arrested and is detained, they should be given immediate and prompt access to legal services designed for them?

**Mr TROY GRANT:** I do.

**Mr DAVID SHOEBRIDGE:** Minister, just today a new set of regulations come in place under the Law Enforcement (Powers and Responsibilities) Act, or LEPRA. That is correct, is it not? You made them.



**Mr TROY GRANT:** Yes, I was just confirming the date.

**Mr DAVID SHOEBRIDGE:** They effectively, for the purposes of the custody notification provisions, repeat the existing regulations, do they not?

**Mr TROY GRANT:** Yes.

**Mr DAVID SHOEBRIDGE:** Minister, there is a gap in the existing regulations, which have been repeated in the fresh regulations today, because, as you point out, if an Aboriginal person is arrested and detained in a police station but they are not charged, it does not matter how long they are detained for but the regulation does not require the notification of the Aboriginal Legal Service. That is the state of law as is in place at the moment, is it not?

**Mr TROY GRANT:** Yes, but not all people that are detained by the NSW Police Force are arrested and then are required to comply with provisions of LEPR.

**Mr DAVID SHOEBRIDGE:** I think the issue is whether or not the person who has been arrested and detained is the detained person for the purposes of part 9 of the LEPR. Is that correct?

**Mr TROY GRANT:** That is correct, yes.

**Mr DAVID SHOEBRIDGE:** The difficulty with the law as it currently stands is an Aboriginal person who may be intoxicated or who may be detained by the police for another reason may be very distressed and may be held in detention for hours and hours and hours, but if they are not charged the law, as it currently stands, says that the Aboriginal Legal Service does not have to be notified. That is the state of play.

**Mr TROY GRANT:** That is correct.

**Mr DAVID SHOEBRIDGE:** That is a hole, is it not? That is a big, gaping hole, which is having Aboriginal people in this State potentially held for hours in police detention and not getting the assistance that the black deaths in custody royal commission says, and you agree, they should have.

**Mr TROY GRANT:** Given the circumstances of Ms Maher's death, I hope the Coroner will be able to assist Government with his examination of that issue that you raise. Mr Shoebridge, I have spent 14 years in total, I think, working in predominantly Aboriginal communities as a police officer. The acute issues in relation to the detention of Aboriginal people in police cells and/or throughout the justice system is a matter that I personally have a great focus on and it is my high priority to make sure that the very best care is undertaken. I have seen a transition from my time in the organisation to the current day of significant improvements in relation to the treatment, the care and the support of Aboriginal people in detention. However, that does not mean the system, processes or protocols are perfect, and if there is room for improvement, I am more than happy to advocate.

I think it is one of the great shames of this State and this country regarding the number of Aboriginal people who are in custody. I think it is a shared shame across this country. As the Minister for Justice and Police, I am very keen to reduce the overrepresentation of Aboriginal people in custody and am working very closely with my secretary in the department to do so. That will require, as has been supported by this budget, significant investment by this Government to reduce reoffending. We need to look at all measures to reduce the incidence of that overrepresentation while also looking at every opportunity to ensure their safe custody and include any additional protocols or safeguards wherever possible and necessary.

**Mr DAVID SHOEBRIDGE:** For the last five or six years your Government has passed law after law to give discretionary powers to police—things like the consorting laws and the move-on powers that are being used to arrest Aboriginal people—and your Government's work is directly contrary to your stated intent of reducing the number of Aboriginal people in jail.

**Mr TROY GRANT:** I think this Government has made more investment into—

**Mr DAVID SHOEBRIDGE:** Jailing Aboriginal people than any other government in the previous history of this State.

**Mr TROY GRANT:** I would love to answer your question if you would give me the courtesy of allowing me to do so.

**The Hon. TREVOR KHAN:** Point of order: Mr Shoebridge is again showing his predilection to jump on witnesses before they have had an opportunity to answer. I ask that you encourage him, when he asks a proper question, to give the Minister and other witnesses the opportunity of answering it without heckling.

**The CHAIR:** I would echo that, Mr Shoebridge. Proceed.

**Mr TROY GRANT:** I am very happy to answer your question, Mr Shoebridge. I respect your right to have an opinion; I hope you respect my right to disagree with your opinion. This Government has made significant investments into Aboriginal justice initiatives since 2011. It is my intention as the Minister for Justice and Police to continue that trend and make even more significant investments and introduce initiatives wherever I can to achieve the outcomes I explained. The department has a range of initiatives to address Aboriginal overrepresentation in our criminal justice system, which have multiple aims: to reduce crime rates and reoffending, strengthen and improve outcomes for Aboriginal communities and people, embed prevention and early intervention in the government services, increase access to offender programs and support victims of crime, and provide a vital link between the courts and the Aboriginal community. Some of these issues include and are not limited to: Safe Aboriginal Youth Program, Circle Sentencing Program, driving and licensing offences program, care cycle program and family video contact.

This Government has been recognised for its work in relation to the OCHRE reforms since 2011, which are having significant positive impacts in communities with large Aboriginal populations. We are investing \$237 million in reducing the reoffending component that I referred to in my previous answer. Is there more that we can do? Is there more that we should do? Absolutely, and we are endeavouring to do that within our capacity.

**Mr DAVID SHOEBRIDGE:** Minister, here is a question that will test your rhetoric: How many Aboriginal people were in jail when your Government came to office, and how many Aboriginal people are in jail today?

**Mr TROY GRANT:** I will take the question on notice.

**Mr DAVID SHOEBRIDGE:** Minister, on the Rebecca Maher matter—or, more importantly, the gap in the law that it has identified—when do you expect to be given the findings of any coronial inquiry? What is your estimated time frame?

**Mr TROY GRANT:** I do not set the time frames for the Coroner. That is a matter for the Coroner.

**Mr DAVID SHOEBRIDGE:** No, but have you sought advice on it? You say you are waiting for the outcome of the Coroner before you take any action. How long will you wait: 12 months, two years? Some coronial investigations can be three years. How long?

**Mr TROY GRANT:** Mr Shoebridge, as a lawyer, you would understand better than most that governments, and Ministers in particular, do not dictate the timings and outcomes of court proceedings.

**Mr DAVID SHOEBRIDGE:** I am not asking you to dictate; I am asking whether you have sought advice from your own lawyers, from anyone sitting around the table, about how long you expect the coronial investigation to take.

**Mr TROY GRANT:** The only person who can answer that question is the Coroner themselves, and it is inappropriate for government to be ringing up the Coroner to try to dictate a timing for an outcome—

**Mr DAVID SHOEBRIDGE:** Again, I am not saying "dictate"; I am saying "ask".

**The Hon. TREVOR KHAN:** Point of order: Mr Shoebridge is interrupting the Minister as he is answering the question.

**Mr DAVID SHOEBRIDGE:** He is misrepresenting the questions repeatedly.

**The Hon. TREVOR KHAN:** No, Mr Shoebridge, just remain calm: Allow the Minister to answer the question before you jump down his throat.

**Mr TROY GRANT:** Mr Shoebridge, I expect the Coroner to take all the time that is necessary to give the answers that the Maher family deserves to have. It is a matter for the Coroner as to how much evidence and time it will take to receive all the information required. This is a tragedy, as I have said, that deserves to be answered in full, and every aspect of it needs to be explored. For me to ask for time frames would be a perverse way of not achieving that outcome.

**Mr DAVID SHOEBRIDGE:** In the meantime, your Government is doing nothing to fix a very readily identifiable hole in the essential protective measures for Aboriginal people. You have accepted there is a gap in the regulations. Why do you not move to fix it in the interim?

**Mr TROY GRANT:** The way to address this issue is, firstly, to refer to what I said earlier: The NSW Police Force takes the issues of the safe detention and custody of Aboriginal people and all people in its custody very, very seriously. It has significant protocols and safeguards in place now which are already vastly improved and which continue to improve, and it remains vigilant and committed to making sure that it is doing everything

possible to ensure that safe custody. The Coroner is now best placed with this tragic circumstance to help inform us and to make any appropriate changes that are required. I believe that is the best way that we can be informed as to the best outcomes to ensure safe protection and custody of Aboriginal people into the future.

**Mr DAVID SHOEBRIDGE:** What is the status of the report from the Ombudsman on Operation Prospect? It will be four years next month since it went off to that dark hole. What is the current status?

**Mr TROY GRANT:** The Ombudsman is not within my responsibilities; the Ombudsman comes under the responsibilities of the Premier of New South Wales. However, I have been informed that the Government remains of the view that Operation Prospect is the best process to deliver a comprehensive and credible review of all the complaints associated with Strike Force Emblems. The Government's response to the reports of the select committee inquiry and the General Purpose Standing Committee No. 4 inquiry on Operation Prospect is on the New South Wales Parliament website. We welcome the Acting New South Wales Ombudsman, Professor McMillan, AO, who took over responsibility for Operation Prospect from 1 August 2015. We look forward to receiving the Acting Ombudsman's report before the end of 2016—the sooner the better for everyone involved, in my view.

**Mr DAVID SHOEBRIDGE:** You say you look forward to receiving it before the end of 2016. In previous budget estimates hearings the Government was looking forward to receiving it in June 2013, in January 2014, in July 2015, and in March 2016. You now say you are looking forward to receiving it before the end of 2016. Do you have any basis on which to justify that optimism?

**The Hon. TREVOR KHAN:** His letter.

**The Hon. TROY GRANT:** As I said, the Ombudsman does not come within the jurisdiction of the portfolios for which I am responsible. The advice I have received is that it will be before the end of 2016. I wish it had been earlier, and every date you mentioned would have been far more welcomed than the end of 2016. That would have been in everyone's interests. This is not something that the Government or I think is in the interests of anyone; it should not continue any longer than it needs to. Again, the Ombudsman's office is an independent oversight body of this State, and it cannot be judged on how long it takes to determine matters. It would be a perverse outcome if the Government tried to interfere in that way. I am sure that you would have some critical questions of me if I did anything like that.

**Mr DAVID SHOEBRIDGE:** You say that Operation Prospect and the Ombudsman's investigation are the best way of dealing with all of the complaints associated with Operation Emblems. Is it true that the Office of the Ombudsman has sent back to the NSW Police Force all or a significant part of the matters being investigated by Operation Prospect to be investigated by the police?

**The Hon. TROY GRANT:** I am not aware of that.

**Mr DAVID SHOEBRIDGE:** Commissioner, are you aware whether or not the NSW Police Force has accepted referral back of some or all of Operation Prospect?

**Mr SCIPIONE:** Not to my knowledge, no.

**Mr DAVID SHOEBRIDGE:** Do you accept that that would be a totally inappropriate outcome?

**Mr SCIPIONE:** I have no knowledge of that even being suggested.

**Mr DAVID SHOEBRIDGE:** Has there been any communication between the Office of the Ombudsman and your office about matters that have been the subject of the Operation Prospect investigation in the past 12 months?

**Mr SCIPIONE:** I have had one conversation with the Acting Ombudsman. It was very short and to the point, simply saying, "I would like to see this finished as soon as possible." I have had no other contact with him. You can be assured that the office would have received correspondence along the lines of, "There is an interim report that will be released soon. It will be available through parliamentary records in the coming days." Outside that, I have had no contact with the Ombudsman.

**Mr DAVID SHOEBRIDGE:** So you can say with comfort that no police resources have been allocated to investigating any matters that were previously or are currently the subject of the Ombudsman's report and the investigation called Operation Prospect?

**Mr SCIPIONE:** What I can say is that I have no knowledge, and I have not even heard a suggestion that matters have been returned to the NSW Police Force. With no knowledge of that, I certainly have no knowledge of any suggestion of any resources being allocated to investigating any matters.

**Mr DAVID SHOEBRIDGE:** I am more than happy for you to take the question on notice to confirm that.

**Mr SCIPIONE:** Yes, I can take it on notice.

**Mr DAVID SHOEBRIDGE:** Is there a policy in place within the NSW Police Force about any officers, whether it be a deputy commissioner, an assistant commissioner or a constable, being able to delete records from their company phone?

**Mr SCIPIONE:** Do you mean SMS records?

**Mr DAVID SHOEBRIDGE:** Any records.

**Mr SCIPIONE:** On their phone, as opposed to other records like emails? What are you talking about?

**Mr DAVID SHOEBRIDGE:** Let us keep it narrow; we will talk about records on a phone. Start with SMSs.

**Mr SCIPIONE:** There is no policy that dictates what should or should not be retained, simply on the basis that these records are often determined to be private in nature. They are very short and are often of the type that would necessarily be used to confirm that I will be there now or in five minutes.

**The Hon. TREVOR KHAN:** Or I will pick up the bread on the way home.

**Mr SCIPIONE:** Correct.

**Mr DAVID SHOEBRIDGE:** To the extent that they are records of policing work, they could well be essential.

**Mr SCIPIONE:** It depends on the nature of the record.

**Mr DAVID SHOEBRIDGE:** If it is about work, not about picking up the bread for your spouse on the way home. We are talking about work phones.

**Mr SCIPIONE:** It could be, "I will be there—

**Mr DAVID SHOEBRIDGE:** If it is a work-related record, is there a policy in place that permits individual officers to destroy records?

**Mr SCIPIONE:** There is no policy saying that they are not in a position to delete messages that are determined to be private in nature. It can be on a work phone in work time and you can have a work message—

**Mr DAVID SHOEBRIDGE:** They are the ones I am interested in.

**Mr SCIPIONE:** —to a work colleague saying, "I'll be with you in five minutes."

**Mr DAVID SHOEBRIDGE:** Is there a policy that permits the destruction of any records related to work?

**Mr SCIPIONE:** If you are asking me if that is a record that needs to be retained and if there is a policy that dictates that, the answer is no.

**Mr DAVID SHOEBRIDGE:** I am asking you the other: Is there a policy that allows for their destruction?

**Mr SCIPIONE:** I just answered that question.

**Mr DAVID SHOEBRIDGE:** Is the answer no?

**Mr SCIPIONE:** There is no policy that says something should be retained.

**Mr DAVID SHOEBRIDGE:** Are you aware of the State Records Act?

**Mr SCIPIONE:** Yes.

**Mr DAVID SHOEBRIDGE:** Do you know that it is an offence to destroy State records under section 21 of the State Records Act unless there is consent from the public officer?

**Mr SCIPIONE:** I think there is an exclusion for SMSs. I will take that question on notice and provide advice. I am trying to think of the word that relates to them being deemed not to be a record that needs to be retained. I will take the question on notice and provide the advice that has been provided to me by general counsel in my office.

**Mr DAVID SHOEBRIDGE:** Given the nature of the twenty-first century, often critical information is exchanged by way of text messages. Texts are not only about picking up a loaf of bread on the way home.

**Mr SCIPIONE:** That is true.

**Mr DAVID SHOEBRIDGE:** It may be a message saying, "I'll see you there in half an hour", which ultimately may be evidence that is critical to a police investigation or court proceedings.

**Mr SCIPIONE:** There is no restriction on what you can put on the record.

**Mr DAVID SHOEBRIDGE:** Do you not think it would be essential for the NSW Police Force at least to have a policy that deals with how you retain something or when you delete what could be crucial evidence in the form of text messages rather than leaving it up to individual officers? From what I understand, that is your policy, and it is woefully inadequate.

**Mr SCIPIONE:** We rely on the State Records Act. That is the source of my advice. Having said that, I understand the question. The State Records Act deems an SMS to be ephemeral in nature, which means that it is fleeting.

**Mr DAVID SHOEBRIDGE:** Will you tender that advice?

**Mr SCIPIONE:** I am happy to take the question on notice. Please let me make that advice available to this Committee.

**Mr DAVID SHOEBRIDGE:** Are emails ephemeral?

**Mr SCIPIONE:** No.

**Mr DAVID SHOEBRIDGE:** What is the difference between a text message and an email?

**Mr SCIPIONE:** We probably need to talk to those who have responsibility under the State Records Act, and we do that. However, I would like to take the question on notice and I will provide that information to the Committee.

**Mr DAVID SHOEBRIDGE:** I can search back and find my text messages going back a number of years, just as I can find my email messages going back a number of years. I am asking you as the Commissioner of Police whether you think one is more ephemeral than another.

**Mr SCIPIONE:** If you are asking me whether an SMS of the kind I have referred to is different from a lengthy email—

**Mr DAVID SHOEBRIDGE:** I am talking about SMSs related to work business.

**Mr SCIPIONE:** —the answer is yes.

**Mr DAVID SHOEBRIDGE:** Policing.

**Mr SCIPIONE:** Having said that, and as I have said to you, some of those messages may well be short in nature and not necessarily very important because they are simply messages from colleague to colleague saying, "I'll be there in five minutes", or "I'm ready to be picked up." I am happy to make that available. I will take the question on notice, and it is important that I do so.

**The Hon. LYNDIA VOLTZ:** I want to clarify an issue I raised earlier. Deputy Commissioner, you said that the van was received late last year or early this year. Do you have an exact date? You can take the question on notice if you cannot provide an answer now.

**Ms BURN:** I do not have that information here. I will take the question on notice.

**The Hon. LYNDIA VOLTZ:** Commissioner, you spoke about the request being sent to a committee, where it was prioritised. I assume that was the police budget subcommittee. Is that correct?

**Mr SCIPIONE:** No, it was prioritised within the Counter Terrorism and Special Tactics Command area. It then ultimately went as a prepared list from the assistant commissioner in that area. It was there that the priorities would have been determined.

**The Hon. LYNDIA VOLTZ:** So the Counter Terrorism and Special Tactics Command sent a list that it prioritised to the assistant commissioner?

**Mr SCIPIONE:** The assistant commissioner in charge of counterterrorism had the determined responsibility to work out what sat where.

**The Hon. LYNDIA VOLTZ:** Would that then go into an oversight committee of some sort or would you decide?

**Mr SCIPIONE:** No. It does not come to me. This matter was not brought to me on the basis that—if you can imagine how many vehicles, if we are just talking vehicles we have in the organisation—the replacement program around these would dictate that this would certainly be done at a very different level to me. So, no, it did not come up to my office. It was dealt with in the counterterrorism command and then back into the specialist operation stream to be one of but many bids.

**The Hon. LYNDIA VOLTZ:** So the counterterrorism stream had a list of priorities. They would then put forward a bid based on that list that they had put forward.

**Mr SCIPIONE:** Prioritised bid, yes.

**The Hon. LYNDIA VOLTZ:** Would the van have gone through as a bid but not the highest priority in 2011?

**Mr SCIPIONE:** I am happy to take that on notice. I think it was, but again I would not want to mislead you and I would not want to get this wrong. So if I can, I will take that on notice. My memory of what I have seen in terms of paperwork would suggest that that is the case.

**The Hon. LYNDIA VOLTZ:** So they put it in as a bid. The bid has gone—

**Mr SCIPIONE:** From the negotiations unit it would have gone into a wider pool of bids from across the counterterrorism command area and the determination would have been made at command level as to what priority those respective bids were afforded.

**The Hon. LYNDIA VOLTZ:** And when the command level gets those priorities and those bids, do they then put those bids too, or do they have a pool of allocated funds?

**Mr SCIPIONE:** They would have been allocated funds. I have my chief financial officer here. Effectively that is what happens. They would have been allocated funds for the year and it would have been a matter of determining how far down the prioritised bids they would have gone.

**The Hon. LYNDIA VOLTZ:** So the reality is that even though there may have been a number of priorities they would have only been able to fund the top one or two?

**Mr SCIPIONE:** Part of the list.

**The Hon. LYNDIA VOLTZ:** Because that is the resources that are available to them?

**Mr SCIPIONE:** Correct.

**The Hon. LYNDIA VOLTZ:** Do you have an exact date of when the van was hit by lightning in 2011? I know you will probably have to take that on notice.

**Mr SCIPIONE:** I certainly do not have the exact date. I understand that it was in that period that you have talked about. I think it would be most appropriate if we took on notice where, when and how it happened. We can make sure we provide you with the accurate advice.

**The Hon. LYNDIA VOLTZ:** Do the lists of priorities that come in from the bids go through to the Minister's office or to a budget subcommittee? Minister, perhaps you would like to answer.

**Mr TROY GRANT:** Ultimately they all come up into the budgetary process, of which there are different streams of funding. Capital funding is one such example. I am very proud and pleased to inform the Committee that in the last six years of this Government there has been a 26 per cent increase in the funding to the NSW Police Force which contains that capital allocation. In my tenure in 2015-16 we allocated \$178.2 million for police capital funding. In 2016 this increased to \$218 million in allocations. To answer your question more fully, there is an allocation that is made which is obviously contained within the budget papers.

If additional equipment is identified that is outside the capacity or scope of that budget then the police commissioner through the Police Force will make an additional bid that will come to me that I will take to the Expenditure Review Committee [ERC]. That has occurred in my tenure. An example of that was the additional funding required for security at police stations, et cetera, of \$25 million. There was additional capital funding that has been secured outside the normal budget process for other counterterrorism funding which included a fixed-wing aircraft as an example. A number of those items have been funded by this Government in my tenure in addition to the annual capital funding made available to the NSW Police Force. If we are asked and required to provide additional equipment and resources, that is done through that process. Every request that I have

received in my tenure has gone through that process and has added significant investment on top of the annual budget allocated.

**The Hon. LYNDIA VOLTZ:** So you are talking about a 26 per cent increase in capital funding. What was the percentage?

**Mr TROY GRANT:** In the Police funding over the last six years.

**The Hon. LYNDIA VOLTZ:** What was the increase that went to the command that was responsible for putting in the bids for the negotiating truck?

**Mr TROY GRANT:** I will have to take that on notice to give you the specific answer but, as I indicated in my earlier answer, in my tenure the broad capital funding base was \$178.2 million in 2015-16 and I increased that in 2016-17 to \$218 million. To be completely accurate I will provide to you on notice the breakdown of that into the specialist areas you referred to.

**The Hon. LYNDIA VOLTZ:** Has the commissioner put forward any bids to you for requests of increased funding that have not been met?

**Mr TROY GRANT:** I will take that on notice. Not that I recall. I do not believe so, but I will take that on notice.

**The Hon. LYNDIA VOLTZ:** You do not believe that there were any requests put forward that failed.

**Mr TROY GRANT:** I am pretty sure that everything he has asked for in addition to the annual budget allocation has been met. That included integrated light armoured vests as part of an additional funding request that I have received, the ballistic engineered armoured response counterattack truck, BearCat, vehicle which was an additional funding request, the fixed-wing aircraft that he requested in addition to the annual budget allocation was another example, the \$25 million for the station upgrades because of the threat and risk to police stations—Merrylands is the most obvious example—that have been requested in addition to the annual budget the commissioner has asked me for. The Premier and members of the ERC have granted each of those requests. I will answer on notice in full if there were any requests that have not been funded.

**The Hon. LYNDIA VOLTZ:** Minister, you have just sat here and listened to the commissioner explain that commands are having to prioritise equipment purchase because they do not have the funds to buy them at the time they go on the list. We know the negotiating van went on in 2011. Yet you are saying that every request for funding that they have put forward is received. Can you explain this discrepancy between commands having to prioritise equipment which is pretty important and your statements that they are getting all of the bids that they have asked for?

**Mr TROY GRANT:** I think you have verbalised me to some degree.

**The Hon. LYNDIA VOLTZ:** I would never verbalise anybody, Minister. That is outrageous.

**Mr TROY GRANT:** I said that the commissioner has made requests outside of his budget allocation to me and I listed those. I have met, as I understand it, every one of those requests. I will take it on notice to make sure that there are no independent items. The determination of what is requested and required by the Police Force is made by the Police Force, which is the appropriate way for it to be done. Then things are prioritised. The reality is that the New South Wales Government does not have the capacity across any and every agency to fund every single thing that may be requested. That is why we need to prioritise. That can change. The very nature of policing is that something becomes more important because of circumstances, changing crime types or whatever. That may change it in the priority order. We do our best within our capacity as a responsible government to meet all the resourcing requirements of the Police Force. As your colleague the former police Minister, Michael Daley, correctly said in *Hansard* on 9 November 2010:

Members of the public know that the police commissioner and his executive—experts in policing, not like the people on the other side of the House—

I think he was referring to the Liberal Opposition—

—allocate resources. They wear a uniform, unlike Opposition members. They send resources to where they are needed most.

That is absolutely correct and appropriate. Those decisions—

**The Hon. LYNDIA VOLTZ:** And Michael Daley is a great bloke and I appreciate that you are in here quoting him. It is almost reminiscent of Brad Hazzard who sat there for a long time telling us about what Labor did six years ago. But I am asking what you have done in regard to requests for equipment—

**Mr TROY GRANT:** Yes, and I have answered your question.

**The Hon. LYNDIA VOLTZ:** You have not answered the question. What you are saying is that there may have been bids that have gone forward that have been knocked back.

**Mr TROY GRANT:** And I said I would provide those to you on notice. I have answered your question.

**The Hon. LYNDIA VOLTZ:** Will you ascertain whether the negotiating truck was within one of those bids?

**Mr TROY GRANT:** I know that it was not in my tenure.

**The Hon. LYNDIA VOLTZ:** In your tenure, yes, but can you go back and check whether bids went forward?

**Mr TROY GRANT:** The police commissioner has answered, yes.

**The Hon. LYNDIA VOLTZ:** We know that the vehicle was damaged in 2011.

**Mr TROY GRANT:** Yes, and the commissioner has answered that question. I do not know if you want the same answer, on notice, from two of us.

**The Hon. LYNDIA VOLTZ:** No, what I would like to know, on notice, is whether the bids have come into the Minister's office. I am not asking the commissioner that question; I am asking you that question—and not just to you during your tenure. I want to know if they came in at any time since the negotiating truck was damaged in 2011.

**Mr TROY GRANT:** My answer is that the commissioner, in his answer, has said he would take that on notice and provide you with the time frames, et cetera—when things happened, when bids were made, the time frame for purchase or acquisition, et cetera. Between the two of us we will take that on notice and provide that to the Committee.

**The Hon. LYNDIA VOLTZ:** And any other points you may find from Michael Daley?

**Mr TROY GRANT:** Michael Daley, as I said, as the Minister for Police—he was my police Minister—

**The Hon. LYNDIA VOLTZ:** He will be pleased.

**Mr TROY GRANT:** He correctly, despite other commentary, articulated very well that it is for the police, not members of Parliament, to determine what should be purchased—and where, when and how it should be deployed.

**The Hon. LYNDIA VOLTZ:** That is true, and the police should determine it. But the police can only do that based on the resources provided to them by government.

**Mr TROY GRANT:** That is exactly right, and I am very proud to say that this Government has provided a hell of a lot more resources than your former Labor Government did—by 26 per cent.

**The Hon. LYNDIA VOLTZ:** Again, the Brad Hazzard defence.

**Mr TROY GRANT:** It is just a statement of fact.

**The Hon. LYNDIA VOLTZ:** You have been in government for six years. I think it is a bit rich blaming us for everything.

**The Hon. TREVOR KHAN:** Point of order: We are now starting to get into an argument.

**Mr TROY GRANT:** And in those six years, I am very proud as part of this Government to inform this Committee there has been a 26 per cent increase in funding for the NSW Police Force.

**The Hon. LYNDIA VOLTZ:** Yes, except you cannot tell us what bids you have knocked back.

**The Hon. SHAOQUETT MOSELMANE:** Minister, I am delighted to have the opportunity to ask you some questions, although there are only four minutes left, I think. Can I go back to Rebecca Maher's death in custody, particularly the questions that Mr David Shoebridge was asking? I appreciate that you would not contact the Coroner. But I want to know whether you had an opportunity to contact or whether you have contacted the Aboriginal Legal Service following her death.

**Mr TROY GRANT:** No, I have not contacted the Aboriginal Legal Service.

**The Hon. SHAOQUETT MOSELMANE:** Why not? The Aboriginal Legal Service is extremely angry that it has not been contacted. In fact, according to one of the articles, it was contacted and told 24 days



later, and it has complained that the police have failed to follow legal protocols that require them to notify the Aboriginal Legal Service.

**Mr TROY GRANT:** That is their claim. The Coroner will determine if that is correct or incorrect.

**The Hon. SHAOQUETT MOSELMANE:** But you did not pick up the phone and ring the Aboriginal Legal Service and say anything to them?

**Mr TROY GRANT:** I would like to know the actual answer: whether their complaint is accurate or inaccurate. Then I will be more than happy to talk to them. But they are primarily a stakeholder of the Attorney General. Since this is a matter that is before the Coroner's Court, I have no intention of talking to them until that is completed—so the full facts of the matter are known—and then I will be more than happy to have a discussion about what the Coroner finds. If there are any failings on the part of the NSW Police Force, I will certainly be armed with the proper, full information when I have the appropriate conversation with them.

**The Hon. SHAOQUETT MOSELMANE:** What about the family of Ms Maher? Have you contacted Ms Maher's family?

**Mr TROY GRANT:** No, I have not.

**The Hon. SHAOQUETT MOSELMANE:** Why not, Minister? She died in custody, in the hands of the police, of whom you have oversight. But you have not contacted the family of the deceased.

**Mr TROY GRANT:** No, I have not, because the full circumstances of her death are not known to me. Once they are, I will be more than happy to talk to the family. I do not have many of the answers that I am sure they are seeking. The investigating police, et cetera, have been in contact with Ms Maher's family—on 19 July, as I understand it—so it is not as if there has not been contact. I believe that when the answers are known, and/or I as the Minister am aware of what I can do to answer a lot of those questions or remedy any issues that the Coroner may or may not find, would be a more appropriate time for me to contact Ms Maher's family. But my deep sympathy does go to them.

**Mr DAVID SHOEBRIDGE:** You could have told them that directly.

**The Hon. SHAOQUETT MOSELMANE:** That is the point.

**Mr DAVID SHOEBRIDGE:** Rather than tell it here, you could have told the family directly.

**The Hon. TREVOR KHAN:** Point of order: It seems that—

**The Hon. SHAOQUETT MOSELMANE:** I will pass on to my colleague now, but that is the point.

**The Hon. LYNDIA VOLTZ:** Commissioner, I would like to go back to some more equipment questions. It was identified during the Lindt cafe siege inquest that radio communications were not working. What was the age of the communication devices used during the siege?

**Mr SCIPIONE:** Clearly I will need to take that on notice. I will do my best to answer these questions. I understand the authority of this Committee and I will always work to oblige and to answer questions where possible. I am mindful, though, that the matter is sub judice—I was a witness. There is much I would like to say, but I am, unfortunately, at this stage rather hesitant to do so. But we will certainly give you that advice. What I do know is that the radio system that those tactical operators were using on the day is no longer the radio system they use today.

I am also mindful of some evidence that was given by the chief constable who came from the United Kingdom—Chesterman—and by the other expert who was giving evidence on this matter. They said, "The one thing that always goes wrong is communications". On that basis, I think the issue was more human than technical. But, again, we are waiting for the Coroner on this. I need to take the Coroner's advice. One assurance I need to give this Committee is that the communications system we used on that day is not the system we use today—that is an important note I need to make. But I will take your question on notice.

**The Hon. LYNDIA VOLTZ:** I note your comment that it was "more human than technical".

**Mr SCIPIONE:** I do not know that. That was the evidence of the experts.

**The Hon. LYNDIA VOLTZ:** What steps were taken at the time to rectify that situation—when they became aware that the communications were not right?

**Mr SCIPIONE:** Shortly thereafter, I think, they moved onto the new platform, and they are still there today.

**The Hon. LYNDIA VOLTZ:** But not at the time of the siege?

**Mr SCIPIONE:** No, at the time they were not on the platform they are on now.

**The Hon. LYNDIA VOLTZ:** During the siege, what steps did they take to get around the problem of the radio system not working?

**Mr SCIPIONE:** It is not appropriate for me, perhaps, to talk about evidence that was given by other witnesses. If I can take that question on notice, I think what we should do is obtain transcript references to assist.

**The Hon. LYNDIA VOLTZ:** That is fine.

**Mr SCIPIONE:** They gave the evidence.

**The Hon. LYNDIA VOLTZ:** A new radio system has been put in place?

**Mr SCIPIONE:** They are using a different system than they were on the night.

**The Hon. LYNDIA VOLTZ:** Is that a new radio system that has been implemented since? It was being phased in?

**Mr SCIPIONE:** It is part of the Government Radio Network, or GRN. It is a different system.

**The Hon. LYNDIA VOLTZ:** It is not a new system; it is just a different system?

**Mr SCIPIONE:** I would need to check. I am pretty certain it is not a new system, but it is certainly new to them. It is not part of what they were working with on the night. It is a government system that is new to us, but the GRN has been in existence for some time.

**The Hon. LYNDIA VOLTZ:** Had police raised concerns about the radio system?

**Mr SCIPIONE:** No, they had not.

**The Hon. LYNDIA VOLTZ:** There had not been any concerns?

**Mr SCIPIONE:** There had not, and all of our checks to date—at that time and since that time—have not indicated a problem with the equipment. But, again, this is something that needs to be fully explored and reported on by the Coroner, on the basis that they will have access to all of that material.

**The Hon. LYNDIA VOLTZ:** Was it only sections of the police that were not on the Government Radio Network at that time? I am just trying to ascertain why, if there is a system that has been around, you were on a different system, and why you are now moving to another one.

**Mr SCIPIONE:** This falls under the portfolio responsibility of the Deputy Commissioner, Specialist Operations. I will ask her to talk us through it.

**Ms BURN:** Very broadly, there is the police radio network which we generally use, and we are also transitioning slowly to the Government Radio Network. Some of our units and areas have been piloting, trialling and using the new network. The Tactical Operations Unit were not using that network at that time, but they are now. We are using a combination of the networks at the moment. Some of the networks do not cover all the areas. In a rural area, for example, one of the networks might not cover that area but one of the others does so we will be on that network. It is really about where we get the best communication service from and we will be on that network.

**The Hon. LYNDIA VOLTZ:** My time has expired, so I had better hand over.

**Mr DAVID SHOEBRIDGE:** Commissioner, is there any guidance—from your office or in the form of a police circular or standard operating procedure—to police constables about which of their text messages they can delete and which they cannot?

**Mr SCIPIONE:** In terms of their SMS text messages, I have no knowledge of any guidance we give in that regard—not from my office, which I think was your question.

**Mr DAVID SHOEBRIDGE:** What about from anywhere? I asked whether there are any standard operating procedures or police circulars or anything.

**Mr SCIPIONE:** Again, I will take that on notice to confirm for you, but there is nothing from my office that dictates retention of short messaging service [SMS] texts. I would like to go back and confirm for you to see if there is a policy position, but certainly it is not from my office.

**Mr DAVID SHOEBRIDGE:** Has anyone in the police, including senior police, issued any kind of guidance or circular or any advice to any member of the Police Force about the circumstances in which they can delete their text messages?

**Mr HUDSON:** Not that I am aware of.

**Mr SCIPIONE:** No, that I am aware of.

**Mr DAVID SHOEBRIDGE:** There is a resounding no.

**Mr SCIPIONE:** I would ask to take that on notice and confirm that for you.

**Mr DAVID SHOEBRIDGE:** Minister, there could well be—in fact, there certainly will be, with 16,000 police—crucial information about crimes and investigations that will be exchanged between police or between police and third parties on text messages, and you are sitting here telling this Committee that there is no policy in place to ensure that that information is captured. Is that right?

**Mr TROY GRANT:** Sorry, you said "Minister"; is that a question to me?

**Mr DAVID SHOEBRIDGE:** Minister or Commissioner?

**Mr TROY GRANT:** Which?

**The Hon. TREVOR KHAN:** Different question?

**Mr DAVID SHOEBRIDGE:** I will put it to the Commissioner. Commissioner, same question. You are sitting here knowing full well that crucial information about police investigations—when witnesses were there, when police were there—what they observed is exchanged and recorded in police text messages, and there is not a single policy that you can identify to require the police to retain that crucial information?

**Mr SCIPIONE:** That is if they use that medium to convey that information.

**Mr DAVID SHOEBRIDGE:** There are 16,000 police officers; they all have phones. You know they are using text messages to communicate information, do you not?

**Mr SCIPIONE:** I also know that if you are talking about the mobile sets that they are using, they are also using emails and there are restrictions and requirements on them to retain those records.

**Mr DAVID SHOEBRIDGE:** I am asking about text messages.

**Mr SCIPIONE:** The ephemeral records that I keep I do not routinely retain. I do not think anyone routinely retains every message, that I am aware of. It may well be in your case, but it is not a matter that I routinely retain those messages that I get. Like you, I am sure police pick up the milk on the way home.

**Mr DAVID SHOEBRIDGE:** Minister, you know for a fact, do you not, that important information can be exchanged by text messages, and the question of whether something is ephemeral or not for the purposes of the State Records Act includes whether or not it has little value, and there will certainly be information that has great value exchanged by text messages, but your Police Force has no policy in place to protect that information?

**Mr TROY GRANT:** Mr Shoebridge, you said "Minister" again, but you are looking at the commissioner.

**Mr DAVID SHOEBRIDGE:** When I said Minister, I meant Commissioner.

**The Hon. TREVOR KHAN:** Anyone just join in.

**The CHAIR:** Order!

**Mr SCIPIONE:** Can you repeat the question?

**Mr DAVID SHOEBRIDGE:** Commissioner, the definition of an "ephemeral" record under the State Records Act, as contained in the regulations, includes whether or not it has little value.

**Mr SCIPIONE:** If it has value, we will retain it.

**Mr DAVID SHOEBRIDGE:** Where is the policy that requires New South Wales police to retain text messages of value? Tender it, show it to us, table it, provide it on notice.

**Mr SCIPIONE:** Thank you, will do.

**Mr DAVID SHOEBRIDGE:** Do you know of any?

**Mr SCIPIONE:** I said I am not aware of any so I said that I would take that on notice and we will check against current standing policies and table it, as you have requested.

**Mr DAVID SHOEBRIDGE:** Deputy Commissioner Burn, do you have a policy of routinely deleting your text messages?

**Ms BURN:** I routinely delete text messages. There are few I retain. Those that I retain are normally retained in a hard copy or an email format, so captured elsewhere by sending it through.

**Mr DAVID SHOEBRIDGE:** Why do you routinely delete your text messages? What is the purpose?

**Ms BURN:** Because I do not need to keep them.

**Mr DAVID SHOEBRIDGE:** What is the harm of retaining text messages on your phone? Why do you go through that laborious process of deleting text messages?

**Ms BURN:** There are a couple of different reasons. Depending on the phone setting—I do not know what your phone setting is, but it might be that they are deleted automatically after a period of time. There are different phone settings that you can have. I know sometimes the phone I have is set that it might be deleted within 30 days or 20 days, so there is an automatic deletion. I do not necessarily keep those messages that I get. I do not keep emails either, but there is a storage system that retains them.

**Mr DAVID SHOEBRIDGE:** You are saying that your phone automatically deletes text messages after 30 days?

**Ms BURN:** It depends what the setting is on. Sometimes you have to look at it.

**Mr DAVID SHOEBRIDGE:** It is a simple question.

**Ms BURN:** Yes, it depends. There are different settings on your own phone so you would have to check.

**Mr DAVID SHOEBRIDGE:** If that is the system you have in place, and accepting your speculation for the moment—

**The Hon. TREVOR KHAN:** Steady on.

**Mr DAVID SHOEBRIDGE:** —you very likely have a system in place that could be deleting essential text messages automatically every 30 days. Do you not think that is grossly inadequate?

**Ms BURN:** If I have a text message that I think is essential, I will capture it elsewhere before I delete it.

**Mr DAVID SHOEBRIDGE:** Have you instructed those police junior to you in your command to undertake that?

**Ms BURN:** No.

**Mr DAVID SHOEBRIDGE:** Do you not think that is a huge gap?

**Ms BURN:** As long as they are complying with the State Records Act and if there is anything that is important that they are capturing, then they can delete those emails or texts that are not of value.

**Mr DAVID SHOEBRIDGE:** Have police in your command had advice about how they can comply with the State Records Act regarding their text messages?

**Ms BURN:** There is general advice about complying with information protocols.

**Mr DAVID SHOEBRIDGE:** Would you provide that information on notice?

**Ms BURN:** It is the same that has already been requested, but, yes.

**Mr SCIPIONE:** Mr Shoebridge, I have been advised that we have a records policy but it does not expressly reference text messages. It says ephemeral records can be deleted, so if you send a text that is not ephemeral, you should keep it.

**Mr DAVID SHOEBRIDGE:** Or if you receive one?

**Mr SCIPIONE:** Correct. It says ephemeral records can be deleted. I will make a copy of that policy available to this Committee.

**Mr DAVID SHOEBRIDGE:** It makes no reference to text messages and provides no guidance to police about how to deal with text messages, does it?

**Mr SCIPIONE:** It did does not expressly reference text messages. It says "ephemeral records", and if you go to the definition of an ephemeral record, in most dictionaries it will probably reference text messages via SMS.

**Mr DAVID SHOEBRIDGE:** It would be better to go to the one in the law though, would it not?

**Mr SCIPIONE:** I do not know what the one in the law says.

**Mr DAVID SHOEBRIDGE:** That is your job, is it not, as the police commissioner?

**Mr SCIPIONE:** We will find out and get back to you.

**The Hon. TREVOR KHAN:** Steady on.

**Mr SCIPIONE:** We will provide that to you.

**Mr DAVID SHOEBRIDGE:** Has the Police Force acquired what is called a long range acoustic device [LRAD]?

**Mr SCIPIONE:** Sir, if you want me to start confirming equipment that is used, particularly in terms of that which was part of the evidence in the Lindt siege, I can confirm we do have an LRAD. If you want further details, Chair, I am a little bit concerned in terms of where we might go with some other equipment holdings. They were the subject of public interest immunity [PII] claims.

**Mr DAVID SHOEBRIDGE:** I am asking about a long range acoustic device—or an LRAD, as you call it.

**The Hon. TREVOR KHAN:** I am going to raise the issue: Once we start going into this, I wonder if it is appropriate that this should be in camera, if it can be done.

**Mr DAVID SHOEBRIDGE:** I am not referencing the Lindt siege.

**The Hon. TREVOR KHAN:** That is not what I am raising. If are you asking about equipment that is held by the police that may be used on sensitive operations, the question is, first, the appropriateness of the questioning; and, second, whether it should be done in a private forum.

**The CHAIR:** Budget estimates cannot go in camera.

**The Hon. TREVOR KHAN:** Then it causes a serious problem, does it not?

**The CHAIR:** It is up to the questioner and the commissioner as to how he answers it.

**Mr DAVID SHOEBRIDGE:** You have answered it.

**Mr SCIPIONE:** Yes.

**Mr DAVID SHOEBRIDGE:** The answer is yes. What was the cost?

**Mr SCIPIONE:** I cannot tell you. I can take that on notice.

**Mr DAVID SHOEBRIDGE:** Considering the potential for permanent hearing damage, are there guidelines in place or a standard operating procedure [SOP] to deal with a long range acoustic device?

**Mr SCIPIONE:** Chair, that is exactly my concern. The objection I would raise is that if we start talking about how we would use these items, particularly in very sensitive operations, then it potentially, if you like, telegraphs how we would go about running an operation like this. Certainly those who have responsibility for this type of technology and other technologies used in very sensitive operations would be most concerned. It would not necessarily just compromise the NSW Police Force; this has national and potentially international ramifications because much of what we use in these types of operations is used across the world, not just by police but military operations in a whole range of fields.

**Mr DAVID SHOEBRIDGE:** My question was not about the content of the guidelines. My question is whether there are guidelines and/or standard operating procedures that the Police Force has adopted to deal with its use?

**Mr SCIPIONE:** Yes.

**Mr DAVID SHOEBRIDGE:** Are those guidelines or standard operating procedures?

**Mr SCIPIONE:** I would have to take that—I would assume that they would be SOPs. Again, I would need to take advice.

**The CHAIR:** Minister, it was announced in this year's budget that a total of \$57 million has been put aside for the renovation and development of four police stations, including Bay and Basin police station. This question is on behalf of the Hon. Paul Green. He would like an update on the progress of the Bay and Basin police station. First, has the site been identified for the station; secondly, will it be built on time in 2017, as promised; and, thirdly, will the police station be fully resourced and staffed and, if so, by what date?

**Mr TROY GRANT:** Thank you, Mr Borsak, for the question on behalf of the Hon. Paul Green—an outstanding member of Parliament and a parliamentarian I respect very deeply.

**Mr DAVID SHOEBRIDGE:** Whose vote you need, let us be frank about it.

**The Hon. LYNDIA VOLTZ:** He did say nice things about Michael Daley.

**The CHAIR:** Minister, I am feeling very left out. You have not said anything nice about me yet.

**Mr DAVID SHOEBRIDGE:** I am quite comfortable.

**Mr TROY GRANT:** Someone interjected before I got the chance to complete that answer. I will answer his question which came via the Chair, who—I have to place this on the record—is a thoroughly decent man.

**The CHAIR:** I will pay you later.

**Mr TROY GRANT:** The Government has committed to a new \$5 million police station for the Bay and Basin area of the Shoalhaven Local Area Command. The plan is to relocate the Huskisson Police Station to a more central location, which will support policing across the Bay and Basin area. The 2016-17 budget includes \$1.24 million for this project. The \$1.24 million will support the early stages of development, including activities such as the site acquisition, planning and approvals. At this early stage it is expected that the construction of the new police station will be complete in 2018.

In speaking to the local member, Ms Shelley Hancock, I discovered that when one site was originally evaluated it was not deemed suitable. From local knowledge, I think that that would be the most suitable location. I have asked for it to be reconsidered now that its tenure and status has changed since it was originally evaluated. I am happy to get an update on that and provide that directly back to the Hon. Paul Green. I have already committed to get back to Ms Hancock on that matter.

**The CHAIR:** Do you know what the total capital cost of that station would be?

**Mr TROY GRANT:** We have allocated \$5 million. Once site selection has occurred there may be other site-specific costs or considerations to be made by Government. Depending on the site and its individual characteristics, additional moneys may be required.

**Mr DAVID SHOEBRIDGE:** Who runs or owns Crime Stoppers?

**Mr TROY GRANT:** I will have to take that on notice. It is run by the organisation of Crime Stoppers in a partnership with the NSW Police Force, and is located at Tuggerah. I have been on site, but the exact ownership details and arrangements I will take on notice for you.

**Mr DAVID SHOEBRIDGE:** Commissioner, do you know if there is a corporation or a private entity behind Crime Stoppers.

**Mr SCIPIONE:** Crime Stoppers is a private entity.

**Mr DAVID SHOEBRIDGE:** A corporation?

**Mr SCIPIONE:** I think it is incorporated. I will take that on notice, as the Minister said. We manage calls to the Crime Stopper number, but it is certainly not a NSW Police Force unit.

**Mr DAVID SHOEBRIDGE:** Does that private corporation retain any data or any information that comes in via Crime Stoppers?

**Mr SCIPIONE:** I do not think so. I think that goes to our organisation. Bear in mind that Crime Stoppers is a national entity, so it goes to the respective State and Territory police forces.

**Mr DAVID SHOEBRIDGE:** I am happy for you to take the question—about the full details of what, if any, information is retained by Crime Stoppers—on notice.

**Mr SCIPIONE:** Full details will be made available to you.

**Mr DAVID SHOEBRIDGE:** I would like to know what privacy provisions are in place and the name of the corporation.

**Mr TROY GRANT:** It is a good question that needs a full answer, which I am happy to take on notice.

**Mr DAVID SHOEBRIDGE:** Can you also advise how much the NSW Police has paid to Crime Stoppers over the last three financial years.

**Mr TROY GRANT:** I am happy to take that on notice.

**Mr SCIPIONE:** I do not think we have paid anything but we will take that on notice.

**Mr DAVID SHOEBRIDGE:** How much has the NSW Police Force spent on promoting Crime Stoppers' Dob in a Dealer program that is currently running?

**Mr SCIPIONE:** Again, we will take that on notice. I think that all of that funding is supplied by Crime Stoppers. But again, I will provide that information to you in totality.

**Mr DAVID SHOEBRIDGE:** Including the funding for the police who staff the Dob in a Dealer booths that have been popping up all around the State?

**Mr SCIPIONE:** As I said, I will take that on notice and make that advice available.

**Mr DAVID SHOEBRIDGE:** You understand the distinction between the two?

**Mr SCIPIONE:** I do. Having said that, police in their day-to-day duties would be happy to take a phone call from somebody who wanted to dob in a dealer.

**Mr DAVID SHOEBRIDGE:** How many dealer reports have been received by the NSW Police Force since the commencement of the Crime Stoppers Dob in a Dealer program?

**Mr SCIPIONE:** I can take that on notice and provide that to you.

**Mr DAVID SHOEBRIDGE:** While we are in an "on notice" mood, of those reports how many have led to a charge of possession of any illegal drug?

**Mr SCIPIONE:** Likewise.

**Mr DAVID SHOEBRIDGE:** How many have led to a charge or prosecution for an indictable offence under the Drug Misuse and Trafficking Act? I do not expect you to have all those figures in your head.

**Mr TROY GRANT:** I am happy to take those questions on notice. I am happy to inform the Committee that in my own electorate, the Dubbo electorate, police ran an operation on the back of information provided to Dob in a Dealer. I believe that 20 persons are now in custody for the supply and manufacture of ice across the communities of Dubbo and Wellington. Dob in a Dealer, as it is now more commonly known, originated in Wellington, in my electorate, as a local community initiative. I would like to place on record my congratulations to those people who have started an initiative that is now helping police and encouraging the community to report the illegal supply, manufacture and trafficking of ice—this insidious drug that is afflicting so many communities across the State. Those 20 in custody will no doubt form part of the figures that the Commissioner will provide on notice.

**Mr DAVID SHOEBRIDGE:** Of the thousands of people who have lost their licences as a result of being found to be driving with the presence of an illicit drug in their system, how many were actually impaired in their driving by reason of the presence of a drug?

**Mr TROY GRANT:** In relation to the drug driving and mobile drug testing regime—

**Mr DAVID SHOEBRIDGE:** In relation to my question, I hope. Of those thousands who have lost their licences as a result of being prosecuted for having the presence of an illegal drug, how many were impaired?

**Mr TROY GRANT:** I am happy to answer your question in full. Across this program that has run over two years, the Government has allocated \$3 million, which includes \$1.3 million in the 2016-17 budget. It is estimated that police will have drug tested around 97,000 drivers for the 2016-17 financial year. The actual mobile drug testing commenced in 2007, and by 2014 around 35,000 drivers per year were being tested. Our commitment, just prior to the election was to triple this number.

Cannabis, ecstasy and methamphetamines such as ice and speed feature prominently in the road toll and have been shown to impair driving. That is why we are supporting this regime. That is why they are tested via the mobile drug testing program and why drug driving laws make it an offence to drive with any amount of these drugs in a person's system, rather than its being in relation to the level of their impairment. The additional

budget funding will help keep our roads safer by reinforcing the message that it is not okay to take drugs and then drive, although others are of a different opinion.

**Mr DAVID SHOEBRIDGE:** I am sorry, I did not write down the budget figure. How much did you say was budgeted for 2015-16?

**Mr TROY GRANT:** I said that the budget for 2016-17 was \$1.3 million.

**Mr DAVID SHOEBRIDGE:** And for 2015-16?

**Mr TROY GRANT:** I did not give that figure.

**Mr DAVID SHOEBRIDGE:** In information provided—

**Mr TROY GRANT:** My first comment was that the \$3 million was over the two-year period.

**Mr DAVID SHOEBRIDGE:** In answers given under a freedom of information request, the NSW Police Force has said that the total operating budget of the random drug testing program in the financial year 2015-16 had a \$7.4 million estimate. In 2014-15 it had a \$5.1 million estimate. That does not seem to accord, unless there has been a radical reduction in expenditure, with what you are saying for 2016-17.

**Mr TROY GRANT:** I am talking about the allocation that has been made. The Government has allocated \$3 million over two years to deliver on our election commitment to triple the number of mobile drug tests conducted in New South Wales, including \$1.3 million of that in 2016-17. So your figures in relation to the overall cost, which is a program, as I said to you, that has been in place since 2007—those figures are in relation to our commitments to increase the tripling of the testing.

**The Hon. SHAOQUETT MOSELMANE:** Deputy Premier, I thank you for expressing your sympathies to the family of Rebecca Maher. I am not sure whether you are aware that they have set up a webpage to pay for the funeral and a headstone. Will you or your department now call Rebecca Maher's family and help them?

**Mr TROY GRANT:** I am absolutely prepared, if the family want me to talk to them, before the coronial inquest is finished and I am more than happy to tell them—

**The Hon. SHAOQUETT MOSELMANE:** Simply help them with the financials.

**Mr TROY GRANT:** I am sorry—to talk to them on the telephone. I am happy to meet with them in person to personally express my sympathy. I will honour their wishes, without asserting which manner or what timing may or may not suit them. I am absolutely happy to give that commitment—that I am happy to talk to them and/or sit down and discuss their situation and any needs.

**The Hon. SHAOQUETT MOSELMANE:** Thank you, Deputy Premier. Commissioner Scipione, with regard to multicultural liaison officers [MCLOs], in the past 12 months have you had any request to increase multicultural liaison officers in the metropolitan and south-west Sydney region?

**Mr SCIPIONE:** They are so effective, I get those sorts of requests regularly from community, yes.

**The Hon. SHAOQUETT MOSELMANE:** What about from the police?

**Mr SCIPIONE:** I have not had any specific requests that I can recall, but certainly from community I have—like I have with that Aboriginal community liaison officers. I get that with school liaison officers and youth liaison officers, so certainly with the multicultural liaison officers, I regularly take requests from community for more. They like them.

**The Hon. SHAOQUETT MOSELMANE:** How many officers do you have?

**Mr SCIPIONE:** Let me confirm that for you, bearing in mind at any time you have vacancies; you have some that are vacant and those that are in the process of being filled, and those that are off duty. I can take that on notice, sir, and provide that to you.

**The Hon. SHAOQUETT MOSELMANE:** But specifically, how many officers are presently employed in the metropolitan and south-western Sydney region?

**Mr SCIPIONE:** Again, if I can take that on notice and make sure that I provide you with the accurate advice, as opposed to trying to take a snapshot.

**The Hon. SHAOQUETT MOSELMANE:** Since the last six months of last year has there been an increase in the allocation of regional officers?

**Mr SCIPIONE:** If your question is have we brought on more—



**The Hon. SHAOQUETT MOSELMANE:** Have you increased the numbers?

**Mr SCIPIONE:** —multicultural liaison officers?

**The Hon. SHAOQUETT MOSELMANE:** Yes.

**Mr SCIPIONE:** Certainly. I am not aware that we have grown the establishment of multicultural liaison officers in that period.

**The Hon. SHAOQUETT MOSELMANE:** You are aware that there is going to be a significant intake of migrants.

**Mr SCIPIONE:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** And, particularly, migrants will be settling in the Fairfield area.

**Mr SCIPIONE:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** So there is a clear need for multicultural liaison officers. What steps have you taken to be proactive, if you like?

**Mr SCIPIONE:** Yes, that is a great question because we have done that. I have met with Dr Shergold, who has responsibility for this program in New South Wales. In meeting with him I have expressed a desire for the Commonwealth to provide us with some extra funding so that we can increase the number of MCLOs that we have out there. As I say, I am constantly being requested by community to increase those numbers. I have had a number of face-to-face meetings with Dr Shergold. We continue to talk on the basis of me getting extra resources because I am mindful that we need to be as prepared as we can be to deal with the influx that we are expecting over the coming years and months.

**The Hon. SHAOQUETT MOSELMANE:** Which communities have approached you to have multicultural liaison officers?

**Mr SCIPIONE:** Well, I mean, it is not geographically based. We get them from the North Coast of New South Wales. I speak to people in south-western Sydney. It is not just south-western Sydney; I know that they are coming from the Wollongong area, so there is not a specific group that is the sole, if you like, requesters. It is right across the board. As we grow in diversity in New South Wales and our numbers increase—and you have talked about resettlement programs and the like—as we see that happening, more and more people are saying, "We would like to have somebody who can specifically work directly with our community to ensure that we get the best working arrangements with police."

**The Hon. SHAOQUETT MOSELMANE:** But we know that Fairfield, for example, or Liverpool—

**Mr SCIPIONE:** That is one of the areas.

**The Hon. SHAOQUETT MOSELMANE:** —will have a significant intake of refugees or migrants who will be coming in. What measures have you put in place, do you say?

**Mr SCIPIONE:** I have met with Dr Shergold to deal with the requests that I have made. We have made those requests known. On that basis, we are in discussions and I am still hopeful that we may well in fact be funded for more positions, bearing in mind our multicultural liaison officers are not sworn police.

**The Hon. SHAOQUETT MOSELMANE:** I am sorry, say again?

**Mr SCIPIONE:** You must bear in mind our MCLOs are not sworn officers. They are unsworn officers. The funding arrangements around unsworn officers is very different than that of police officers.

**The Hon. SHAOQUETT MOSELMANE:** Thank you, Commissioner.

**The CHAIR:** Deputy Premier and Commissioner, thank you very much for coming today.

**Mr TROY GRANT:** Thank you everyone.

**The CHAIR:** I note that you have taken a number of questions on notice. Please be reminded that you have 21 days to respond to those questions. If you need information on them, I am sure the secretariat will provide it to you. I thank you and your officers for attending. The Committee will have a 10-minute break.

(The witnesses withdrew)

(Short adjournment)

**FEARGUS O'CONNOR**, Acting Deputy Secretary, Liquor, Gaming and Emergency Management, Department of Justice, affirmed and examined

**MICHEIL BRODIE**, Acting Executive Director, Office of Racing, Department of Justice, sworn and examined

**SAMANTHA TORRES**, Acting Deputy Secretary, Arts and Justice Services, Department of Justice, sworn and examined

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice, on former oath

**The CHAIR:** We will now commence the part of the hearing that deals with Racing, Hospitality and Gaming.

**The Hon. LYNDIA VOLTZ:** Minister, in regard to the greyhound racing inquiry, do you have any ongoing investigations into greyhound racing at the moment?

**Mr TROY GRANT:** Me personally or the department?

**The Hon. LYNDIA VOLTZ:** The department.

**Mr TROY GRANT:** I will take that on notice. I will have to get that information from Greyhound Racing NSW, the NSW Police Force and the RSPCA to confirm that. My anecdotal information is that there are active investigations occurring in relation to animal cruelty.

**The Hon. LYNDIA VOLTZ:** Minister, why do you have active investigations into the greyhound racing industry but no special commission of inquiry into chemotherapy mis-dosing of cancer patients?

**The Hon. TREVOR KHAN:** I do not think that falls into the Minister's portfolio area of responsibility.

**The Hon. LYNDIA VOLTZ:** He is the Deputy Premier.

**The CHAIR:** Let the Minister say that himself.

**Mr TROY GRANT:** The Health Ministry does not fall into my purview of responsibility as the Minister of the Crown. In relation to the subject matter, I share the shock, disgust and dismay at the revelations that have emanated out of St Vincent's Hospital from the inquiries and investigations that are underway. I cannot imagine for a moment the impact that it is having on the families involved. The pending investigation into the Central West on the subject doctor, as I said publicly at the time of the St Vincent's Hospital revelations, horrifies me.

I hope beyond all hope that what is produced out of that investigation does not reveal what we fear, but the investigations that are afoot will help the Government to understand every responsibility and requirement that we need to consider to help support any of those persons affected and, more importantly, remedy any of the protocols or failings that are identified. If there is any requirement for additional investigative bodies, such as special commissions of inquiry or other forms of investigation, then as part of government I am more than happy to support any proper process that gets the answers that both the community and families affected deserve.

**The Hon. LYNDIA VOLTZ:** Minister, why is there no special commission of inquiry into the sexual abuse of girls who are held under the care of the State?

**Mr TROY GRANT:** I am not the Minister of the Crown responsible for Family and Community Services. That question should be directed to the appropriate Minister, the Hon. Brad Hazzard.

**The Hon. LYNDIA VOLTZ:** Minister, are you going to move to regulate or ban sow stalls or poultry farming? Will The Nationals campaign against live cattle exports? If not, why not?

**Mr TROY GRANT:** No, because there is no evidence or material—unlike another industry recently—that would justify those measures.

**The Hon. LYNDIA VOLTZ:** No evidence or material—so there has been no *Four Corners* program about live cattle exports. Is that what you are saying?

**Mr TROY GRANT:** No, there is no systemic, overwhelming and compelling body of evidence to justify that approach.

**The Hon. LYNDIA VOLTZ:** It is a bit hypocritical, is it not?

**Mr TROY GRANT:** I disagree totally.

**The Hon. LYNDIA VOLTZ:** By what method did the greyhound commission of inquiry deliver its report to Government?

**Mr TROY GRANT:** By the method required of it under the Special Commissions of Inquiry Act, where Justice McHugh handed the report, as I understand, to the Governor of New South Wales and that report was then provided to the New South Wales Government, to the Premier of New South Wales and to the Minister, being myself.

**The Hon. LYNDIA VOLTZ:** On what date did that occur?

**Mr TROY GRANT:** I will confer with my staff to give you an accurate date, or I can take that on notice. It was 16 June, which is recorded in the front cover of the report.

**The Hon. LYNDIA VOLTZ:** On what date did Cabinet consider the report?

**Mr TROY GRANT:** The full Cabinet considered the report on 7 July, the date of the announcement.

**The Hon. LYNDIA VOLTZ:** Did a part of the Cabinet consider it? Did a Cabinet subcommittee consider it?

**Mr TROY GRANT:** The Premier, being a member of the Cabinet; myself, as the Deputy Premier, and Minister for Racing; and a member of Cabinet considered it. As with all Cabinet minutes, they are loaded onto an eCabinet system and then all members of the Cabinet read and considered the Cabinet submission between the date it was loaded and the date of the Cabinet meeting on 7 July.

**The Hon. LYNDIA VOLTZ:** On what date was it loaded?

**Mr TROY GRANT:** I will check. I am unaware of that date. I understand that process is Cabinet in confidence.

**The Hon. LYNDIA VOLTZ:** Did any other Ministers receive the report when it was handed to you and to the Premier?

**Mr TROY GRANT:** Not that I am aware of. After the report was handed to the Premier and I, as per section 10 of the Special Commission of Inquiries Act, the Government is required to follow the directions of the commissioner with regard to the publication of the report. We sought legal advice to help advise us and Cabinet to make sure we complied with that legislation.

**The Hon. LYNDIA VOLTZ:** You said last week that you are proud of National Party members who spoke out against the ban. Do you always sack people you are proud of?

**Mr TROY GRANT:** I reinforce and reaffirm my statement that I am proud of every member of the NSW Nationals parliamentary party and the NSW Nationals more generally. We are the most democratic party, I would submit, in this Parliament in that my members are free to represent their communities in the manner that they see fit, and to form their own views and judgements. My job as the Leader of the NSW Nationals is to provide my parliamentary members with all the relevant material and information they require to deliberate and then form their views on before they enter a vote in Parliament on legislation and/or have discussions in relation to policy matters. I would suggest that, as in most political parties, not all the 23 current members of my party room unanimously agree on every piece of legislation and/or policy that we as a party and as a government undertake.

For the record I inform the Committee and more generally the community I did not sack Chris Gulaptis as parliamentary secretary. He resigned his position, as is convention. Parliamentary secretaries form part of the Executive of the NSW Government, and for 98 years it has been the convention of the NSW Nationals that if you hold a position on the Executive and vote against a government bill or a bill put forward by the Executive, you do the honourable thing and resign. That does not diminish the level of pride that I feel, because the acts of Chris Gulaptis and Katrina Hodgkinson in crossing the floor and sitting next to Labor people was one that churned at them, caused them great angst and did not sit comfortably with them. I was proud that they were able to decide on their own merits the position they wanted to take on this issue. Ultimately they were both fully conversant in and aware of the outcome that was required by way of convention, which is that they were both required to resign their Executive positions as parliamentary secretaries.

**The Hon. LYNDIA VOLTZ:** If they are free to represent their communities, why did you sack them?

**The Hon. TREVOR KHAN:** Point of order: The Minister is here in his role as a Minister. These are matters that go beyond his performance of his duties as a Minister and go to his role in a political area beyond his ministerial responsibilities. It is my submission the question should be ruled out of order.

**Mr TROY GRANT:** I am happy to answer the question.

**The CHAIR:** I would add that the Minister is also the Deputy Premier and the Minister for Racing.

**Mr TROY GRANT:** To correct the question, which was "Why did you sack them?", I have already answered I did not—

**The Hon. LYNDIA VOLTZ:** Why did you sack Katrina Hodgkinson if she is free to represent her community? If, under your party system, she is free to represent her community, why would you sack her?

**Mr TROY GRANT:** Because she crossed the floor as a member of the Executive on a bill presented to the Parliament of New South Wales—

**The Hon. LYNDIA VOLTZ:** So she is not free to represent her community.

**Mr TROY GRANT:** She is absolutely free—

**The Hon. LYNDIA VOLTZ:** No, she is not, because she will be punished if she does.

**The Hon. TREVOR KHAN:** Point of order: As with Mr Shoebridge earlier, Ms Voltz is now getting somewhat excited. The Minister should be entitled to answer the question without constant interruptions. It is not an argument; it is a question-and-answer session.

**The Hon. LYNDIA VOLTZ:** T the point of order: That is the second interjection I have had when I asked a question. I would appreciate it if the Hon. Trevor Khan would stop constantly interjecting on Opposition members when they are asking questions because he happens to not like them. I would ask that if he continues to do that he is brought back to order.

**The CHAIR:** Mr Khan is entitled to take points of order if he sees fit—whether or not they are points of order is another issue. I would ask that Ms Voltz allow the Minister to answer the questions.

**Mr TROY GRANT:** Ms Voltz, "representation of your community", as you termed it, is not dependent on your holding an Executive position. The Nationals are not like the Labor Party of NSW, where a recent example involves a member by the name of Amanda Fazio. When she held office as President of the Legislative Council and crossed the floor on a bill, she not only lost her position but, as I understand it, was expelled from the caucus of the NSW Labor Party. Katrina Hodgkinson and Chris Gulaptis have not been expelled from the NSW National Party; they simply no longer hold the Executive positions of parliamentary secretary. It does not exclude them from holding that position or any other position in this Parliament in the future. I remain proud of everyone in my National Party. I am proud to lead a party that allows members to represent and advocate on behalf of their community without the fear of being expelled from their political party, unlike yours.

**The Hon. LYNDIA VOLTZ:** Given that Amanda Fazio was not expelled from the Labor Party and lost her position, what you are saying is your party is exactly the same as the Labor Party. What do you mean when you say, "They're free to represent their communities; however, they will be punished if they're a part of the Executive Government"?

**The Hon. TROY GRANT:** As I said, it is convention. If you are a member of the Executive and you cross the floor on a bill introduced by the Executive, you relinquish that position. It is done according to convention by resignation. If it does not occur that way, you are no longer required and you are replaced in that position.

**The Hon. LYNDIA VOLTZ:** So you always intended to sack the ones who crossed the floor?

**The Hon. TROY GRANT:** That position has been well known. As I keep repeating, they were not sacked. Chris Gulaptis honoured the convention by resigning his position.

**The Hon. LYNDIA VOLTZ:** Let us talk about Katrina Hodgkinson. What about her? Chris Gulaptis resigned, but you always seem to skip over Katrina Hodgkinson.

**The Hon. TROY GRANT:** I think I have mentioned her in my previous answers. She did not resign.

**The Hon. LYNDIA VOLTZ:** Why did you not call her when you issued the press release?

**The Hon. TROY GRANT:** Her phone was not switched on.

**The Hon. LYNDIA VOLTZ:** Her phone was not switched on. Greyhound industry representatives currently have a Supreme Court action to set aside the McHugh report. If the report is set aside, or significant portions are, will the Government change its mind?

**The Hon. TROY GRANT:** I will not pre-empt any outcome of a matter before the Supreme Court.

**The Hon. LYNDIA VOLTZ:** Why not?

**The Hon. TROY GRANT:** The Government's position has been clearly articulated. As tough and as unpopular as it is, the Government's reasons for doing this have been well explained, and they will either be accepted or not by the community. The Supreme Court action will commence, and we will consider our position, as we always do, after the determination of the outcome of every court matter that may or may not relate to Government decisions or policies.

**The Hon. LYNDIA VOLTZ:** What would be the implications of the report being struck out by the Supreme Court?

**The Hon. TROY GRANT:** I will not speculate on that; I will let the court do its job and let the Greyhound Alliance have its day in court.

**The Hon. SHAOQUETT MOSELMANE:** I refer to the Callinan lockout report. Have you or any of your staff spoken to or had any contact with Mr Callinan or any of his staff in relation to the content of his report or any of his deliberations?

**The Hon. TROY GRANT:** I have met with Mr Callinan a couple of times. Those meetings are noted in my ministerial diaries, which are publicly available. I am happy to provide that information to the community.

**The Hon. SHAOQUETT MOSELMANE:** What was the content of those discussions? What did you discuss? You said you had discussions with him. What was the nature of those discussions?

**The Hon. TROY GRANT:** They largely related to ensuring that he had the resources he needed and had enough time to meet with every stakeholder and so on. We wanted to know whether he required any additional resources to do the job he was asked to do on behalf of the Government. Mr Callinan is a man of immense standing, and we look forward to his report. I have not had any specific discussions about the final report, and we eagerly await it.

**The Hon. SHAOQUETT MOSELMANE:** Were there any discussions about the recommendations?

**The Hon. TROY GRANT:** Not specifically, no.

**The Hon. SHAOQUETT MOSELMANE:** You were talking about the costs and support for the report, not the recommendations or anything else?

**The Hon. TROY GRANT:** Mr Callinan has engaged widely. The key to the report is his ability to talk to stakeholders on all sides of the argument. He provided me with information that he had received during his excellent stakeholder engagement and the like. He was provided with a wealth of information. He wrote to me on 29 August requesting a short extension. I am happy to table this letter for the Committee's benefit.

**The Hon. SHAOQUETT MOSELMANE:** Have you had any advance notice of the recommendations?

**The Hon. TROY GRANT:** No, I do not know what he will recommend.

**The Hon. SHAOQUETT MOSELMANE:** One of your statements reported in the *Daily Telegraph* contradicts the Premier's position. You state that if the review into lockout laws suggests a move from 1.30 a.m. to a closing time of 3.00 a.m. you would support that. The Premier indicated that the lockout laws are here to stay.

**The Hon. TROY GRANT:** That was a question posed to me by a reporter. If you were to ask my opinion as a former police officer, I would say that I am open to the recommendations that the Callinan review will make to the Government and I will consider them. As I have said on the record, we will be making that publicly available for the community and for you to look at. You will be able to form your own views on the recommendations. The Government will ultimately make a determination. Yes, I am open to different aspects of the various views presented. The article to which you referred related to what is more effective: the 1.30 a.m. or 3.00 a.m. component of the lockout laws. I was commenting in relation to my experience on that matter.

**The Hon. SHAOQUETT MOSELMANE:** So your views on the lockout laws are consistent with the Premier's?

**The Hon. TROY GRANT:** My views are my views and the Premier's are his. Cabinet will ultimately make a decision.

**The Hon. SHAOQUETT MOSELMANE:** Is there a clash between the Premier's views and the Deputy Premier's views?

**The Hon. TROY GRANT:** He supports Manly and I support Newcastle in the NRL. We clash on those sorts of things.

**The Hon. SHAOQUETT MOSELMANE:** We are talking about the lockout laws.

**The Hon. TROY GRANT:** Every member of Cabinet, including the Premier and I, will have—and we are entitled to have, given our life experience and what we bring to this place—a variety of views on all sorts of matters, including lockout laws. What we think will ultimately work best is what is in the best public interest. Ultimately, Cabinet will discuss the recommendations and form a collective Government view, which we will take to our party rooms and then to this Parliament.

**The Hon. SHAOQUETT MOSELMANE:** You will consult with your caucus and then bring it to Parliament?

**The Hon. TROY GRANT:** We will consult with the entire community, including you.

**The Hon. SHAOQUETT MOSELMANE:** So it will not be a repeat of the greyhound experience?

**The Hon. TROY GRANT:** With respect, the circumstances are very different. The special commission of inquiry was constituted and reported as required by the Special Commissions of Inquiry Act. It also had ramifications for the Australian Stock Exchange with regard to timing and potential liabilities. The Callinan review does neither, so the release of the information is completely different. It is therefore appropriate to adopt this process for the Callinan review, as it was appropriate to adopt the process we adopted to deal with the greyhound special commission of inquiry.

**The CHAIR:** Minister, do you still wish to table that document?

**The Hon. TROY GRANT:** Yes.

**Document tabled.**

**The Hon. TROY GRANT:** The document relates to the extension because of the additional data that Mr Callinan required, and he wanted more opportunities to gather stakeholder information.

**The Hon. LYNDIA VOLTZ:** Before the reforms to the structure of the Independent Liquor and Gaming Authority were implemented, how many specialist staff were allocated to monitoring The Star casino?

**The Hon. TROY GRANT:** I will take that question on notice so that I can provide an exact answer. Since 1 June 2016 and when the reforms were implemented, 17 covert deployments have occurred at high-risk venues, and 110 audits of the casino have been undertaken as part of complaint investigations.

**The Hon. LYNDIA VOLTZ:** How many are there at the casino now?

**Mr TROY GRANT:** Staff inside the casino? There are none, but there is an additional number of compliance officers who carry out that former work.

**The Hon. LYNDIA VOLTZ:** Why did you remove the specialist staff with responsibility for monitoring the casino?

**Mr TROY GRANT:** I will refer to my deputy secretary to give a more fulsome answer on that. But in addressing it, it was because we wanted to adopt world's best practice and we wanted to avoid a couple of issues that are commonly known as regulatory capture and the like. We believe this model is the most effective one. In addition there were considerations given to the restricted gaming facility that is coming online known as Barangaroo—the Crown establishment—of having compliance officers sitting inside one premises and not the other one was also considered. I will hand over to Ms Torres to give you more fulsome—

**The Hon. LYNDIA VOLTZ:** Can I get you to elucidate on what you understand "regulatory capture" to mean?

**Mr TROY GRANT:** I will refer to the deputy secretary.

**The Hon. LYNDIA VOLTZ:** It is a term you used, so I was hoping you could expand on it a bit.

**Mr TROY GRANT:** I can and I will. Regulatory capture is a potential risk that exists, similar to Stockholm syndrome, that if you work and are contained within an organisation you may not be as independent

in carrying out your functions as may be desired. A distance in the relationship between compliance officers and the actual facility that they are regulating is more favourable and appropriate than the current arrangements.

**The Hon. LYNDIA VOLTZ:** Do you believe this was happening at the Star casino?

**Mr TROY GRANT:** I am just saying it was one of the considerations in adopting world's best practice—we examined many jurisdictions—and the other factors I alluded to. I turn to Ms Torres, who was instrumental in the design and development of this.

**Ms TORRES:** We need to make it clear that Liquor and Gaming has assumed responsibility and as part of that test moved away from the permanent 24/7 location. However, by going through a rotational system and shift work models there is greater exposure and a much wider number of inspectors who are being exposed to the casino environment. The Liquor and Gaming inspectors, as the Deputy Premier said, have already been undertaking several investigations in relation to the casino and have done a number of overt and covert operations there. In addition, Liquor and Gaming inspectors also have permanent access to the Star's CCTV networks and can monitor at any time they choose. Prior to this, as you point out, the Independent Liquor and Gaming Authority [ILGA] inspectors were based at the Star. I will have to come back to you on notice about the exact number because it is about shift work.

**The Hon. LYNDIA VOLTZ:** That is fine. You can come back to us on notice about that. Minister, how many members of the ILGA board have left in the past 12 months?

**Mr TROY GRANT:** I will take that on notice for the exact number and the composition. I understand it is four, but I will confirm that on notice.

**Ms TORRES:** I can confirm if that is helpful.

**Mr TROY GRANT:** Yes.

**Ms TORRES:** The former chair, Chris Sidoti, Helen Morgan and Ken Brown have, over the past few months, been replaced for various reasons—terms expiring and so on.

**The Hon. LYNDIA VOLTZ:** So it is four out of five?

**Ms TORRES:** They have been replaced by Philip Crawford as the new chair, Craig Sahlin, Nicky McWilliam and two other gentlemen whose names escape me at the moment. We will provide full details.

**The Hon. LYNDIA VOLTZ:** So that is four out of five.

**Mr TROY GRANT:** Four out of five have transitioned by either—

**Ms TORRES:** Sorry to interrupt, but the Helen Morgan resignation was due to ill health. She had been in and out of hospital for some months, so—

**The Hon. LYNDIA VOLTZ:** But it is four out of five. Yes?

**Mr TROY GRANT:** Four out of five have changed.

**Mr JUSTIN FIELD:** Minister, congratulations to the Government on its decision with regard to the greyhound industry. Regarding the transition plans, can you assure us that smaller greyhound rescue groups will be included in any transition package and not just the RSPCA?

**Mr TROY GRANT:** Yes. I have Feargus O'Connor with me, who has been out on the ground with Doctor Keniry, who is the coordinator-general for the task force that is consulting with everyone who has an association with or a connection to the greyhound industry, whether it is the breeders, owners, trainers, participants and/or industry associated, but also in the very important component of rehoming and animal welfare. Everyone is able to contact Doctor Keniry with the assistance of Feargus O'Connor to make sure that we are across the full breadth of opportunities. The Government has to include the resources necessary to support this industry during its transition.

**Mr JUSTIN FIELD:** Racing will be prohibited from 1 July, but dates for other parts of the legislation such as prohibiting the breeding of greyhounds for racing purposes are to be set in regulation. Do you have any thoughts on the current dates for those different elements?

**Mr TROY GRANT:** We are waiting on the advice from the consultation from Doctor Keniry to formulate those dates. That is to ensure that there is an orderly and humane timeframe for the animals and an understanding of the impact on individuals, and that that is done and articulated by way of regulation. So those dates have not been determined yet. We will be seeking the advice of Doctor Keniry after his consultations as to what those dates will be. They will be widely known and contained within the regulation. In addition to that, to

complement those dates will be the tabling of the full transition plan. I expect the transition plan will be different for different sections of the industry—breeders, owners and trainers—and also different again for clubs and/or community groups associated, the welfare side of it such as greyhound rehoming and also anyone else who is connected more broadly by way of community connectivity to the greyhounds.

**Mr JUSTIN FIELD:** When would you expect the regulations and transition plan to be published?

**Mr TROY GRANT:** I have given a public undertaking to table the transition plan in both Houses of Parliament within three months of the passing of the legislation. If it can be done before that then, we will. We will keep everyone updated as to the progress of that.

**Mr JUSTIN FIELD:** Is there a list of countries that Greyhound Racing NSW will allow or not allow greyhound exported to?

**Mr TROY GRANT:** The export of greyhounds is covered at the Federal level. I will refer to Mr O'Connor to give you more precise information in relation to this, but it is prohibited to export greyhounds to jurisdictions that do not have equal to or the same regulatory and/or animal welfare measures from the place that they are being exported from.

**Mr O'CONNOR:** The only thing I would add to the Deputy Premier's point is that it is managed nationally by Greyhounds Australasia. There is a set of countries of a very limited nature that have to satisfy Greyhounds Australasia. You cannot export a greyhound from Australia into a non-compliant nation. Similarly, if a greyhound were sold or transferred out of New South Wales into another Australian jurisdiction, it would still be subject to the same filter.

**Mr TROY GRANT:** An example of where they cannot be is Macau.

**Mr JUSTIN FIELD:** Given that the regulations in New South Wales are effectively that we do not allow greyhound racing, it would be hard to find a jurisdiction that would meet those requirements. I assume that would limit the jurisdiction to places where greyhounds could not be raced.

**Mr O'CONNOR:** No. On the assumption that greyhound racing does occur, it is more to do with the welfare and the treatment of the dogs.

**Mr JUSTIN FIELD:** Moving on to some gambling issues, the most recent figures released earlier this month show New South Wales tops the nation in gambling losses per person—more than \$1,500 lost per person per year in New South Wales compared to half of that in Tasmania; 65 per cent of loss is through the pokies; and we have almost 50 per cent of the 200,000 poker machines in Australia. Do we have a problem with poker machines in New South Wales?

**Mr TROY GRANT:** Thank you, Mr Field, for your question. There has been a significant reduction in the number of poker machines per capita in New South Wales. That is due to the regime that has been in place for a few years now. The current entitlements scheme is how it is governed, and it is deliberately aimed at achieving an ongoing reduction in the number of gaming machines in New South Wales. It has facilitated trade and forfeiture of entitlements. The maximum number of gaming machines in a venue is limited by the number of gaming machine entitlements held by the licence.

As at June 2016, there were 97,654 gaming machine entitlements in New South Wales—73,997 in clubs and 23,657 in hotels. That figure of 97,654 is a reduction from the same period last year, when there were 98,002. This is a decrease in entitlements over that 12 months of 348. So this regime is reducing the number of gaming machines. Over 2015-16 there were more than 520 applications processed by the Independent Gaming and Liquor Authority, including gaming machine entitlement transfers. The gaming machine threshold increased applications in class 1 and class 2 local impact assessment applications. So the forfeiture of and reduction in poker machines is on track—numbers are continuing to reduce.

**Mr JUSTIN FIELD:** That is a relatively small reduction from the extraordinarily high number we have in New South Wales. Where would you expect it to get to by, say, 2020? Is not the issue here really how much individuals are losing on the pokies—not so much how many pokies there are per person?

**Mr TROY GRANT:** In relation to gaming, the broad answer to that question is that people have the right to game and to spend their money how they wish, and large sections of the community choose to spend their money on gaming. There is a responsibility on government—and on the community also—to have in place measures of harm minimisation, which this Government invests heavily in. We have, in 2015-16, through the Responsible Gambling Fund, committed a record \$19.2 million to support education and awareness programs that build community resilience, counselling services that assist problem gamblers and their families, and research to help give us a better understanding of causes and to develop better harm reduction strategies. Some



\$11 million has been provided to 54 face-to-face counselling and support services in some 200 locations across New South Wales. We also have round-the-clock, 24-hour telephone and web-based counselling available. We understand the importance of reaching out to that community. But there is also—

**Mr JUSTIN FIELD:** While you are explaining that, could you also go to why you think that people who regularly gamble in New South Wales lose about twice as much as people in some other States? I know that people have the right to gamble, but, if it is not due to government settings, why are people in New South Wales more willing to lose money on poker machines? Could it be because we have so many of them in New South Wales?

**Mr TROY GRANT:** I do not think that is a question I can answer. It would need some substantive research. I am happy to take on notice to provide you with all the available material that may help to answer that, but there may be a need to study that very question you are asking. It is not an answer I have at hand.

**Mr JUSTIN FIELD:** Are you concerned about the growth in online sports betting and the fact that children are increasingly being exposed to gambling ads because of loopholes in the law which allow those ads to be broadcast during sport on television?

**Mr TROY GRANT:** In relation to the broadcasting and advertising of gaming, that is something that does not fall completely within my jurisdiction. It is a Federal issue more than it is ours. We have brought in regulations—I think it was in December of last year—to restrict the type of advertising that we have the power and authority to control. But your question about online gambling and children is an important one. Again, unfortunately, that sits with the Commonwealth Government, not directly with me. The Commonwealth's Interactive Gambling Act 2001 sets out the legislative framework for online wagering. The Australian Communications and Media Authority is responsible for investigating complaints under that legislation.

In 2015 the Commonwealth Government commissioned a review into illegal offshore wagering. It was led by former Premier Barry O'Farrell. The review recommended a national framework for protecting Australians, especially children, from illegal offshore wagering. My department—Liquor and Gaming NSW—is participating in a national working group to this end. The group also includes representatives from the Commonwealth and other States and Territories and is working to help develop better consumer safeguards and the like.

**Mr JUSTIN FIELD:** This is something you are taking up with your Federal colleagues and other States?

**Mr TROY GRANT:** Absolutely. It is something that is discussed at our ministerial council meetings and has been most recently informed by the work of former Premier O'Farrell on behalf of the Commonwealth.

**Mr JUSTIN FIELD:** I would like to move on to the risk-based liquor licence model. Do you think it has been working since it came in, in 2014, to change behaviour as far as breaches of licence conditions are concerned?

**Mr TROY GRANT:** Yes, I do. This is a system that was introduced by the lady to my right, Ms Torres, who may be able to help and also give you some background. As of 30 June 2016, there were 15,369 liquor licences in New South Wales. That compares with 17,499 as at 30 June 2015. That is 2,130 fewer liquor licences in New South Wales. With the introduction of our scheme, we actually now have a better capacity to know what licences are out there and to regulate them. The significant reforms introduced by this Government through legislation and policy settings have seen an absolute improvement in conduct and behaviour at premises. Whilst alcohol issues are still an ongoing challenge for the community and for government, I believe there have been significant improvements in patron behaviour particularly—and a large part of that is down to the reforms: basically, our risk-based licensing scheme and other measures.

**The CHAIR:** We will now move on to the next portfolio.

(The witnesses withdrew)

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice, on former oath

**SAMANTHA TORRES**, Acting Deputy Secretary, Arts and Justice Services, Department of Justice, on former oath

**MICHAEL BREALY**, Acting Executive Director, Arts, Department of Justice, affirmed and examined

**The Hon. WALT SECORD:** Minister, are you aware that on 11 August the Sydney Opera House issued a press release in your name about you unveiling renovations to the Opera House? Are you aware of the press release?

**Mr TROY GRANT:** Not off the top of my head.

**The Hon. WALT SECORD:** It is dated 11 August. It is about renovations to the Opera House.

**Mr TROY GRANT:** I am happy to see that release. I cannot recall it off the top of my head.

**The Hon. WALT SECORD:** You announced it.

**Mr TROY GRANT:** I know the announcement. You asked me specifically about a press release issued by the Opera House.

**The Hon. WALT SECORD:** I am sorry, Minister; I was giving you context. Can you tell me the amount for the renovations in that announcement?

**Mr TROY GRANT:** The announcement is in relation to \$202 million. It includes upgrades to the Concert Hall to modernise the Opera House's largest and most popular venue, entrance foyer upgrades to greatly enhance the visitor experience, a new creative learning centre—

**The Hon. WALT SECORD:** Thank you, Minister. We are both reading from the same document. Can you tell me which funding pool was the \$202 million drawn from? Which allocation in the budget is it coming from? This is budget estimates.

**Mr TROY GRANT:** Sure, it is from a \$600 million Cultural Infrastructure Fund.

**The Hon. WALT SECORD:** Thank you.

**Mr TROY GRANT:** It comes via NSW Treasury.

**The Hon. WALT SECORD:** I am familiar with that. When will work begin?

**Mr TROY GRANT:** Sorry?

**The Hon. WALT SECORD:** When will work on the renovations begin?

**Mr TROY GRANT:** There has been—

**The Hon. WALT SECORD:** Are you having a problem with my accent? When will the renovations begin?

**The Hon. TREVOR KHAN:** Point of order: The Minister is beginning to answer the question and, again, the Hon. Walt Secord is falling into the trap of getting somewhat overly excitable. If the Minister can answer the question—

**The Hon. LYNDIA VOLTZ:** That is your favourite term, is it not?

**The Hon. TREVOR KHAN:** It is appropriate.

**The Hon. WALT SECORD:** Minister, when will work begin?

**Mr TROY GRANT:** As part of the \$202 million announcement, it is constructed in a number of stages. The first stage provided in the 2016-17 budget is \$12 million. That is the figure for the first stage of the renewal, which I think is what you are referring to, unveiling the \$12 million component, which was the 11 August announcement. Development applications relating to the entry and foyers, the creative learning centre and function—

**The Hon. WALT SECORD:** Minister, my question is—

**Mr TROY GRANT:** Can I answer the question? You have asked me a question. I am delighted to answer your question.

**The Hon. LYNDIA VOLTZ:** You are not answering it.

**The Hon. WALT SECORD:** Minister, the question is clear: When did work begin? I did not ask you about all the other detail.

**The Hon. TREVOR KHAN:** Point of order: He is clearly answering the question.

**The Hon. WALT SECORD:** He is not answering the question.

**The CHAIR:** The Minister is being generally relevant and getting to the point.

**The Hon. WALT SECORD:** When will construction for the renovation begin?

**Mr TROY GRANT:** As I was saying, the Opera House is nearing completion of its schematic designs for stage one of the renewal. That was announced on 11 August. Development applications in relation to the entry and foyers, the creative learning centre and the function centre will be submitted in the next couple of months. Construction for those projects is likely to commence in 2017 and continue throughout 2018.

**The Hon. WALT SECORD:** Thank you, Minister.

**Mr TROY GRANT:** The development application—

**The Hon. WALT SECORD:** You have answered my question. Thank you.

**The Hon. TREVOR KHAN:** I want to hear it.

**The Hon. WALT SECORD:** I ask the questions.

**The Hon. LYNDIA VOLTZ:** Then you can ask questions later on, Trevor.

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

**The Hon. WALT SECORD:** He answered my question. I said I was happy.

**The CHAIR:** Order!

**The Hon. TREVOR KHAN:** The Minister was still answering the question.

**The Hon. LYNDIA VOLTZ:** We have the answer we want.

**The Hon. TREVOR KHAN:** He should be entitled to answer the question.

**The Hon. LYNDIA VOLTZ:** No, we have the answer we want. Now we are going to ask another question.

**The Hon. TREVOR KHAN:** It is not simply a question of the answer you want.

**The CHAIR:** Order!

**The Hon. LYNDIA VOLTZ:** It is about you running interference, as usual, because you do not trust your Minister.

**The CHAIR:** Order! It is not an exercise of running interference.

**The Hon. TREVOR KHAN:** It is not, Chair. He is answering the question.

**The CHAIR:** Yes, he has answered the question. Thank you very much.

**Mr TROY GRANT:** I have not finished answering the question.

**The CHAIR:** Have you got more you want to say?

**Mr TROY GRANT:** Just two lines, if I am given the courtesy. The development application for the Concert Hall component of the staged development will be submitted in February 2017, which is still your question. Construction is likely to commence in 2019 for that component of the redevelopment and completed in early 2021. This will be made fully public in September of this year.

**The Hon. SHAYNE MALLARD:** Excellent answer.

**The Hon. WALT SECORD:** Minister, is it correct that the main theatre of the Sydney Opera House will close for seven months from next year?

**Mr TROY GRANT:** Yes.

**The Hon. WALT SECORD:** Thank you, Minister. How many performances a year take place in the Joan Sutherland Theatre?

**Mr TROY GRANT:** I will take that on notice and get that advice from the Sydney Opera House.

**The Hon. WALT SECORD:** To help you, 330. How many seats are in the Joan Sutherland Theatre?

**Mr TROY GRANT:** I am sure you can help me.

**The Hon. WALT SECORD:** There are 1,500. Are you aware that there are concerns about performances being cancelled next year in the Joan Sutherland Theatre?

**Mr TROY GRANT:** Yes, I have met with the Australian Ballet and Opera Australia and they have expressed some concerns about the impacts on them regarding the closure period and the venues that they will need to source to continue with a program. I was with Opera Australia the day before yesterday. We launched, on the steps of the Opera House, another innovative way to deliver opera, which does not involve using the Hall or the facilities inside. They are putting on a first world opera, known as a silent opera, about the Sydney Opera House and its history. The orchestra will play from inside the Opera House and every participant in the foyer will be issued with a set of headphones so that they can listen.

**The Hon. WALT SECORD:** Thank you, Minister.

**Mr TROY GRANT:** It is those types of innovative ideas that I have discussed in the meetings I have had with Opera Australia and the Australian Ballet about sourcing other venues and other opportunities to continue their programming in and around New South Wales, and the global opportunities are being considered by them. I continue to have a strong, healthy relationship with both companies as they look to plan for the disruption period concerning the Hall in which they usually perform.

**The Hon. WALT SECORD:** When did you meet with them? What was the date?

**Mr TROY GRANT:** That was published in my ministerial diaries, which are publically available. I am happy to provide you the exact dates. I will need to check.

**The Hon. WALT SECORD:** Was it in the past two weeks?

**Mr TROY GRANT:** I have had joint meetings with them and I have had individual meetings. I met with Opera Australia as late as two days ago and the chief executive officer [CEO] of Opera Australia and I were talking. There is a continual discussion and meetings. When we go to events—I was at the opera the night before last—

**The Hon. WALT SECORD:** What did you see?

**Mr TROY GRANT:** *My Fair Lady*. It was wonderful. I sat next to Craig Hassall, the CEO.

**The Hon. TREVOR KHAN:** Were you there, Walt?

**The Hon. WALT SECORD:** No.

**Mr TROY GRANT:** Again, we discussed the programming for the future years during the disruption. I have had formal and informal discussions.

**The Hon. WALT SECORD:** Did part of those discussions include the \$3 million compensation package that artistic director Lyndon Terracini has suggested the State Government will have to pay because of the closure?

**Mr TROY GRANT:** In the early discussions no figure has been discussed in any of my meetings. They have gone through various processes to assess and predict what may well be the cost of disruptions and the like. That \$3 million figure that you are quoting from Lyndon Terracini, the artistic director of Opera Australia, is his figure and is not a figure that has been formally discussed with me in any of my meetings.

**The Hon. WALT SECORD:** Do you think it will be more or less than \$3 million?

**Mr TROY GRANT:** I am yet to be provided with an exact figure by either of those companies of what they are estimating the potential disruption costs may be, and that is largely dependent on the various state of agreements they are in with other venues, such as the Capitol Theatre. It is a hard one to pinpoint. Mr Terracini's commentary was a global one and a guesstimate on his behalf. He is the Artistic Director for Opera Australia. He is responsible for what we love and see performed by Opera Australia. He is not responsible for the running of Opera Australia, its finances or its logistics.

**The Hon. WALT SECORD:** Have any of the public servants sitting on either of side of you been involved in discussions or taken advice?

**Ms TORRES:** Yes.

**The Hon. WALT SECORD:** Can you tell me what is the state of play?

**Ms TORRES:** The last meetings we had with Opera Australia have been to work through exactly what their issues are. They have not finalised a formal request for compensation. They have been advised that we will continue to work with them trying to find additional venues and additional strategic management resources for them as well. The other companies have been able to work through the issues, so we are working with Opera Australia to do the same.

**The Hon. WALT SECORD:** Is the other company the Australian Ballet?

**Ms TORRES:** There are number of companies affected by—

**Mr TROY GRANT:** Bangarra Dance Theatre is another one. There are many that utilise the facility.

**Ms TORRES:** Various other companies utilise the Opera House.

**The Hon. WALT SECORD:** What is your assistance involving? It is helping them find locations or giving them financial compensation?

**Ms TORRES:** We are not, at this point, contemplating compensation. Our understanding is that the Opera House was quite clear in negotiations prior to commencement of the Joan Sutherland Theatre planning that no compensation would be payable from the Government or from the Sydney Opera House.

**The Hon. WALT SECORD:** From the very beginning?

**Ms TORRES:** From the very beginning. Opera Australia and the Australian Ballet are supportive of the project. It is a matter of working through—

**The Hon. WALT SECORD:** Was that communicated to them verbally or through correspondence?

**Ms TORRES:** Off the top of my head I do not know. I can confirm and come back to you.

**The Hon. WALT SECORD:** Can you take it on notice? Thank you.

**Mr TROY GRANT:** To assist that answer, it is not a matter of compensation. Discussions are also about other ways that government can assist. It is not always down to compensation. We have various other avenues such as a wonderful agency called Destination NSW. We have partnerships across government as well that may be available to both those companies or anyone else disrupted by these renovations. This is not something that has been a surprise to any of the companies. They have called for the renovations because it impacts on their ability to put the world's best performances on, in their respective genres. They have been communicated with, and engaged in this process right from the beginning. They welcome the renovations that are taking place. As appropriate, they are professionally taking all steps to mitigate any costs to their operations because of the disruption.

**The Hon. WALT SECORD:** Opera Australia and the Australian Ballet have welcomed the closure?

**Mr TROY GRANT:** Absolutely. The renovations that are required will ultimately enhance what they are able to do on that stage and within the Opera House. This is "necessary". That is another word they have used. The Opera House has not been closed to disadvantage; it has only been closed to enhance and renew the offerings inside—the vital machinery that they rely on to conduct their performance and the acoustics. This is in the companies' interests and they know that. We have the world's best cultural institution here in Sydney—it is iconic—but it is 40-something years old. It is in dire need of some renewal. The renewal and investment will ultimately benefit and enhance everyone that performs in and utilises the Opera House.

**The Hon. WALT SECORD:** How do you reconcile saying that they welcome this when the Artistic Director of Opera Australia has spoken in several major media organisations complaining about the closure and saying that it will mean the cancellation of performances, that performers will be out of work and out of pocket and will be missing \$3 million? How do you reconcile that?

**Mr TROY GRANT:** Easily. I can answer that very clearly for you. Lyndon Terracini is the Artistic Director for Opera Australia; he does not run Opera Australia. He is entitled to his view and his opinion, but it is not consistent with the people that run Opera Australia.

**The Hon. WALT SECORD:** So he is wrong?

**Mr TROY GRANT:** No. I just said that his view is not consistent with the people who run Opera Australia.

**The Hon. WALT SECORD:** Is that the time? I think we should move, next year, to have three blocks of 60 minutes.

**The CHAIR:** I will decide.

**The Hon. WALT SECORD:** I encourage you.

**Mr JUSTIN FIELD:** I will move to questions on libraries. Last year you indicated that the Government would give further consideration to funding reform for public libraries after the Fit for the Future process was concluded. Now that the Government's forced amalgamations have been announced what are you doing to deliver long-overdue improvements to government funding for libraries?

**Mr TROY GRANT:** The Fit for the Future process has not finished. The amalgamation component of Fit for the Future has not finished either. There were some—I apologise if this figure is not right—64 recommendations in Fit for Future. Just eight of those related to council amalgamations and mergers. There are a whole lot of recommendations in relation to the financial capacity and borrowing capacity et cetera, and the governance and operations of local government, who are great partners in the public library space.

Until that process is completed, as I committed to last year, I am proud to let you know that we have granted a record \$28,322,000 to public libraries in 2016-17. This includes additional funding of \$2.1 million over two years to address the impact of population growth and consumer price index [CPI] on public library funding. It also includes the third year of the successful Public Library Infrastructure Grants program, which will provide \$15 million over four years to further assist councils to improve library building spaces and IT infrastructure. So far, we have delivered \$7 million from this program to 54 councils and their libraries.

This Government is very proud to have done more than any other Government to support public libraries. In our first term we also rolled out \$4 million revitalising regional library programs, delivering wireless or wi-fi hotspots to 126 rural and regional libraries, grants of \$16,000 to all rural and regional councils to improve their libraries. So the support to access infrastructure and technology funding is very important in the future life of libraries. They are becoming increasingly important as community spaces. It is not simply a matter of them offering books on shelves. They offer a growing and diverse range of library services, which is welcome. I remain committed—as I did in last year's estimates—to continue to invest and focus on supporting public libraries wherever I can.

**Mr JUSTIN FIELD:** It is a bit more than just an investment though. The Library Council has given you an options paper. There seems to be consensus within councils and the Library Council that a new model is needed. Last year the advice I had was that it would be considered after the reforms were introduced. From your comments this morning, it seems that it probably will not be considered until the reforms are embedded and concluded. Are you still committed to reforming the funding model for public libraries? Given that you have had this options paper now for a couple of years, when do you think that new funding model will be rolled out?

**Mr TROY GRANT:** Yes, I am still committed. As I indicated in my earlier answer, consistent with Fit for the Future process it has not been completed. That does not mean we have not done anything in the interim. In relation to subsidies, I am happy to inform you that, whilst the \$1.85 prescribed amount per capita has not increased since 1997, library subsidies as a whole have increased since this time. The prescribed amount is just one component of the annual subsidy paid to councils. Councils receive well in excess of this amount, ranging from \$2.44 to \$17.65 per head. That commenced in 2015.

This adjustment provides additional assistance to our public libraries, taking into consideration dispersed and low populations, demographics and the isolation of some libraries. So in relation to the model in the longer term, my commitment remains. We have to move away from the model that was designed when we were still talking in shillings and pence. As soon as we can do that, we will do so. It is my understanding that the appointment of the new librarian will be made shortly. That is a discussion I will be having with him or her and the new President of the Library Council, whom I have recently appointed—the Hon. George Souris.

**The Hon. WALT SECORD:** My question is about the Sydney Theatre Company. Earlier this month Kip Williams was announced as internal Artistic Director. What is the status of obtaining a permanent Artistic Director for the Sydney Theatre Company? What is the timetable?

**Mr TROY GRANT:** You are the shadow Arts spokesperson. Is that right?

**The Hon. WALT SECORD:** Yes.

**Mr TROY GRANT:** That is not a matter for you or me. That is a matter for the Sydney Theatre Company.

**The Hon. WALT SECORD:** Do you provide any funding for the Sydney Theatre Company?

**Mr TROY GRANT:** We do, but we do not determine the employment and/or arrangements. That is a matter for them.

**The Hon. WALT SECORD:** Have you had any discussions with them?

**Mr TROY GRANT:** No, I have not had any discussions.

**The Hon. WALT SECORD:** When was the last time you sat down and had a discussion with New South Wales Art Gallery Director Michael Grant?

**Mr TROY GRANT:** Sit-down discussion?

**The Hon. WALT SECORD:** Or stand up—perhaps in a pub!

**Mr TROY GRANT:** I will check my diary. Since the Archibald awards, it would be three times in the last few weeks. I was definitely at the Archibald opening. I will check that date.

**The Hon. WALT SECORD:** Yes, I saw you. I was there.

**Mr TROY GRANT:** I went there on another occasion with my son, Michael and—sorry, I have a mental blank—Ben Quilty. He took us around the gallery and we had discussions then.

**The Hon. WALT SECORD:** As part of those discussions did you discuss his plans for Sydney Modern project?

**Mr TROY GRANT:** He gave me some updates in relation to the progress of their philanthropic endeavours as part of that.

**The Hon. WALT SECORD:** What is your attitude towards his approaches to government for financial contributions to Sydney Modern?

**Mr TROY GRANT:** As the CEO, he is absolutely entitled to. He has gone through the gateway process and his case is being considered by Infrastructure NSW as part of the cultural infrastructure strategy. Given this is budget estimates, I can inform the Committee that in 2015-16 the Government provided an additional \$4 million to further advance the design and planning for the Sydney Modern Project.

**The Hon. WALT SECORD:** Four million?

**Mr TROY GRANT:** Yes. That is on top of previous investment in 2014-15 of \$10.8 million for the Art Gallery of New South Wales for the Sydney Modern Project, so that is \$14.8 million to date we have invested there. It is currently being considered as part of a whole lot of other bids and interests for funding for other cultural infrastructure right across New South Wales.

**The Hon. WALT SECORD:** When will you make a decision on his bid?

**Mr TROY GRANT:** As part of the Cabinet Infrastructure Committee, when we have that information and advice available from Infrastructure NSW, which I am eagerly awaiting.

**The Hon. WALT SECORD:** As part of the answer you just gave, you mentioned the Cultural Infrastructure Plan. Can you tell me what has been allocated so far? It is \$600 million?

**Mr TROY GRANT:** Yes. There are two amounts—\$202 million for the Sydney Opera House, and for Walsh Bay \$139 million.

**The Hon. WALT SECORD:** What is happening to the remainder?

**Mr TROY GRANT:** That will be determined by the Cabinet Infrastructure Committee once we are in receipt of the Infrastructure NSW report and assessment on the framework for the investment into the other demands that are out there in the culture and arts space.

**The Hon. WALT SECORD:** What is your timetable for that—at the end of the year, next year, next year's budget?

**Mr TROY GRANT:** As the arts Minister, I wanted it last year—as quickly as possible—because there is a massive demand and appetite out there for investment in the arts and culture. As the arts Minister of New South Wales, it excites me enormously that people are embracing the opportunity to invest in arts and culture across New South Wales. I am enormously proud as the Minister to be the first and only Minister in this State that has introduced an Arts and Culture Strategy to Cabinet, which has been endorsed, and the only Minister in this State's history that has secured a \$600 million Arts and Culture Infrastructure Fund, which is \$600 million better than other governments in the history of this State.

I am someone who is eagerly passionate to continue to make all the investments we can within our capacity as government into arts and culture in New South Wales—both programming and infrastructure. I am very proud that members of the Labor Party, your party, during a debate in the lower House were very critical in

relation to our funding to Western Sydney. That is an example which, in the last 12 months, has increased by 46 per cent for programs, and I think it is some 12 per cent in regional New South Wales from just last year—which is 46 per cent plus the previous year improvement on former governments.

**The Hon. WALT SECORD:** You mentioned Western Sydney. Can you please detail the timetable for the Powerhouse Museum of the Museum of Applied Arts and Sciences?

**Mr TROY GRANT:** We do not have the completed time frame arrived at yet because it is being considered as part of the overall business plan. There are a number of factors that are being currently considered because the site has been identified and the proper due diligence and examination and all that ultimately will determine the time frame. We remain committed that we will deliver for this State in Parramatta a once-in-a-generation build of cultural infrastructure, that being the Museum of Applied Arts and Sciences. The fact that it is going to Western Sydney should be an exciting prospect for everyone in New South Wales.

The museum will be iconic; it will be fit for purpose. I think that the Hon. Walt Secord, as the shadow Minister, would share my excitement for this project. If we could roll it out the door tomorrow, I would be as happy as you are, but we have to be realistic and, because we want to make it world class and iconic as well as fit for purpose, we need to do all the appropriate due diligence to make sure we get it right and that we make it the best it can be. I am very, very excited about this project.

**The Hon. WALT SECORD:** Minister, will we see the same square metreage of exhibition space at the new location?

**Mr TROY GRANT:** What we are going to see—and I am on the public record—is we will have the opportunity to showcase more of the wonderful collection that the Powerhouse, as it is known, or the Museum of Applied Arts and Sciences, has in its vaults than currently is able to be displayed at the Ultimo site. That is a big component of the planning for the new iconic Powerhouse. So the more we can put on show of the treasures of this State, the better. That will only enhance the educational and visitor experience to this iconic museum, and it is something that I am very, very excited about.

**The Hon. WALT SECORD:** Minister, you mentioned the Archibald. Your portrait has been hung in there.

**Mr TROY GRANT:** Did you like it?

**The Hon. WALT SECORD:** No, I cannot say that I did. I thought it was actually one of the weakest ones.

**Mr TROY GRANT:** Okay.

**The Hon. TREVOR KHAN:** I am sure the artist will be pleased to read your comments.

**The Hon. WALT SECORD:** Is the artist the same person who ran as a candidate for The Nationals in 2003?

**Mr TROY GRANT:** I am not sure of the date, but, yes.

**The Hon. WALT SECORD:** So it is Mark Horton, the same one?

**Mr TROY GRANT:** Yes.

**The Hon. WALT SECORD:** So I should trust my gut on that. That is why I did not like it.

**Mr TROY GRANT:** He is a very talented artist and that is the second-only ever acrylic painting. Despite me being the subject matter, I thought the painting was pretty good.

**The Hon. WALT SECORD:** Tell me, how long did it take to sit for the painting?

**The Hon. TREVOR KHAN:** This is drawing a bit of a longbow.

**Mr TROY GRANT:** No, that is fine. It was a little while ago. I think it was about three hours that I was out in the wheat paddock at Rawsonville, which is halfway between Dubbo and Narromine. We had gone to two other locations on that day. He was intent on having me sit at a particular time of day for the light and the shade and the shadowing that he wanted to portray. When he asked me to be the subject matter, he said he wanted to tell a story through the painting and he needed the wheat paddock in a rural setting and the lighting that that gave him as an artist, which I do not quite understand, but I was happy to comply. While we were out there he made a heap of notes and did stuff and a heap of photographs were also taken to help him reference back to. I was thoroughly honoured and privileged to be part of the process.



**The Hon. WALT SECORD:** Minister, with your indulgence, can I ask one last question? It is not a trick question.

**The Hon. TREVOR KHAN:** That would be unlike you, Walt.

**The Hon. WALT SECORD:** No, it is not a trick question. It is a sincere question that has been asked of me to ask you today.

**Mr TROY GRANT:** Sure.

**The Hon. WALT SECORD:** It involves Australia's only small arms museum, based in Lithgow. They have been unsuccessful in their negotiations to get a permanent site. It is one of the biggest tourist attractions in Lithgow. They have asked: Has your department or has your agency or your staff made any representations, or could they provide any assistance? They are Australia's only small arms museum and they are based in Lithgow, and they are an important tourist attraction.

**Mr TROY GRANT:** Acknowledging all that, I am more than happy to refer them to Arts NSW to look at what capacity we may have to assist them, given the significance of what you have put to me.

**The Hon. WALT SECORD:** Thank you.

**The CHAIR:** At this point, we will conclude this morning's hearing. Minister, thank you very much, and your officers.

**Mr TROY GRANT:** Thank you, Chair.

**The CHAIR:** I note that you have taken a few questions on notice. You have 21 days to produce answers to those questions. Thank you very much for coming.

**Mr TROY GRANT:** Thank you.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**