

GENERAL PURPOSE STANDING COMMITTEE No. 3

Friday 1 September 2006

Examination of proposed expenditure for the portfolio area

POLICE

The Committee met at 3.00 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. Dr A. Chesterfield-Evans
The Hon. D. Clarke
The Hon. M. J. Gallacher

The Hon. K. Griffin
The Hon. E. M. Obeid
Ms L. Rhiannon

PRESENT

The Hon. P. C. Scully, *Minister for Police*

NSW Police

Mr K. E. Moroney, *NSW Police Commissioner*

Ms F. M. McPherson, *Executive Director, Corporate Services*

Ministry for Police

Mr L. T. Tree, *Director General*

NSW Crime Commission

Mr P. A. Bradley, *Commissioner*

Police Integrity Commission

Mr T. P. Griffin, *Commissioner*

CHAIR: I declare this meeting open to the public. I welcome Minister Scully and the accompanying officials to this hearing. At this hearing the Committee will examine the proposed expenditure for the portfolio of Police. Before we commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings, only committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photos. Additionally, due to the nature of his position, Mr Phillip Bradley from the NSW Crime Commission is also not to be photographed or filmed during the proceedings.

In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door. Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee Clerks. Minister, you and the officers accompanying you are reminded that you are free to pass notes and refer directly to your advisers while you are at the table. I remind everybody that mobile phones must be turned off now.

The Committee has agreed to the following format for the hearing. We will take questions on a 20-minute rotational basis, with a 10-minute break at 4 o'clock for tea and coffee for Committee members and witnesses. I advise that the Committee has resolved to request that answers to questions on notice be provided within 21 calendar days from the date on which they are sent to your office. Do you anticipate that this will pose any difficulties?

Mr CARL SCULLY: No.

CHAIR: All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, you do not need to be sworn in as you have already sworn an oath to your office as a member of Parliament. For all other witnesses, I will ask you in turn to either take an oath or an affirmation.

TERRENCE PETER GRIFFIN, Commissioner, Police Integrity Commission,

KENNETH EDWARD MORONEY, NSW Police Commissioner,

LESLIE THOMAS TREE, Director General, Ministry for Police, and

FRANCES MARY McPHERSON, Executive Director, Corporate Services, NSW Police, sworn and examined:

PHILLIP ALEXANDER BRADLEY, Commissioner, NSW Crime Commission, affirmed and examined:

CHAIR: I declare the proposed expenditure for the portfolio of Police open for examination. Minister, do you wish to make a brief opening statement?

Mr CARL SCULLY: Yes, I do. I welcome the opportunity to report to the Committee on a year in which the Iemma Government has made tremendous progress in ensuring NSW Police have the necessary support to keep driving down crime. We are continuing to ensure that our front-line police are given the tough powers, equipment and resources they need and we are ensuring record police numbers. In just 12 months the Iemma Government has introduced a range of new legislative measures aimed at improving the working conditions of our police.

In relation to crime statistics, you would be aware that not one crime type has increased in the past 24 months. A whole range of crimes have, in fact, had falls over the past two years and over the past five years 10 categories of crime have fallen. This is very, very pleasing. We have record police numbers: as at the end of July, 14,525. That has now gone up to about 14,800 with the graduation today. I only just returned with the commissioner from the latest attestation this morning, and their enthusiasm was infectious. In January next year the Government will have increased the authorised strength by another 750 to 15,206. That is an extra 2,000 police from when we were elected in 1995.

The budget is record: it is about \$2.2 billion, recognising a \$160 million increase over 2005-06. A whole range of initiatives, which I am happy to expand on over our time here this afternoon, dealing with Middle Eastern crime, public order riot squad, capital works equipment, police powers, and things of that nature.

CHAIR: We will now go to 20 minutes of Opposition questioning.

Mr CARL SCULLY: Before the Opposition starts, Terry Griffin is the head of the Police Integrity Commission [PIC]. Normally, both they and the Crime Commission do not take too much time. I wonder if they may be questioned first and then allowed to depart?

CHAIR: If everyone else is happy with that we will proceed that way.

The Hon. MICHAEL GALLACHER: That was my proposition. In fact, I have got only a couple of questions of either of them at this stage, depending on what flows out from them. I just want to go to the PIC for a moment and talk about Operation Abelia and just where we are up to with the implementation of the 64 recommendations following Abelia.

Mr GRIFFIN: As you are aware, the recommendations were forwarded, if you like, to the police, both by dint of the report and correspondence from the commission. NSW Police has responded in relation to most of the recommendations. There are a couple of recommendations where the response is that the recommendations will not be followed, but the process of the recommendations and consultation has been followed in the normal course.

The Hon. MICHAEL GALLACHER: Mr Griffin, could you indicate what those couple are that will not be followed and the reasons why they will not be followed?

Mr GRIFFIN: I can deal with them broadly, although I would not want to be held to these being all the ones. The two major recommendations that have not been accepted is the testing regime—that is, hair, blood, saliva, sort of testing. The testing regime will stay more or less as it is, although with a significant increase in numbers of testing. The other aspect is the question of the amnesty. Whether that is the right word or not for what was suggested in the Abelia report, I think it is the position of the police service that there should be zero tolerance to officers involved in taking drugs and the amnesty, as far as I know, has not been rejected as a proposition.

The Hon. MICHAEL GALLACHER: So the zero tolerance approach will therefore stay?

Mr GRIFFIN: That is my understanding.

The Hon. MICHAEL GALLACHER: If an officer is found to have taken drugs, he or she will be dismissed?

Mr GRIFFIN: I cannot answer that question, of course. It is a matter for the commissioner.

The Hon. MICHAEL GALLACHER: Or the IRC?

Mr GRIFFIN: Certainly. It will be dealt with by way of an amnesty process, as it was known for the purposes of Operation Abelia.

The Hon. MICHAEL GALLACHER: Do we have a situation where police officers have, as a result of the work that you have done in conjunction with the police, identified police who have taken or used drugs? How many have been identified, if there any, and are they still in the police force or are they out of the police force?

Mr GRIFFIN: Do you mean by the process of Operation Abelia?

The Hon. MICHAEL GALLACHER: Yes, and since?

Mr GRIFFIN: Since the report?

The Hon. MICHAEL GALLACHER: The process and since, yes?

Mr GRIFFIN: There are none to my knowledge that have been identified that were not known at the time of writing the report and my understanding is that the question of the amnesty, whilst recently settled, has only just been settled. That really would be better dealt with by the commissioner himself, it being his amnesty or not, but I am not aware of any officers who have come forward since the report that were not identified through the report or by the report.

The Hon. MICHAEL GALLACHER: When you say "come forward" are you suggesting come forward of their own volition or have in fact been identified through the complaints system?

Mr GRIFFIN: Either way.

The Hon. MICHAEL GALLACHER: Going back to the first point in relation to testing, you said there was a question of saliva, hair, et cetera. What is the problem there?

Mr GRIFFIN: I do not think there is one. The position of the commission and the report I think was to say that the scientific process is changing and will continue to change and the essence of what the commission would like to see is an acceptance of that and allowance for improvements in processes. So if tomorrow there is a perfect chemical test for all drugs, then the police service should consider it and adopt it. Nothing in what the police service has said has rejected that. It is a view held by the police, as I understand it, that at the moment those tests do not exist and that the tests that are used are the best tests for the process.

You would appreciate that there is a difference between being affected by drugs so you cannot perform your job or, alternatively, being affected by drugs, that being an unlawful act. There is a difference in how they can be tested as well. The scientific evidence, I think, at the moment is that there is no test available that will measure impairment sufficiently well.

The Hon. MICHAEL GALLACHER: I take it, therefore, that the zero tolerance policy of the police, in the way that the PIC looks at it, is that it is zero tolerance to all crimes, is it not?

Mr GRIFFIN: No, I do not know. I assume that is the case, although there is always a discretion in a constable, as you are aware.

The Hon. MICHAEL GALLACHER: Do you monitor how many members of NSW Police, from your perspective of the PIC, currently have a criminal record?

Mr GRIFFIN: No.

The Hon. MICHAEL GALLACHER: Is that purely done within NSW Police?

Mr GRIFFIN: I do not know whether it is done or how it is done in the police service. We see all complaints obviously that involve police and deal with suggestions or allegations of criminal conduct by monitoring in a way that is proactive. I take that to mean something slightly different. No, we do not. We see them as they come in. If we are interested in them, we deal with them. Our interest may or may not be obvious to the police and most often we express no interest in them.

The Hon. MICHAEL GALLACHER: Forgive me for this comment but I would have thought that it was appropriate that the Police Integrity Commission at least maintain some oversight as to the number of police officers who have criminal record?

Mr GRIFFIN: Oversight in the sense that we deal with them?

The Hon. MICHAEL GALLACHER: An awareness?

Mr GRIFFIN: Assuming that the unlawful activity we are talking about is reported in some way, it is available to us and is part of our records through the system that the police use. Reported, impossible to deal with. Of those reported ones, we choose, if we wish to, either to oversight,

investigate or leave for the Ombudsman—one of those three things. So we are aware but we do not keep comparative records from year to year, me thinking that is what you mean by monitoring.

The Hon. MICHAEL GALLACHER: Therefore, I take it that you are of the belief, correct me if I am wrong, that the commissioner would have at his disposal a record of all of those officers who would have a criminal record on their history?

Mr GRIFFIN: I assume the normal records that are available in relation to normal citizens are available to the commissioner. That would include such records, allowing for legislation that wipes them off at the end of the passage of time.

The Hon. MICHAEL GALLACHER: Before you took over in your position, about 10 years there was an audit and the numbers of officers who had criminal record of, some quite serious, were quite alarming. I would hope that the PIC would have been vigilant in maintaining an oversight role, recognising that some of these matters go through the PIC, there will be a recommendation for them to be charged, the commissioner may well use section 181D or they go to the courts, but then the IRC brings them back. Are you informed when the IRC makes a recommendation to reinstate somebody?

Mr GRIFFIN: Yes, in the sense that that is publicly available. The point you make, I suspect, needs to be clarified to the extent that there could be a series of unlawful activities by police—speeding offences and the like—that we would have no real interest in. Operationally, the more serious offences, we are always aware of and on occasions choose to investigate or oversight some of those.

The Hon. MICHAEL GALLACHER: Commissioner, on that point, do you have a record that you keep that is available to you that does, in fact, inform you as to how many officers in your command have a criminal record?

Mr MORONEY: That would be recorded under the normal aegis as it is for members of the public within the Criminal Records Office, otherwise known as the Pinkerton branch, where the original arrest and subsequent conviction, if indeed it is made, is recorded.

The Hon. MICHAEL GALLACHER: But if I asked you now how many police officers currently under your command have a criminal record, I take it you are not in a position to answer that question?

Mr MORONEY: No, I am not in position now. I am happy to take it on notice. I do not have a numerical number but I am conscious of the broad definition of what constitutes a criminal offence, which may range from the lower end of the criminal spectrum to the far more serious.

The Hon. MICHAEL GALLACHER: I have difficulty with you taking it on notice because I did in fact put in an FOI on this some time ago and I was informed that no such record was kept. Therefore, if you do take it on notice, I will not be in a position to get an answer?

Mr MORONEY: I do not know the nature of your particular FOI but certainly, as I understood your question, do I have available to me data, which would provide me with answers in relation to any specific police officer who has a criminal conviction recorded against him or her, yes I would have that information available to me, subject, of course, to knowing which particular officer or officers it is that you refer to.

The Hon. MICHAEL GALLACHER: Can I take it that you will take on notice to report back to the Committee the number of individual officers who currently have a criminal record who are members of the New South Wales police force? We should probably do it that way rather than getting into a breakdown of the number of offences; just the number of officers who currently have a criminal record?

Mr MORONEY: And so that we can have some specificity to your question, are you referring to officers prior to their entry to NSW Police or post their entry?

The Hon. MICHAEL GALLACHER: It would probably be an idea to give us both, based on what you just described?

Mr MORONEY: I will undertake to do that, subject to the issue that if they are spent convictions, they would of course be deleted in accordance with the legislation.

The Hon. MICHAEL GALLACHER: Therefore, they would not be considered to be a conviction any longer, would they?

Mr MORONEY: That is correct.

The Hon. MICHAEL GALLACHER: When you say "people having criminal records prior to entering the New South Wales Police" I take it you are referring to traffic matters?

Mr MORONEY: It could be an offence that was committed as a juvenile. With the passage of time, people seeking entry into the organisation, and following the declaration of that conviction at some point in time, be it as a juvenile or an adult, the nature of that conviction and the circumstances of that matter would be taken into account by recruitment personnel.

The Hon. MICHAEL GALLACHER: Mr Griffin, I have no further questions at this stage. Mr Bradley, I will come back to you in the next set of questions because I want to follow on with the theme of what is happening in terms of complaints. Commissioner, I note that Mr Collins is present. He might be able to assist you if you do not have these answers available to you.

Mr CARL SCULLY: Does that mean that Mr Griffin is discharged?

CHAIR: No.

The Hon. MICHAEL GALLACHER: Only questions from me. Other Committee members may well ask questions.

The Hon. MICHAEL GALLACHER: Commissioner, back in May Mr Collins did an audit—I think he was acting in a commissioner's position at the time—of all handguns, handcuffs, et cetera. Can you indicate the result of that audit?

Mr MORONEY: I can indicate that a full-scale audit of New South Wales Police firearms was undertaken and all police firearms have been accounted for. Firearms security has always been and still remains a major priority for the New South Wales Police. New South Wales Police has put in place a range of safeguards to reduce the risk of any firearms belonging to the New South Wales police force being stolen. The police armoury tests all recruits' firearms by way of ballistics identification. Prior to issue a test round is shot from every recruit's firearm and the results are fed into the Integrated Ballistics Identification System [IBIS]. IBIS is a computer system that allows police to match cartridge cases, bullets and bullet fragments with the originating firearm. This enables police to solve more firearm crimes. As a result of the deputy commissioner's audit I can indicate that all of our firearms were accounted for.

The Hon. MICHAEL GALLACHER: Were any other appointments—extendable batons, mace, handcuffs—also checked in the course of that audit?

Mr MORONEY: No.

The Hon. MICHAEL GALLACHER: Following the arrest of an alleged serial conwoman—I will not mention the woman's name—it was publicly reported that she was in possession of a New South Wales city detective's electronic access card. I do not want to comment on the details of that, but can you outline to the Committee how many electronic access cards have been reported lost, misplaced or stolen in the past financial year?

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

The Hon. MICHAEL GALLACHER: While we are talking about property being stolen, I turn to the recent break and enter at Corrimal police station that no doubt you are aware of. How many police stations were broken into during the 2005-06 financial year?

Mr MORONEY: I will take that on notice, but Corrimal is the only one I am aware of and that matter has been resolved by the identification of the offender concerned.

The Hon. MICHAEL GALLACHER: How was the offender identified?

Mr MORONEY: By good police work and by the use of appropriate intelligence. A young person—that is, a person under the age of 18—was identified by way of inquiry and intelligence by local police, and subsequent inquiries identified that person as being responsible. I understand that a number of admissions were made. All of the property has been recovered.

The Hon. MICHAEL GALLACHER: So the police knew when they went for that person that he was the suspect for it.

Mr MORONEY: I understand that they had some intelligence which led them to a particular person, and that in fact led them to a number of other people.

The Hon. MICHAEL GALLACHER: Was this young offender a member of an organised crime squad or gain?

Mr MORONEY: Not that I am aware of.

The Hon. MICHAEL GALLACHER: In relation to the break and enter, are you aware of how he actually break into the station?

Mr MORONEY: I understand that he gained access through a rear door of the police station. At that time the police station was under construction, and I understand that he gained access through a construction area of the police station.

The Hon. MICHAEL GALLACHER: Did he do some damage to the station in the process?

Mr MORONEY: I do not believe so. There was damage done to a police vehicle but not to the station. It is a bit difficult to gauge the depth of any damage to the police station because at that moment in time it was a construction site.

The Hon. MICHAEL GALLACHER: So he definitely used some mechanism or some sort of device to break into the station?

Mr MORONEY: I do not have that information with me. Suffice it to say that he got into the station and gained access to restricted areas.

The Hon. MICHAEL GALLACHER: Can you indicate whether he was working alone or whether he was with other offenders?

Mr MORONEY: I understand that he was with other people.

The Hon. MICHAEL GALLACHER: But you have no information to indicate that this person was part of an organised crime unit or something like that.

Mr MORONEY: There is no intelligence that indicates that at all.

The Hon. MICHAEL GALLACHER: There has not been much said about this publicly, but what was his intention in relation to stealing the uniforms and the police vehicle?

Mr MORONEY: I understand on the basis of the briefing that has been provided to me that this young man has a fascination with police uniforms and police accoutrements. That is the primary instance of why he went to the police station to break in.

The Hon. MICHAEL GALLACHER: So he went there intentionally to break in to get the uniforms.

Mr MORONEY: I do not know what was in his mind at the time. Suffice it to say that he committed an offence upon his arrival.

The Hon. MICHAEL GALLACHER: Was the alarm at the police station activated at the time?

Mr MORONEY: I believe not.

The Hon. MICHAEL GALLACHER: Were the uniforms recovered?

Mr MORONEY: Yes, I understand so.

The Hon. MICHAEL GALLACHER: Were all of the keys recovered?

Mr MORONEY: Yes, I understand so.

The Hon. MICHAEL GALLACHER: How much damage was occasioned to the police motor vehicle?

Mr MORONEY: I do not have a dollar value. Suffice it to say that one police vehicle was damaged and that has since been repaired. The vehicle was not inoperable.

The Hon. MICHAEL GALLACHER: How far was it driven by the young offender?

Mr MORONEY: I understand a very short distance from the point where it was garaged.

The Hon. MICHAEL GALLACHER: In the course of that investigation that were some concerns earlier on and there were reports about counter-terrorism police being involved in the investigation. A break and enter on a police station where uniforms and keys are stolen, in the current climate what resources would be deployed for an investigation of that magnitude?

Mr MORONEY: Certainly, the issue of the involvement of the counter-terrorism command was an issue reported on by the media. It was not something that came from my office or the office of the Deputy Commissioner Specialist Operations or the region commander. If there were to be a break and enter on a police station and property stolen, it would in the matter of course be reported to, amongst others, the counter-terrorism co-ordination command, but I do not understand that on this particular occasion and the instance to which you refer there was any need to call on that command at all.

The Hon. MICHAEL GALLACHER: So there were no specialist police involved in the investigation other than Corrimal police?

Mr MORONEY: No, good police work and intelligence drawn from one member of the service led quickly to the identification of the person responsible and the subsequent recovery of the items of accoutrement.

The Hon. MICHAEL GALLACHER: How soon after the break and enter was the person arrested?

Mr MORONEY: It was certainly within a matter of hours. On reflection, I think it was something in the order of about 12 hours but it was only a matter of hours before the person was identified. Subsequent inquiries then led to a range of other legal actions.

The Hon. MICHAEL GALLACHER: Was he arrested at his home or did he attend the police station as a result of an inquiry? When you say the police made the investigation, they identified the offender. Did the offender turn up at the police station of his own accord or was he arrested?

Mr MORONEY: I understand he was arrested when he was located a short distance away.

Ms LEE RHIANNON: Mr Bradley, when the Australian police force decided to pull out of Operation Mocha why did the National Crime Commission proceed with the sale of seven kilograms of cocaine on the streets of Sydney as part of that operation?

Mr BRADLEY: Firstly, you are referring to the Australian Federal Police.

Ms LEE RHIANNON: Yes, sorry, the Australian Federal Police.

Mr BRADLEY: I do not think it is correct to say that they withdrew from Operation Mocha. Secondly, the sale of cocaine, as it was then, was governed by the controlled operations legislation. In the Mocha matter, I think there have been 21 people arrested and more to be arrested. Of those, a number have pleaded guilty, and others have been convicted after trial. But, importantly, about four of them are presently in the Supreme Court challenging the controlled operations authority. Therefore I think it is inappropriate to further canvass that matter, given that it is before the Supreme Court and there are in the order of eight trials pending in relation to the matter.

Ms LEE RHIANNON: Just to clarify about the AFP, you said they did not pull out of Operation Mocha, is it correct that they pulled out of involvement in the sale of seven kilograms of cocaine on the streets?

Mr BRADLEY: I have not been notified of that.

Ms LEE RHIANNON: So you understand they were still part of the operation?

Mr BRADLEY: As I understood it, at the time of the operation, and again this is an issue before the court and which has been raised by legal counsel for the parties, the AFP were still part of Operation Mocha. I prefer not to canvass the specific issues raised in court.

Ms LEE RHIANNON: Do you stand by the comments of senior Crime Commission officer Mark Standon, who told the Central Local Court that the commission did some research on the health effects of cocaine, and he said on oath that there had been no deaths from cocaine?

Mr BRADLEY: Once again, these are matters that are subject of evidence in court, both the District Court and I think about eight or nine trials in the Supreme Court, where there are four challenges in place. That is an issue in those matters.

Ms LEE RHIANNON: It is unfortunate that you will not answer that one, because it is a simple statement about the health impacts of cocaine. I will leave the issue of the court out of it and just ask you, do you believe that there have been no deaths from cocaine?

Mr CARL SCULLY: How is that a question? He is not Robyn Kruk. He is not the head of the Health Department.

Ms LEE RHIANNON: Considering his colleague has made that statement—

Mr CARL SCULLY: He has been asked questions that are clearly sub judice, and quite appropriately the commissioner said it is best not to deal with those while matters are before the court. It is not open for a member of Parliament to ask a public servant who is in the law enforcement area health questions.

CHAIR: The honourable member is asking for a personal opinion, which may well not be relevant to the budget estimates process.

Ms LEE RHIANNON: I was not asking for a personal opinion; I was asking for his understanding in the context of his work, which clearly has him in contact with cocaine—I am using cocaine in a wide sense there, in an operational sense.

CHAIR: If the witness declines to answer the question on the grounds that he believes it is either impinging on matters that are sub judice or that he is not qualified to answer the question, I think that is an appropriate response.

Ms LEE RHIANNON: Can you guarantee that nobody has died as a result of the cocaine being sold on the streets of Sydney?

Mr BRADLEY: It is the same issue. It is currently before the court. A specific issue about harm is being argued before both courts by a number of parties and the Crime Commission is a defendant in four separate proceedings in the Supreme Court and the supplier of most of the evidence in eight or so trials. There is a specific issue around this and it is not appropriate to adduce evidence from me which will ultimately be adduced in these court proceedings.

Ms LEE RHIANNON: Is there an assistant commissioner at the NCC at the present time?

Mr BRADLEY: I think you are referring to the New South Wales Crime Commission when you say NCC, is that correct?

Ms LEE RHIANNON: Yes.

Mr BRADLEY: The answer to your question is no, there is no current assistant commissioner.

Ms LEE RHIANNON: Are there any plans to appoint one?

Mr BRADLEY: There have been instances of assistant commissioners but there are no circumstances presently giving rise to the need to consider that at the moment.

Ms LEE RHIANNON: Why is that the case, considering there is so much expansion in the area of crime detection and the need to conduct these covert operations and all the other activities you are engaged in? Would there not be a need to have these positions filled?

Mr BRADLEY: What positions?

Ms LEE RHIANNON: The position I just asked about?

Mr BRADLEY: There are no positions in the public service unfilled.

Ms LEE RHIANNON: The assistant commissioner is what I was asking about. I am trying to understand why it is not filled.

Mr BRADLEY: What I am trying to say to you is that while the Act provides for the appointment of assistant commissioners, and while that has happened in particular circumstances in the past, there is no unfilled position, as it were. Nobody is currently appointed to the office of assistant commissioner, if that answers your question.

Ms LEE RHIANNON: No, but considering I do not have much time, I will read it in *Hansard* and I will come back. I notice that NCC's objective No. 4 states that the commissioner will manage the organisation responsibly and equitably and use public resources for maximum public benefit. Could you tell me briefly how you think your operations achieve that?

Mr BRADLEY: Briefly?

Ms LEE RHIANNON: Yes.

Mr BRADLEY: That is what we do every day. We do those things. We seek to optimise our productivity and seek to minimise the cost to the public on an hourly basis throughout the financial year. I do not think the question permits of a brief answer.

Ms LEE RHIANNON: Where I am heading with that is using public resources for maximum public benefit. We are clearly talking there about money or in part about money. Could you explain how you justify using public money to pay witnesses and how allowing criminals turned informers to keep their assets fits in with objective No. 4?

Mr BRADLEY: That is a much more specific question. Witnesses are paid amounts of money as sustenance generally, and that can arise in a number of ways. In the case of protected witnesses, which I think you are probably turning your mind to because there has been some publicity about protected witnesses giving evidence in murder trials recently, the expense is not insubstantial because sometimes the person who is placed in protection needs to be isolated from the rest of the community, and not uncommonly the same applies to his immediate family—I say his, because they are usually males—and to his extended family, which could include females. This can involve removing them from their places of abode, providing them with accommodation, providing them with an income and providing them with other necessities of life.

Ms LEE RHIANNON: We are about to run out of time. Thank you for that. I am referring to the one where there was mention of \$70,000.

Mr BRADLEY: \$70,000?

Ms LEE RHIANNON: Yes, it was mentioned in one of the articles.

Mr BRADLEY: Which article are you referring to?

Ms LEE RHIANNON: That is why I am asking questions. It is hard to work out. You said there were substantial amounts. Could you tell us what a substantial amount is? You say these substantial amounts are to pay for a new home, a whole new life, is that why they are so large?

Mr BRADLEY: That can amount to a large amount of money.

Ms LEE RHIANNON: What do you call a large amount of money?

Mr BRADLEY: I would have thought that \$20,000 was a large amount of money but it can go up from there.

Ms LEE RHIANNON: Can you give us an idea of the amount of money you have spent on these types of protected witnesses?

Mr BRADLEY: I have spent I think up to \$100,000, perhaps, in a particular case.

Ms LEE RHIANNON: How many times would that have happened?

Mr BRADLEY: I would be guessing; on a few occasions.

Ms LEE RHIANNON: Could you take that on notice?

Mr BRADLEY: Yes. How many times have I spent, that is the commission has spent, \$100,000 on protected witnesses?

Ms LEE RHIANNON: How much you have spent on protected witnesses overall and specific amounts. It may not be just \$100,000, perhaps there is a \$20,000.

Mr BRADLEY: In the past financial year?

Ms LEE RHIANNON: Let us go back a bit further than that, because these cases take a while to run out. We will go for three years, please.

CHAIR: We will now go to 10 minutes of questions from the Hon. Dr Arthur Chesterfield-Evans.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Minister, you said that police numbers will increase by 750 and there are far more officers now than there were 10 years ago. You said you have 14,525 officers now, with an increase of 750 to come. Is it not the case that in 2003 there were 15,168 police officers?

Mr CARL SCULLY: That is actual, not authorised strength. We made a commitment prior to the 1999 election to add 1,000 police officers. We have between 50 and 70 police retiring each and every month. To ensure that we met the target to increase the police force from 13,454 to 14,454 we had to recruit well beyond 1,000. We actually recruited about 1,650. The Government's commitment prior to the 1999 election was 1,000 extra police. Actual strength goes up and down like a yo-yo. At one stage we might have 14,400, today we have 14,800, and in the next couple of months we will probably have 14,700. A lot of mischief is being put out, particularly by the Opposition, that we are 650 fewer. We never, ever made a commitment that we would increase the authorised strength of NSW Police to 15,178. Now, since that time, we have committed to increase it to 15,206, which will occur on 30 January next year.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It was 15,168 in 2003, was it not? Are you saying that is a bodgie figure?

Mr CARL SCULLY: No, you have to understand the difference between authorised strength and actual strength.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: From my understanding, they were police on the street.

Mr CARL SCULLY: The actual strength oscillates. It goes up and down depending on recruitment and retirement. It goes up and down. What you have to budget for and give a commitment against is the authorised strength. The Government committed to increasing the authorised strength to 14,454 cops. We hired a hell of a lot more than that to make sure that we hired those additional 1,000.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If you had 15,168 in 2003 and you have 14,454 now, you have not increased it by 1,000 in the last two years?

Mr CARL SCULLY: In 1999 we had 13,454. We made a commitment to increase it to 14,454 and we did it by spades.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Where did the figure of 15,168 in 2003 come from?

Mr CARL SCULLY: That is because more applied and fewer retired than expected, that is all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So for all your talk about the extra 750, the numbers are actually going down this year compared to 2003?

Mr CARL SCULLY: No, we recruited more than we anticipated. We never gave a commitment that we would recruit that many. We were too good in meeting that 1,000 commitment, that is all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Now you are settling back but still boasting?

Mr CARL SCULLY: No. Since we came into Government there are 2,000 more police than there were when the previous Government was in power and we will have 750 more next January. I am happy to demonstrate the difference between authorised and actual. They are quite two different figures.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You lost 315 medically unfit officers in 2003-04 and 377 medically unfit officers in 2004-05. Why is the number of medically unfit officers increasing so much? Is there burnout and stress in the police force?

Mr CARL SCULLY: No. In fact, I think we are doing much better. I will get the Commissioner to add to my remarks. We have introduced the Well Check Program. One of the concerns both the Commissioner and I have had is to make sure that we do everything we possibly can to protect our police. One of the things that has been introduced is to transfer police away from at risk areas. In the past police were just left in at risk areas and I think there was a degree of burnout. I do not think there was the care and attention to the welfare of police that we have introduced. Perhaps the Commissioner might like to add to that. It does oscillate as well. We have a certain number of people on long-term sick and some people retire from time to time. That is always going to be the case.

Mr MORONEY: The Well Check Program is an expansion of current sick report policies within the NSW Police. The health and safety of police is obviously a priority for this organisation. It always has been and always will be. The current Well Check Program is a proactive and preventative program to ensure that the welfare of all police, be they in specialist or generalist positions, is protected. This includes prevention and treatment particularly in the area of psychological disabilities. In May 2005 more than \$105 million was allocated over four years to provide death and disability benefits for police who were employed on or after 18 April 1988. An integral part of the program is the expansion of the Well Check Program to which I have referred, particularly in specialist areas such as child mistreatment, accident investigation and homicide investigation. Those areas, understandably, would attract, more than say in the generalist area, a high degree of psychological ill health, particularly over an extended period of time.

The program, which has been piloted within the Child Protection and Sex Crime Squad since October 2003, provides all officers working in high-risk areas with a quarterly psychological assessment. The expansion of the Well Check Program will allow NSW Police to identify early those officers who are in danger of burnout or other psychological injury. It will allow NSW Police to intervene early and transfer them to other duties, or otherwise assist. The expansion of the Well Check Program, together with other initiatives, such as the employment of additional return to work coordinators, will provide further valuable support and rehabilitation for officers who are or may be in danger of the types of injury to which I have referred.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there a physical health component? Do they have their blood pressure checked? Are they assisted to quit smoking or with alcohol problems? Is that a part of the program or does it relate only to psychological health?

Mr MORONEY: Certainly from the early days within the NSW Police college the issue of a healthy lifestyle and a health regime is instilled in the recruits. Ideally that ought to carry over into the workplace and on a personal level. But it is in the nature of some people to ignore their own health standards, whether they are police officers or, dare I say, members of Parliament or in any other profession. That is a quirk of human nature. Certainly every encouragement is given by commanders to maintain a healthy regime, be it psychological or general health.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It is not part of the Well Check Program?

Mr MORONEY: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Did the Victorian police have a healthy lifestyle program at one stage?

Mr MORONEY: They may have, I am not sure.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We do not?

Mr MORONEY: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: While we are on psychological issues, I understand there is no criminal profiler in New South Wales, is that so?

Mr MORONEY: We have a criminal profiler. There are two other officers who have sought selection. We are currently in dialogue with the Federal Bureau of Investigation. This is a very intensive program run over many years. It does require, amongst other things, a number of visits both nationally and internationally. There is a very strict regime of assessment by the peak profiling body in the United States of America. As quickly as we can recruit and train into that specialist area we are.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: As to the increase of police numbers by 750, I understand you are cutting 300 public service positions across the local area commands. Does that mean that the extra 750 police officers will have to do the jobs of the 300 support staff who have been cut?

Mr MORONEY: No, I do not believe so. I understand there is a story to that effect in this morning's media. It is not a story that I subscribe to. The recruitment of the additional 750 police officers, effective as and from 30 January 2007, will see those officers variously deployed across the 80 local area commands throughout New South Wales. There is currently a regime in terms of reducing public service numbers. It does not follow as an automatic that police officers will then be allocated to those duties. In terms of those public service positions, a number of those duties apply to positions where there is no incumbent at this point in time.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They must have been doing something. If their job is to support police and they are taken away, presumably someone has to do their job. It is likely that the police will get some of that work, is it not?

Mr MORONEY: No, I do not believe that is the case at all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How many support staff have been cut?

Mr MORONEY: We are in the process of that. I would invite Ms Fran McPherson, who is the Executive Director of Corporate Services, to speak specifically to that number. A number of these positions can be absorbed by other public servants, and a number of these positions do not require filling. We are required, as are departments across the whole of the public service, to reduce our public service numbers.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I understand there is a new COPS II system coming. COPS has been blamed for increasing paperwork for police and they do unpaid overtime in order to finish the paperwork. Is that a problem? Will the cutting of support staff worsen that situation?

Mr MORONEY: The fact that police officers work extraordinary hours, whether it is underpaid overtime or voluntary, is a tribute to them and demonstrates their commitment to the duties which they are engaged. The Computerised Operational Policing System [COPS] stage two was proposed some time ago. The replacement for COPS is the mainframe replacement program. That is proceeding as opposed to COPS stage two.

The Hon. EDDIE OBEID: Minister, how much has the Government allocated for the NSW Police capital program for 2006-07?

Mr CARL SCULLY: The Government is continuing to ensure that frontline police are given all the powers, equipment and resources they need. The NSW Police capital program for 2006-07 has been allocated \$111 million: new works worth a total of \$85.5 million, of which \$6.33 million is allocated this year, and works in progress worth \$188.2 million, of which \$82 million is allocated this year.

I will go through some of the new works that have been warmly welcomed by the communities concerned. The list includes: Burwood police station has been allocated \$1.7 million; Granville police station, \$500,000; Kempsey police station, in coalition territory, \$500,000; Port

Stephens police station, \$70,000; Windsor police station, \$500,000; and Warren police station, \$500,000. The Polair 3 helicopter will be replaced this year at a cost of \$2.8 million. We are also purchasing some forward-looking infrared imaging systems at a cost of \$1.5 million. These are state-of-the-art, high-tech systems and cameras, which demonstrate that the police are being modern and up to date. One of the things I am keen to progress is the purchase of a water cannon, which will go to the Public Order and Riot Squad, at a cost of about \$500,000.

I will list the police stations that have works in progress to the value of about \$49 million. The Committee should hear about the terrific jobs the police are doing to upgrade police stations. At Campsie work is being undertaken at a total estimated cost of \$9.9 million and work at Muswellbrook will cost \$8 million. I turned the first sod with the mayor recently. Work on the Armidale police station is nearing completion. I know that the local member is keen for the Commissioner to open the facility later this year. Work on the police station at St Marys will cost \$10 million; work at Corrimal will cost \$990,000; work at Dubbo will cost \$16 million; work at Fairfield—closer to home, Madam Chair—will cost \$12.4 million; work at Lismore will cost \$15 million; and work at Orange will cost \$8.3 million. They are substantial upgrades of police accommodation. This Government has a good record in supplying good salaries, good equipment, good powers and good resources. I believe we are rapidly catching up in providing the sort of accommodation in which police are comfortable working.

The commissioner and I recently attended the opening of the facilities at Griffith. The local member was very complimentary about the facilities being made available. NSW Police will also purchase vehicles, an alcohol-rated crime information system and digital recording equipment. The commissioner mentioned the mainframe replacement program. Of course, the police will also get portable electronic fingerprint devices. That is an interesting initiative. The commissioner and I have been talking about the policing of the future. Both he and I believe that the Government has the opportunity to work closely with NSW Police to make police smarter. There is non-stop talk—particularly on the part of oppositions—about police numbers. They are important and we must ensure we have enough troops on the ground. However, how they are used and the technology they use is just as important. We will have a large police force, but one that is supported by good capital resources and good technological equipment.

The Hon. KAYEE GRIFFIN: What are the Government and NSW Police doing to combat organised criminal activity in Sydney's south-western suburbs?

Mr CARL SCULLY: Middle Eastern crime is a problem, particularly in South Western Sydney. The Government does not apologise for establishing the Middle Eastern Crime Squad. Ken McKay, who is a good, old-fashioned copper, is doing a fantastic job. I have visited the command and have seen that he has rolled up his sleeves and the squad has made a number of arrests. I am told that member of the criminal element in South Western Sydney fear this squad, and so they should. The squad has about 100 staff, of whom are 49 intelligence officers and detectives supported by general duties police, highway patrol officers and target action groups.

Some people are in the office doing investigation and interrogation work and some are out in the field chasing criminals. They have done a fantastic job and I have nothing but the highest regard for them. In the three months to 31 July 2006 there have been 215 arrests and 500 charges laid; 25 violence-related charges; 34 firearm-related charges; 21 fraud or theft-related charges; and 77 drug-related charges. In addition, the squad has taken off the streets 11,000 ecstasy tablets, 100 rounds of ammunition and \$76,000 in cash.

I speak regularly to Ken McKay; in fact, I spoke to him earlier today. I like to encourage him. We need to keep on top of a very small element in the Middle Eastern community. I make that clear: it is a small element in that community that is committing a large number of crimes in South Western Sydney. The Government will continue to do all it can to ensure the situation is resolved.

Ms LEE RHIANNON: If it is a small element why—

CHAIR: Order! It is not time for the honourable member's questions.

The Hon. EDDIE OBEID: Is the Government considering restoring the name "NSW Police Force" to its policing organisation?

Mr CARL SCULLY: Yes, I was concerned that the previous Government removed the word "force". I believe it was the previous Government that changed the name to "service", as though it was some sort of supermarket—

The Hon. MICHAEL GALLACHER: At the request of the then commissioner.

CHAIR: Order!

The Hon. MICHAEL GALLACHER: A well-respected commissioner.

CHAIR: Order! The honourable member will be quiet.

Mr CARL SCULLY: —and it was dispensing grocery items. I do not apologise for changing the name to the NSW Police Force. I believe it is force; it is not a service. It is there to round up criminals and to use the force that the Parliament has given it. The Government will introduce legislation later this session to send a strong message to the community, the Parliament and the police that it expects the force to regard itself as a force and not as a service.

The Hon. KAYEE GRIFFIN: What are the Government and NSW Police doing to tackle the issue of illegal firearms?

Mr CARL SCULLY: The Government has taken giant steps to rid our streets of guns and the thugs who carry them. The success of these measures can be found in the recently released report from the Bureau of Crime Statistics and Research [BOCSAR] on trends in shooting offences. Over the past five years—2000 to 2005—recorded Sydney-based shooting offences have dramatically decreased. The BOCSAR figures reveal that shoot with intent to murder offences have declined by 23 per cent, unlawfully discharge firearms offences have declined by 13 per cent, and discharge firearm into premises offences have declined by 15 per cent. This decrease is mirrored across the rest of New South Wales. New South Wales figures are as follows: Shoot with intent other than murder, down by 6 per cent; shoot with intent to murder, down by 22 per cent; unlawfully discharge firearm, down by 11 per cent; and discharge firearm at a premises, down 14 per cent. These reductions are testament to the hardline approach the Iemma Government has taken to illegal gun crime.

In September 2003, the Government announced a package of measures designed to combat gun crime, and, in particular, the illegal possession and use of firearms. The reform package included: increased detection and enforcement; a new Vikings mobile unit, which commenced operations in October 2003 and which has conducted patrols across South West Sydney and other metropolitan areas with illegal handgun possession as its main target; and enhanced penalties for firearms offences. The Firearms and Crimes Legislation Amendment (Public Safety) Act commenced on 15 December 2003. The Act amends the Crimes Act and the Firearms Act, creating new offences and raising penalties, including recklessly firing a gun into a dwelling, or other building—that is the Government's drive-by shooting law—with a maximum penalty of 14 years' imprisonment; and illegal possession of an unregistered gun in a public place, maximum penalty, 10 years. NSW Police also has a dedicated squad to examine firearms-related crime, the Firearms and Regulated Industries Crime Squad [FRICS]. The FRICS overseas strike forces which focus on legal firearms trafficking, the illicit supply of firearms, security companies, firearms dealers, and firearms manufacture. These strike forces are proactive, intelligence-driven initiatives.

The Government introduced a range of reforms designed to significantly increase controls over firearms in the security industry. These reforms include the banning of guns in sectors of industry that cannot demonstrate a need to be armed; increased safe storage requirements escalating in proportion to the number of guns held; restricting the calibre of security industry handguns and removing all guns outside this range; and increased security firm audits by the Firearms and Regulated Industries Crime Squad. As a result, I am pleased to announce that we have taken 1,000 guns from the security industry, which for too long has provided a soft target for gun theft.

(Short adjournment)

Mr CARL SCULLY: If I could continue my answer on firearms. In conjunction with local area commands, the FRICS conducted Operation Advance II, which was a statewide audit of all security firms that held firearms. This operation identified 205 security companies as being in possession of 1,779 firearms. From this, 52 safe storage non-compliance issues were identified. These included 23 instances of incorrect storage of firearms in a safe, for example, trigger or barrel locks not being used; 14 instances of non-compliance relating to the location where the firearms were being stored, for example, more than one firearm being stored in residential premises; six instances in which companies were not complying with the recording of information in accountable registers relating to the transfers of firearms and ammunition; and nine instances in which companies were not complying with the recording of information in accountable registers relating to the acquisition and disposal of firearms and ammunition.

The maximum penalty for breaches in safe storage is 50 penalty units, which is \$5,500 or up to two years imprisonment, or both. Whilst I am very pleased to see such an impressive increase in compliance, I must stress that more needs to be done. Local area commands will now conduct annual audits of security companies in possession of firearms. In addition, the NSW Police Forensic Ballistics Unit has completed a program to test-fire all security firearms in the State. A total of 2,233 firearms from 208 security firms have been tested and the details have been placed on a secure Integrated Ballistics Identification System [IBIS]. If a security industry firearm is stolen and used in the commission of a crime, it can be traced by the IBIS. This added intelligence significantly assists police in tracking down stolen firearms and solving firearm-related crime.

The Statewide Firearm Audit Project was implemented in direct response to the theft of firearms. The FRICS team led the project. Approximately 130,986 individual licensed firearm holder audits were undertaken in New South Wales. Ensuring the firearms continue to be safely stored will help make our community much safer. The Integrated Ballistics Identification System and NSW Police have been provided with \$3.5 million to establish the IBIS system. It is a computer system which allows police to match cartridge cases, bullets and bullet fragments with the originating firearm. This enables police to solve more firearms crimes.

As at 7 August 2006 the IBIS database held more than 12,600 jobs comprising more than 18,100 fired cartridges and 17,200 bullets. IBIS has recorded 157 cold hits, linking in excess of 300 firearms-related crimes. Operation Vulcan on 27 October 2004: the Operation Vulcan phone line was reactivated. Since its commencement, until April 2006, 141 reports have been received. These reports have resulted in five arrests and 25 charges relating to possession and illegal sale of firearms and 24 illegal firearms have been seized. Any member of the community with information about firearm crime or about illegal firearms within the community can call 1800 659 657. A reward of \$5,000 is on offer for information leading to convictions for firearm crime.

The review of the Firearms General Regulation 1997 is scheduled for repeal this month. In advance of its repeal a review of the regulation was conducted by the Ministry for Police. A draft regulation was prepared for dissemination to relevant parties, together with a regulatory impact statement. Advertisements calling for submissions were placed in a range of print media. Many submissions from a variety of organisations and individuals were received by the Ministry. I thank all those who contributed to this process. The draft regulation commences today. I am not sure if the Committee would like any more detail about our excellent firearms measures.

The Hon. EDDIE OBEID: What equipment has the Government provided to NSW Police to combat terrorism?

Mr CARL SCULLY: The New South Wales Government has provided enormous resources, equipment and commitment to NSW Police to deal with counter-terrorism. Counter-terrorism, of course, is a concern of all western police forces. We have made counter-terrorism a priority in the wake of tragedies such as 9/11, Bali and others. We are also learning lessons from the terror attacks on public transport in London and Madrid. We recognise that one of the most pressing law and order challenges facing New South Wales in the current climate is terrorism. It is essential that we are fully prepared to counter any threat to the safety and security of New South Wales.

We have significantly boosted the State's counter-terrorism capacity. This has not been a one-off response but is a continuing program to build our police tactical capacity, test it and our alarm

systems in realistic exercises. We constantly examine our legal system to ensure we have the necessary offences and powers. We regularly work in close co-operation with our Federal counterparts, as well as other State governments, through realistic exercises. The New South Wales Police Counter-terrorism Co-ordination Command was created in the wake of the Bali bombing to reflect the expertise of police in preventing and investigating terrorism. This highly specialised command has a staff of almost 500, including a permanent presence at Sydney International Airport, to ensure the rapid flow of intelligence. The Government boosted the NSW Police budget by \$2.1 million per annum to fund the Counter-terrorism Co-ordination Command.

In addition, since 2002 the Government has spent more than \$14 million of new equipment for NSW Police in the event of a terrorist attack. This includes: POLAIR 5, a \$4.4 million fast-response helicopter, capable of carrying 10 people at speeds of up to 250 kilometres per hour, with a range of 1,000 kilometres; two bomb disposal robots costing \$300,000 each, capable of climbing stairs, moving down aircraft or train aisles; a larger bomb disposal robot costing \$600,000, which can drag a car or small truck; a bomb containment vessel, an extremely strong container into which a bomb can be placed to allow it to be moved safely to a remote location where it can be defused or blown up; blast guards for bombs or chemical biological weapons; a Bearcat armoured rescue vehicle that allows Tactical Operations police to move rapidly to a terrorist site, even if terrorists are firing on the vehicle; personal equipment for Tactical Operations police, including protective suits and respirators. This allows them to deploy into areas that may be contaminated by gas or other toxic substances; scientific equipment for detecting and assessing chemical or biological weapons.

With our world-famous harbour being a potential terrorist target, the Iemma Government is also investing in major improvements to the NSW Police Marine Area Command fleet. In November 2004 the then Premier announced funding of \$27 million for 27 vessels for the command. Delivery of these vessels is now substantially complete and includes some offshore, tactical and harbour patrol boats; tactical boarding craft and fast response boats. Many of these vessels are relevant to counter-terrorism, as they allow vessels held by terrorist to be boarded by armed police and then have hostages rapidly removed from the danger area.

In the 2006-07 budget the Government provided additional funding for including a forward looking infrared system of sensors and cameras mounted on an aircraft that enabled scanning of an area, both by day or night to detect suspects or reconnoitre target locations. Mounting it on an aircraft means that this scanning can occur over a longer range so that suspects are not aware the surveillance is occurring. It also allows targets at sea to be observed. A replacement tactical operations equipment truck costing \$125,000. The tactical operations unit has increased amounts of equipment, requiring a larger truck to transport it to an incident; replacement bomb disposal truck bodies costing \$700,000 each. These larger trucks are also required to transport the increased equipment load of the bomb squad; chemical biological radiation suit replacement costing \$200,000. These protective suits have a limited life and must be regularly replaced.

As you can see the Government treats this very, very seriously. We have put a lot of effort into establishing the command. It is now headed by Assistant Commissioner Mick Kaldis. I always thought it was going to be hard to replace Norm Hazzard. I believe we have done that. I think he will turn out to be an extremely fine head of the counter-terrorism command. We do treat seriously the co-operative relationships we have with the Feds. We recently had a very effective operation out on the harbour.

CHAIR: We will now go to Opposition questions.

The Hon. DAVID CLARKE: Commissioner Bradley, are there any general areas of Operation Mocha where you consider that questions can be asked by this Committee without jeopardising any pending legal case?

Mr CARL SCULLY: How long is a piece of string? That is a silly question.

The Hon. DAVID CLARKE: We will see what the answer is?

Mr CARL SCULLY: Do you want to take on notice to list on notice all the questions you can ask and get advice on sub judice? That is an absurd question.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That is about how difficult it is getting the answers.

Mr CARL SCULLY: You should ask the question and the Chair can rule on whether it is sub judice or not.

The Hon. DAVID CLARKE: Thank you for your advice.

Mr CARL SCULLY: That is okay. It is free.

CHAIR: Mr Bradley, do you have any response to the question?

Mr BRADLEY: The answer to that is no, because the Supreme Court matter is wide ranging and touches on many aspects of the operation. There are, I think, about 10 people committed for trial, which covers the full range of the other aspects of the matter and for that reason I think the answer is no.

The Hon. DAVID CLARKE: Let me put this question to you and see how we go. Given that Magistrate David Heilpern labelled the decision to put seven kilograms of cocaine back into circulation among the community as "jaw dropping" and that "it would seem to me that this is an extraordinary case", have any procedural changes been made within the Crime Commission should such a situation arise again? So we are talking about the future rather than the case itself?

Mr BRADLEY: I think that is in the same category, if you are asking for a response to the open comments of the magistrate, and the answer to the second part of the question is no.

The Hon. DAVID CLARKE: When you say "no", there have been no procedural changes made?

Mr BRADLEY: No.

Mr CARL SCULLY: Are you opposed to controlled operations?

The Hon. DAVID CLARKE: I am not answering questions today, Minister.

The Hon. MICHAEL GALLACHER: Next year we answer questions.

Mr CARL SCULLY: Do not be arrogant.

The Hon. DAVID CLARKE: The 2004-05 annual report indicates that following a dramatic jump in confiscation proceeds of crime in 2002-03 the amount dropped in 2003-04 and again in 2004-05. What factors have influenced this decline? Are you expecting that this decline will continue or have the changes under the Criminal Assets Amendment Act 2005, which commenced on 1 August 2005, which expanded the applicable number of criminal offences and the assets that can be seized led to a substantial increase in confiscation proceeds?

Mr BRADLEY: If you go back to the commencement of the Criminal Assets Recovery Act 1990, there has been about \$140 million taken from criminals.

Mr CARL SCULLY: A fantastic effort.

Mr BRADLEY: In that period it has fluctuated significantly. The drops to which you refer are marginal. This year, for example, I think you will find that it will be over \$30 million, of which a significant amount will go back to the victims and that is why it is a bit more inflated than usual. I think the highest amount before this year was about \$19 million and the last financial year it was down to around \$16 million or something like that. I am not checking the figures as I am speaking. It is a marginal variation, but it varies every year.

It depends upon cases. You can have a case that is worth \$4 million or \$5 million or a case that is worth \$100,000. We do roughly 100-odd cases a year. We start two Supreme Court cases and finish two every week, not counting holidays, so there is a big throughput of litigation. The figure at the end of the year is dependent upon the value of individual cases. That is why you get the fluctuations.

The Hon. DAVID CLARKE: What was the total number of arrests for the year 2005-06?

Mr BRADLEY: I will have to take that on notice. Can I clarify that before we proceed? I am happy to take it on notice. You mean arrests made in relation to matters the subject of references to the Crime Commission?

The Hon. DAVID CLARKE: Yes. You might also like to take on notice the number of charges laid, the number of successful prosecutions, the value of assets confiscated and net proceeds from the sale of confiscated property.

Mr BRADLEY: I think some of those questions are already answered in the annual report.

The Hon. DAVID CLARKE: We have not seen the annual report.

Mr BRADLEY: Can I suggest that they will definitely be answered when the annual report is published? Would you like it done beforehand?

The Hon. DAVID CLARKE: We would like that, yes.

The Hon. MICHAEL GALLACHER: We asked for them last year and you said to look at them in the annual report. We did not get the annual report until October-November, and by then it is a bit too late.

Mr BRADLEY: The difficulty is that the compilation of those figures takes a long time.

The Hon. MICHAEL GALLACHER: Up to date?

Mr BRADLEY: No, after the close of the financial year because you have to go through cases that are unresolved as at that time and that is why the report is the most reliable piece of information. I could have a stab at it.

The Hon. DAVID CLARKE: Could you see about getting those figures for the current financial year, for the past two or three months?

Mr BRADLEY: Yes.

The Hon. DAVID CLARKE: Take that on notice.

Mr BRADLEY: I can certainly take it on notice. Are you asking me to see how I go or are you asking me to take it on notice?

The Hon. MICHAEL GALLACHER: Take it on notice.

The Hon. DAVID CLARKE: And respond to it.

Mr BRADLEY: All right.

The Hon. DAVID CLARKE: Finally, how many individuals are held in custody for contempt of the commission?

Mr BRADLEY: Currently?

The Hon. MICHAEL GALLACHER: The last financial year?

Mr CARL SCULLY: Who is asking the question?

The Hon. MICHAEL GALLACHER: We both are.

Mr BRADLEY: The answer is none for contempt of the commission, but you may be thinking about cases before the Supreme Court where there is at least one. I can think of one, as I sit here, who is in contempt of the Supreme Court,

The Hon. MICHAEL GALLACHER: If someone appears before the commission and you use your extra inquisitorial powers?

Mr BRADLEY: Coercive powers.

The Hon. MICHAEL GALLACHER: Your coercive powers, and they refuse to answer the questions, what do you do?

Mr BRADLEY: Normally the matter is referred to the State Director of Public Prosecutions, together with a transcript and other bits and pieces, to demonstrate that the person was obliged to answer the question, and a decision is made as to whether to proceed against that person for not contempt but specifically the offence of refusing to answer questions.

The Hon. MICHAEL GALLACHER: How many people have refused to answer questions during that financial year?

Mr BRADLEY: I will have to take that question on notice.

The Hon. MICHAEL GALLACHER: When they refuse to answer your questions do you immediately hold them in contempt?

Mr BRADLEY: No. They are usually proceeded against by way of summons for refusal to answer questions, which is a specific offence. There are people who refuse to answer questions and then they see the light a little later and we do not proceed against them.

The Hon. MICHAEL GALLACHER: They could see it a lot quicker though if they are on their way to Long Bay gaol, I suppose.

Mr BRADLEY: The threat of incarceration is influential in that regard, yes.

The Hon. MICHAEL GALLACHER: What were the results of the taser stun gun trial?

Mr MORONEY: The trial has not finished. It is still under way.

The Hon. MICHAEL GALLACHER: When did it to commence?

Mr MORONEY: My memory is about three to four months ago.

The Hon. MICHAEL GALLACHER: How many taser stun guns are currently being utilised in the trial?

Mr MORONEY: I will take that on notice. The purpose of the trial is to determine how many additional tasers might be expended across the police service, the nature of that deployment and the duties associated with the use of them.

The Hon. MICHAEL GALLACHER: Can you explain what exactly has happened with the trial up to this point?

Mr MORONEY: The trial is currently under way. It is being undertaken in specialist commands in, amongst others, the State Protection Group. The trial is important in the context of the acquisition of additional tasers and the policies associated with the use of those tasers in a broader environment across the policing organisation.

The Hon. MICHAEL GALLACHER: Which specialist groups currently use them?

Mr MORONEY: The State Protection Group.

The Hon. MICHAEL GALLACHER: Are you informed when a taser stun gun is used in the course of that trial?

Mr MORONEY: No, I am not informed personally but it would be in the report of a particular police operation that it would be a matter that comes to my notice by the Deputy Commissioner and the chain of command.

The Hon. MICHAEL GALLACHER: Is the Deputy Commissioner here today?

Mr MORONEY: Yes.

The Hon. MICHAEL GALLACHER: Is he in a position to tell you how many times a taser stun gun has been used in the course of the operation so far?

Mr MORONEY: I am happy for you to ask him that question.

The Hon. MICHAEL GALLACHER: Mr Scipione?

CHAIR: If the assistant commissioner has any evidence to give—

Mr SCIPIONE: If anything, it is Mr Collins because it is the tactical operation area.

TERRENCE WALKER COLLINS, Deputy Commissioner of Police, Specialist Operations, sworn and examined:

CHAIR: You may now answer the Hon. Michael Gallacher's question.

Mr COLLINS: No, I am not in a position. I can take that on notice.

The Hon. MICHAEL GALLACHER: Would they normally be brought to your attention?

Mr COLLINS: No.

The Hon. MICHAEL GALLACHER: Who are they reported to if they are used?

Mr COLLINS: When a tactical operation group is deployed, they are deployed under very strict conditions. They have supervisors in place and they make tactical options in relation to the use of the taser in specific circumstances where a person might come out of a house while still holding a weapon of some description, and they would use that to try to render them, rather than use lethal force. That is one of the options available to them. A number of options are available from spray right through to taser guns and firearms.

The Hon. MICHAEL GALLACHER: Do the operational orders for the trial state that if taser guns are used in the conduct of an operation someone who is here who is administering the police must be informed the moment they are used?

Mr COLLINS: No.

The Hon. MICHAEL GALLACHER: Surely you must be told if a firearm is used in the effect of an arrest.

Mr COLLINS: Certainly.

The Hon. MICHAEL GALLACHER: Is this not an alternative to a firearm?

Mr COLLINS: It is.

The Hon. MICHAEL GALLACHER: Can you explain to us why you have not been told for the past three months whether a taser stun gun has been used?

Mr COLLINS: I will take it on notice.

The Hon. MICHAEL GALLACHER: I find it absolutely unbelievable—

CHAIR: Order! Are you asking a question or making a statement? You are here to ask questions of witnesses, not to give your opinions.

The Hon. MICHAEL GALLACHER: If the trial of the taser stun gun currently used by the State Protection Group—

Mr CARL SCULLY: The commissioner would like to add something.

The Hon. MICHAEL GALLACHER: Yes, by all means, in answer to a question. In relation to the State Protection Group that is using the stun guns, how many do they currently have?

Mr COLLINS: I think the number is about 12.

The Hon. MICHAEL GALLACHER: Commissioner?

Mr MORONEY: So that there is no ambiguity or misunderstanding about the issues we are talking about, we started the nature of the questions, as I understood them, by talking about the trial. The use of the tasers as part of a trial process would be a matter that is recorded appropriately. If they are used in an operational environment in terms of any police appointments—and by that I mean the use of capsicum spray, the use of firearms which would warrant a particular issue being brought to the notice of the executive by the conduct of that particular operation—we would expect to hear, and that is the nature of what we are told.

The Hon. MICHAEL GALLACHER: Therefore I take it that the taser stun guns have not been used in the course of the trial; otherwise you would be informed?

Mr MORONEY: They are being trialled.

The Hon. MICHAEL GALLACHER: I am saying used on an offender, not carried on somebody's waistband. I am asking whether they have been used to effect an arrest of an offender? How many times have they been used to effect those arrests?

Mr MORONEY: I will take that on notice and provide that advice.

The Hon. MICHAEL GALLACHER: The point I am making is that if you wake up tomorrow morning and find that a firearm has been used overnight to effect the arrest of an offender, are you not told immediately?

Mr MORONEY: Yes.

The Hon. MICHAEL GALLACHER: Why are you not being told if a taser stun gun has been used overnight to effect the arrest of an offender in the same set of circumstances?

Mr MORONEY: I do not believe I said that I was not told. I understood your question to relate to how many occasions had there been, and I undertook to take that question on notice and provide that detail. There are no circumstances within a trial program in terms of the use of tasers on offenders that readily come to my mind, particularly over the past three months, which is the period to which you refer.

The Hon. MICHAEL GALLACHER: When does the trial conclude?

Mr MORONEY: It is some time in the foreseeable future. I think in a matter of weeks, if not sooner.

The Hon. MICHAEL GALLACHER: In the next couple of weeks if a taser stun gun has not been used to effect the arrest of an offender as an alternative to a firearm, what can you deduce from that in terms of the trial?

Mr MORONEY: The use of police appointments such as firearms or tasers are not a weapon of first choice. I assume you would know from your own experience the issue of negotiation and containment, the ability to resolve the situation by simply engaging the brain with the tongue, which is the most useful weapon any police officer has, should be the tools that he or she uses. The use of lethal force is a matter of last resort. It is not something the police automatically use or use as a first resort, but they do not shy away from its use should that be the case.

The Hon. MICHAEL GALLACHER: I turn now to water cannons. Earlier the Minister proudly mentioned water cannons. I am reminded of your comments in March 2005 when you said, "If it got to the stage of issuing water cannons, spray, mace and those sorts of things, in that sense we have really lost the plot." Can you indicate to the Committee what changed your mind?

Mr MORONEY: Certainly. That was a private view that I held at that point in time, made over 18 months. Since the passage of that time a range of issues have occurred—

The Hon. MICHAEL GALLACHER: The election?

Mr MORONEY: —not the least of which has been Macquarie Fields and the Cronulla situation. The water cannon has been provided and it will become part of the equipment of the New South Wales Police.

The Hon. MICHAEL GALLACHER: If initiatives are being announced in relation to practical and operational policing, does the Minister consult you on those?

Mr MORONEY: I would think that the level of consultation is two way.

The Hon. MICHAEL GALLACHER: That is good. You might recall that back in 2003 the Opposition announced that we intended to involve police with schools, and the position of the Government—I would assume it is consistent with the position of the hierarchy of the police force — was that it was far-fetched and defeatist. Yet recently the Government announced police in schools. I am interested to know whether anything has changed your mind in relation to police in schools.

Mr CARL SCULLY: The honourable member should not ask a question that is misleading. He has asked a question based on the premise that we have announced police in schools. We did not announce police in schools. We announced school liaison officers. You cannot ask the commissioner a question when you mislead him on a government initiative.

The Hon. MICHAEL GALLACHER: I ask the question: Has anything changed your mind in relation to police in schools?

Mr MORONEY: The utilisation of police, working in consultation with the Department of Education and Training and the private school sector is something to be encouraged in the broader sense of prevention of crime—any initiative taken in that regard.

The Hon. MICHAEL GALLACHER: Minister, you just used the term "misleading". I thought it was appropriate that we talk about some of the comments you made earlier today. On 31 July 2006, police numbers actual were 14,525, is that correct?

Mr CARL SCULLY: I understand so. That is my advice.

The Hon. MICHAEL GALLACHER: Is it correct that we have had a graduating class today of 316?

Mr CARL SCULLY: Yes.

The Hon. MICHAEL GALLACHER: Does that therefore bring us to a total of 14,841?

Mr CARL SCULLY: In that order, yes.

The Hon. MICHAEL GALLACHER: Can you tell me how many graduates are currently expected to graduate from the academy by January next year?

Mr CARL SCULLY: That is too early to say. As you know, we have an attrition rate and we will not know that until much closer to the graduation date.

The Hon. MICHAEL GALLACHER: What of your forward planning of the attrition rate at the academy, what do you expect it to be?

Mr CARL SCULLY: The minimum will be 750. It may well be larger than that, but we will not know until much later in the year.

The Hon. MICHAEL GALLACHER: Is that 750 based on the 14,525?

Mr CARL SCULLY: No, that is added. The authorised strength will go to 15,206.

The Hon. MICHAEL GALLACHER: Going on your earlier calculation of up to about 70 a month leaving NSW Police, my calculation brings that to a total of 560, is that correct?

Mr CARL SCULLY: The number that retire each month is different. Some months they are low, some months they are high. Sometimes we get as low as 30; sometimes we get 80.

The Hon. MICHAEL GALLACHER: So, if 560 police walk out the door, despite what is authorised, the reality is the strength we find ourselves with at the time of the election next year will potentially be less than we had in 2003?

Mr CARL SCULLY: It is not going to happen.

The Hon. MICHAEL GALLACHER: I did not ask for your hypothesis. I asked is it correct?

Mr CARL SCULLY: You are asking me hypotheticals so I will tell you what will be fact. We will not go below 15,206 at 30 January.

The Hon. MICHAEL GALLACHER: So how do you intend to stem the flow of 70 a month walking out the door?

Mr CARL SCULLY: It is not 70 a month.

The Hon. MICHAEL GALLACHER: You said 70 a month.

Mr CARL SCULLY: No, in the order of. Sometimes it is 30. Sometimes it is as many as 70. It fluctuates, it goes up and down. I know this is bad karma for you but—

The Hon. MICHAEL GALLACHER: No, your time has finished.

CHAIR: In fact, your time for questions has finished. The Minister may continue to elaborate on his answer.

Mr CARL SCULLY: I know it is bad karma for the Opposition. We will meet that deadline of 30 January with 750 extra authorised strength. The actual will be at least that figure. I am concerned that in the previous questioning to the commissioner the shadow Minister for Police reflected upon the commissioner by suggesting he may have formed a view on water cannon because of the election. The shadow Minister is a former police officer. I do not think he would have supported

the Leader of the Opposition calling the commissioner a clown. I would like you to take the opportunity of apologising to the commissioner. He is here before you. He has been a senior officer for a very long time, and I do not think you would share the view of Peter Debnam.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Point of order: This is not answering the question.

The Hon. MICHAEL GALLACHER: When you hand back the policy to the Commissioner of Police, then I will resile from making those statements. If you control the policy—

CHAIR: Order! The honourable member's time has expired. We will now go to 10 minutes of questioning by Ms Lee Rhiannon.

Ms LEE RHIANNON: Mr Bradley, what was your involvement with Strike Force Emblems? Were you or any of your officers interviewed by officers who worked on Strike Force Emblems?

Mr BRADLEY: The answer to your second question is no. I believe that the answer to your second question is no—certainly I was not. I did have conversations with persons involved in Strike Force Emblems but I had no other involvement with Strike Force Emblems.

Ms LEE RHIANNON: What is the difference between a conversation and being interviewed?

Mr BRADLEY: There were meetings of people, groups of people, about the investigation, and some of those people included members of Strike Force Emblems. At those meetings they said things and I said things but in no way would that be interpreted as an interview.

Ms LEE RHIANNON: If I understood correctly you said you were not aware if any of your officers were interviewed, is that correct?

Mr BRADLEY: I do not think any of my officers were interviewed. That is a different response.

Ms LEE RHIANNON: Are you aware that New South Wales police officers thought that some officers of the New South Wales Crime Commission may have broken the law but they could not prove it because you yourself refused to co-operate?

Mr BRADLEY: I think the formal answer to that question is no, but perhaps to be fair I was aware from Commissioner Moroney that some officers of Strike Force Emblems had reported to him that some officers working in Operation Mascot, who were Commissioner Moroney's officers, had acted inappropriately and they were invited to provide evidence of that. I am also aware that there was an assertion, a false assertion, that I did not co-operate with Strike Force Emblems. Does that answer your question?

Ms LEE RHIANNON: So you are saying you did co-operate?

Mr BRADLEY: Yes.

Ms LEE RHIANNON: Previously you said you were not interviewed and you are not aware whether any of your officers were interviewed.

Mr BRADLEY: I did not say that.

Ms LEE RHIANNON: Please correct me if I am wrong. I am not trying to verbal you.

Mr BRADLEY: I did before, and I will do it again. I said I believe my officers were not interviewed.

Ms LEE RHIANNON: So, how did you co-operate with Strike Force Emblems?

Mr BRADLEY: By having sensible discussions with them about the circumstances as they arose. By providing them with copies of records. By providing them with an office in which to access records and explaining the relevant rules about that.

Ms LEE RHIANNON: Do you support the recommendations that were made by Strike Force Emblems?

Mr BRADLEY: I do not think I have them.

Ms LEE RHIANNON: I am happy to remind you. You would have seen them? You would have read the report, would you not?

Mr BRADLEY: I do not think so.

Ms LEE RHIANNON: Why would you not have read the report?

The Hon. EDDIE OBEID: That is not a question.

Ms LEE RHIANNON: It is a question. Why would you not have read a report when it is a report effectively about the breakdown of relations between the New South Wales Crime Commission and NSW Police?

Mr BRADLEY: I do not have a report to that effect and I do not believe that is the case.

Ms LEE RHIANNON: I will go through what the recommendations are in case they refresh your memory and you have read them. The recommendations were:

Amend New South Wales Crime Commission Act to ensure that any officer that comes under Section 32 of the NSWCC Act who is working under a reference for the NSWCC is not bound by Section 29 (secrecy provisions) of the NSWCC Act if the NSW Police Force is conducting an investigation under Part 8A of the Police Service Act.

That goes to the heart of your operation. You must have known about it, Mr Bradley, did you?

Mr BRADLEY: In general terms I am aware that New South Wales police officers who worked in Mascot were governed by section 29 of the Crime Commission Act, and there was therefore limitation on what they could say because of its secrecy provisions.

Ms LEE RHIANNON: That did not answer the question. Are you aware of that recommendation?

Mr BRADLEY: I do not think I have read the report. I am aware in general terms of the issue raised by what you say is the recommendation in that report.

Ms LEE RHIANNON: The next recommendation was:

That the current relationship between the NSW Police and the NSWCC be reviewed. It is advised that the NSW Police continue to utilise the facilities and coercive powers of the NSWCC.

That does not refresh your memory?

Mr BRADLEY: I never heard that recommendation, no.

Mr CARL SCULLY: Is that a report to me?

Ms LEE RHIANNON: I am reading from a letter from Detective Inspector Mark Galleta dated 18 May 2004 to the New South Wales Police Association.

Mr BRADLEY: It is addressed to the Police Association?

Ms LEE RHIANNON: Yes. It gives a rundown on Strike Force Emblem because the New South Wales Police Association raised a number of concerns about the New South Wales Crime Commission.

Mr CARL SCULLY: Madam Chair, can I have clarification? The questions are based upon a letter sent by that officer to the Police Association in 2004, is that correct?

Ms LEE RHIANNON: Yes.

Mr CARL SCULLY: So that is an opinion of that officer expressed to his union about changes that should occur?

Ms LEE RHIANNON: It is about a report. You should not try to denigrate one of your own officers.

Mr CARL SCULLY: I am not. I want clarification.

Ms LEE RHIANNON: It is about Strike Force Emblem and setting up the recommendations of one of your own inquiries. The Crime Commission commissioner says he has not read it and he does not know about the recommendations.

Mr BRADLEY: That was the Police Association.

Ms LEE RHIANNON: Minister, you should take up the issue. It should not be up to me to do so. Commissioner Moroney, have you or any of your colleagues received information that New South Wales Crime Commission officers have broken the law?

Mr MORONEY: No, I have not.

Ms LEE RHIANNON: Do you support the recommendations of Strike Force Emblem?

Mr MORONEY: They were recommendations made in 2004 by Detective Inspector Galleta. I will take the question on notice to provide a factual answer as to the current status of those recommendations. There is a strong collaborative working relationship with the New South Wales Crime Commission. That is as it should be. It is appropriate. I believe that it stands probity. These are two significant law enforcement agencies not only in this State but, I believe, in this nation that are focused on the identification of those responsible for crime, particularly at the organised level. I believe that the working relationship is strong and is a viable one.

Ms LEE RHIANNON: Are you on the management committee?

Mr MORONEY: Yes.

Ms LEE RHIANNON: Do you think there are sufficient accountability mechanisms in place for the New South Wales Crime Commission?

Mr MORONEY: Yes. That is not to say there can never be further improvements. Indeed, the management committee has been joined by Commissioner Michael Keelty, the Commissioner of the Australian Federal Police, to add an extra focus towards the probity of the functions of the management committee of that commission.

Ms LEE RHIANNON: How do you think accountability could be improved?

Mr MORONEY: I think there are appropriate mechanisms in place at this point in time.

Ms LEE RHIANNON: Are you saying that it does not need to be improved at this time?

Mr MORONEY: I am saying that the mechanisms that are in place at this point in time are sufficient for the NSW Police. I believe that the management committee of the commission provides a degree of rigour to its examination of matters that Commissioner Bradley brings forward on those

occasions we meet in the context of its operations, broad administration and general financial administration.

Ms LEE RHIANNON: What position did Larry Cook hold at the New South Wales police academy? Has an internal investigation into Mr Cook been carried out? If so, was the investigation carried out by Reg Mahoney?

Mr MORONEY: Mr Cook, who is now a former police officer, was a member of the instructional staff at the former police academy, now known as the New South Wales Police College. I understand that variously he was the subject of internal investigations. As to who the investigator was in that matter, I would need to take that on notice.

Ms LEE RHIANNON: Has Mr Cooks' police medical records and other material on his police record been handed over to the Navy where Mr Cook now works? If so, were they handed over by NSW Police Education Services Commander Tony Aldred?

Mr MORONEY: I will take that on notice.

Ms LEE RHIANNON: If it did occur, do you see that as a breach of privacy?

Mr MORONEY: It is difficult for me to answer because, firstly, I do not know that it has occurred and I do not know the nature of any requests that might have been made by the Royal Australian Navy or the Department of Defence to the current commander of the college. I undertake that to be part of my response.

Ms LEE RHIANNON: If the Navy did not request it but the information was forwarded for whatever reason, do you see that as a breach of privacy?

Mr MORONEY: I would want to examine the issues first to provide some clarity.

CHAIR: As the Committee does not have any more questions of Mr Bradley he may leave. Thank you for your attendance, Mr Bradley.

(The witness withdrew)

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Minister, are you aware of the knock-on effects on the demand on police officers' time by activities other than front-line policing?

Mr CARL SCULLY: That is a loaded question. Obviously police are involved in domestic violence and educational matters. There are command and management issues. Not every police officer is in a paddy wagon out in the street.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: We have talked about support staff.

Mr CARL SCULLY: No, not support staff work, doing policing functions. There are detectives investigating matters. There are general duties police in the station typing up statements.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That is fine. The Department of Juvenile Justice has indicated that youth justice conferencing is a priority for the coming year. Does the police service do warnings, cautions and transport of juveniles? If so, does that affect police workload?

Mr CARL SCULLY: The youth liaison officers are heavily involved in the Young Offenders Act. It would be best if I get Commissioner Moroney or Deputy Commissioner Scipione to deal with that.

Mr MORONEY: Our youth liaison officers are involved in youth conferencing and cautioning of young offenders. In terms of the Young Offenders Act 1997, as adults we recognise the immaturity, inexperience and vulnerability of young people, particularly children. We acknowledge

the need for guidance and support. For example, we regulate their attendance at school, prohibit them from drinking alcohol and require that they be cared for by a parent or guardian.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am talking about police workload. I am pleased that you talk about the service aspects of the job. However, I am concerned about how much police time is being taken up in that task. If Juvenile Justice increases youth justice conferencing, will that increase police workload? If so, by how much?

Mr MORONEY: In one sense that is difficult to gauge.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It will increase?

Mr MORONEY: Possibly so. Any amount of time that you can spend diverting any person, particularly young people, away from the criminal justice system and down the path of adult crime is time well spent.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Excellent. Has the execution of search warrants become more complex due to the enactment of the Law Enforcement (Powers and Responsibilities) Act 2002?

Mr MORONEY: The Law Enforcement (Powers and Responsibilities) Act—LEPRA, as it is commonly known—was the key recommendation arising from the Wood royal commission of 1996, where some 25 Acts of Parliament were amalgamated into one, and it consolidated an overwhelming number of police powers. Certainly in the transition to LEPRA there have been some issues in terms of the practical application.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there likely to be legislative change to fix that up, to simplify it and to reduce police paperwork?

Mr MORONEY: Yes. I understand the Minister wishes to raise a point. Certainly in terms of the transition issues, the education and continuing education of police officers becomes paramount because these are an array of laws that historically we have been dealing with for 120 years. To have amalgamated 20-odd Acts of Parliament into one is a huge endeavour.

Mr CARL SCULLY: We have had a review over a little while in relation to the LEPRA Act. It was an enormous exercise, as the Commissioner said, drawing all those pieces of legislation into one document. Over a two-year period there was a lot of training and a lot of consultation with the union and between police and the Ministry of Police. As you would expect with a massive consolidation like that, there were some consequences and the need for some finetuning. We are going through that process. I hope I can get legislation up this session. We have just entered discussions within the forums of Government to finesse those through.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: To fix the situation?

Mr CARL SCULLY: Not fix it up, some finetuning. Some consequences need to be altered. For example, the number of times you need to wipe and how you do it. There is some finetuning. It is a very good piece of legislation. In a comprehensive way it outlines police powers and responsibilities but there have been some things that were not foreseen that in operation now need to be finetuned. We are working through that. We just have not quite ticked it off within the forums of Government.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does high-visibility policing increase report writing for police?

Mr CARL SCULLY: It probably lowers it because criminals are less likely to commit crimes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The annual report for 2004-05 suggests there has been a fall in public satisfaction with police. Is that because of people having to wait and police being too slow in responding? The reference is on page 35, table 9.

Mr MORONEY: I do not know whether the NSW Police in its various forms since its establishment in 1788 has ever enjoyed universal satisfaction with the population. Would that that were so. The very nature of our work means that we will not always be popular with everyone. Nevertheless, the issue of satisfaction rates as they relate to the customer service, as we broadly describe it, is a matter of continual focus. It is an important part of the performance management agreements of local area commanders and their region commanders with the deputy commissioners.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It went down a bit in the last survey.

Mr MORONEY: There may be a range of reasons for that from time to time. It depends on the particular survey group tested. We do not do the testing; the primary testing is done by the Australian Centre for Police Research, which I understand subcontracts that work to major survey companies.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can figures be provided on the success rate of warrants and convictions achieved in sniffer-dog operations in Sydney? Does this technique catch any dealers or suppliers as opposed to individuals carrying small quantities?

Mr CARL SCULLY: I will take that question on notice. It successfully detects drugs; I have seen it in operation. It is impressive.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The Council for Civil Liberties apparently did a survey that showed that only one in five people identified by the sniffer dogs and searched were carrying drugs. Do you have a comment about that? What percentage of people who are stopped by a dog and searched have drugs?

Mr CARL SCULLY: I will take that question on notice. However, the dogs are highly trained. If the dog detects a scent, that provides a reasonable suspicion for a search to be conducted. If there is nothing on the person concerned, he or she is allowed to go.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But they have been stopped, embarrassed and searched in a public place, have they not? It is a downside in terms of civil liberties.

Mr CARL SCULLY: These dogs are trained to scent for certain drugs. I have seen them in operation and they work. They caught people while I watched an operation from a distance. It is fascinating to see. If the dog has scented something that is not an illegal substance, the person concerned is allowed to go.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So you support the use of sniffer dogs. Is that going to continue?

Mr CARL SCULLY: Absolutely. You must guard against the Council for Civil Liberties not wanting us to detect criminal activity.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think that the incidence of crime is lessened by the fact that a few people carrying small quantities of drugs for personal use are detected in the street?

Mr CARL SCULLY: These are illegal substances. People are not allowed to possess them, deal with them or manufacture them.

Mr MORONEY: I support the use of sniffer dogs. I hear from time to time that the dogs are involved with people who may have in their possession small amounts of drugs for recreational use. I do not support that term; there is nothing recreational in being dead or in any other form of physical impairment. At one end of the illicit drug chain is the drug seller, and at the other end is organised crime. If sniffer dogs contribute to the identification of those involved in the sale, manufacture and distribution of illicit drugs, if they are instrumental in our dealing with situation, I will certainly encourage the use of more dogs.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do the officers in the Middle Eastern Organised Crime Squad have any training in Middle Eastern culture, language or religion?

Mr MORONEY: When the squad was established, the commander, Detective Superintendent Ken McKay, who is an experienced criminal investigator, ensured that one of the police chaplains who is a sheik spoke to the officers about the importance of the Islamic religion. He has had members of the Islamic culture and various other cultural groups talk to the members of the squad as part of their familiarisation with the groups with which they are dealing.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So there is a uniform education policy on Middle Eastern culture and religion. Does anyone speak the language?

Mr MORONEY: Yes. Among other things, we have two interpreters and translators working within the squad. Multiculturalism generally is the subject of ongoing education of all police officers whether they are in the Middle Eastern Organised Crime Squad, in general duties roles or in a local area command.

The Hon. EDDIE OBEID: What is NSW Police doing to promote public law and order?

Mr CARL SCULLY: Public law and order is a major priority for the Iemma Government. It is supporting frontline police with tough new powers, equipment, resources and the recruitment of a record number of police officers. We will have an extra 750 officers ready and trained for duty throughout New South Wales by 30 January next year. This increase in numbers will boost NSW Police's authorised strength to a record 15,206—the biggest police force in the country and one of the biggest police forces the world.

NSW Police now has a fully trained and equipped public order and riot squad to prevent and contain incidents of civil disorder on any scale. The dedicated squad, which commenced operations on 15 January 2006, has 45 hand-picked and specially trained officers. This specialist squad of trained police can be deployed anywhere in the State to restore order in the event of a civil disturbance. The squad can also be deployed as a rapid response flying squad, as seen during the summer disturbance when officers were put in highway patrol cars to get them to trouble spots more quickly. This practice won the praise of the Los Angeles Police Department. Our crack squad can be deployed on the street quickly to get in the face of criminals and troublemakers. They are in the forefront of the police response to riots, protests and demonstrations. We are backing them with improved equipment, including a water cannon, which will be available soon.

When not involved in these duties, the squad is deployed to support crowd control at large events, to undertake high-visibility patrols and to carry out a range of critical functions in emergency situations. Included in this latter category is responding to chemical, biological and radiological incidents, performance disaster victim identification and substituting as security at correctional issue institutions during industrial disputes. The squad has already provided vital support in maintaining order at the Gordon Estate in Dubbo, the Nimbin Mardi Gras and at games played by the Canterbury Bulldogs. It has also been deployed to provide perimeter security when high-risk search warrants have been executed.

In establishing the Public Order and Riot Squad, the Government has elevated NSW Police to the same footing as other modern law enforcement bodies by providing it with the personnel and support it needs to respond to public disorder 24/7 across the State. It is an extra layer of protection for the community against thugs who want to engage in violence. We are backing them with the equipment they need to deal with civil disturbances. That includes four new purpose-built vehicles, each fitted to carry nine officers and to hold all necessary equipment. A number of other vehicles are being fitted out and will provide the squad with the mobility to respond rapidly to any incident in the metropolitan area.

As a result of laws introduced by the Government in December last year, the Public Order and Riot Squad will benefit from significant emergency powers to defuse large-scale disorder. These powers will allow police to erect roadblocks, to stop and search vehicles without warrant, to stop and search people without warrant, to request that drivers and occupants of vehicles identify themselves,

to seize and detain for up to seven days any vehicle, mobile phone or other device, to shut down licensed premises and to declare alcohol-free zones.

More recently, as part of its Gangs Crime Package the Government has announced reform of riot and affray offences that will give police the power to direct people to disperse in situations of major public disorder and to apply higher penalties to those failing to obey such direction.

To further assist police and uphold public order, the Government has changed the Bail Act 1978 so that public disorder offences which previously attracted a presumption in favour of bail now attract a presumption against bail. The formation of the Public Order and Riot Squad and the new laws supporting its operation are testament to the high value the Government places on living in a civil society.

In conjunction with NSW Police, the Government will continue to monitor and respond to international and interstate trends in public order management to ensure that the Public Order and Riot Squad maintains its operational readiness. The squad is led by Superintendent Steve Cullen, the former Kings Cross Local Area Commander. He is a tough, good, old-fashioned cop who will—and does, I can assure you—get in the face of criminals and lawbreakers. His squad will be on call 24 hours a day for deployment anywhere in the State at short notice. They are a formidable group of police and they also have expertise in bomb searches and incidents involving chemical, biological and radiological threats.

The Iemma Government will not tolerate unruly or riotous behaviour which threatens the very fabric of our community. For anyone who is thinking of engaging in antisocial disturbances the message is clear: You will be met with the full force of the law and the full force of the Public Order and Riot Squad. Crime is under control in this State.

The Hon. KAYEE GRIFFIN: Minister, what is NSW Police doing to protect our children and prevent serious sex crimes?

Mr CARL SCULLY: The protection of children and prevention of sexual abuse is a key priority of the Iemma Government. That is why we established a specialist squad in NSW Police in 1996, now called the Child Protection and Sex Crimes Squad. The squad has a staff of approximately 180 who deal with complex criminal investigations concerning paedophile activity, child prostitution, child pornography, and the investigation and management of the NSW Police response to serial and serious sexual assault.

The current Commander of the Child Protection and Sex Crimes Squad is Detective Superintendent Helen Begg. Detective Superintendent Begg formerly headed the NSW Police Firearms Trafficking Unit and oversaw the introduction of significant changes to the firearms legislation. I was recently over there with the squad. They are a fantastic bunch of cops and support staff working in an area that I think most people would regard as particularly distasteful. I have the highest praise for the fantastic work they do in endeavouring to protect our young people and find the people who do not treat them as well as we law-abiding citizens would expect.

New South Wales has 21 joint investigation response teams, known as JIRTs. The teams provide an interagency response to child sexual assault, with Police, the Department of Community Services [DOCS] and Health working together. DOCS and police officers are co-located in Sydney, Wollongong, Newcastle and the Central Coast. The teams investigate most sexual assault cases in New South Wales where the victim is under 16 years of age. On average, the JIRTs have 600 investigations open across the State at any one time. That is a real shame, but that is how many there are and the teams do a terrific job investigating them.

The recurrent amount allocated to JIRTs in the NSW Police budget was increased by \$983,000 for the 2006-07 to 2009-10 financial years. This additional funding will strengthen the JIRT program, including the maintenance of existing operations to perform an increasing number of investigations and honour increased expenses resulting from cost sharing with DOCS; and digitalise JIRT recording equipment to improve the quality of children's statements given to JIRTs.

In 2003, 11 additional sex crimes investigators were allocated from within NSW Police to the Child Protection and Sex Crimes Squad to establish a permanent specialist investigation response to adult sexual assault. The changes made by New South Wales to the way adult sexual assaults are investigated were designed to enable police to better monitor and identify serial sex offenders in New South Wales, and to provide a better way for investigators to share expertise and intelligence around the State. The squad provides consultation and support to local area commands, which conduct the majority of investigations into adult sexual assaults.

New South Wales has led the way in establishing a mandatory register for child sex offenders. The New South Wales Child Protection Register was the first of its kind in Australia and it commenced operation on 15 October 2001. The register contains information that convicted child sex offenders and other serious offenders against children are required to give to police in their local area. This means police know where registered persons live, where they work, and what car they drive. This valuable intelligence, which is used for law enforcement and child protection purposes, gives police another tool in targeting repeat offenders.

There are currently more than 2,150 offenders on the register, with approximately 40 new persons being registered each month. The register is administered by the Child Protection and Sex Crimes Squad. Since 30 September 2005 offenders have been required to supply additional information to police, including information about any children they reside with or have unsupervised contact with, and about affiliation with any clubs or organisations that have child membership. Offenders on the register are also now required to report annually to police, irrespective of any change of information. If offenders fail to keep police informed of their personal details, they face a penalty of up to \$11,000 and two years imprisonment.

The New South Wales Government led the development of a national approach to child protection offender registration through the Australasian Police Ministers Council. A national approach allows paedophiles to be better tracked across State boundaries. All Australian jurisdictions other than South Australia now have legislation in place to support a national registration scheme. NSW Police and other jurisdictions are working with CrimTrac on establishing an Australian National Child Offender Register, a database that will support the national registration scheme.

If police have fears that a convicted child sex offender is about to reoffend, certain people need and deserve to know. That is why this Government gave police the power to inform relevant people or bodies where children are at risk. The Child Protection Register information disclosure policy allows police to disclose names, addresses, criminal histories, photographs or other details from the Child Protection Register. The policy is only used as a last resort to protect the community from a dangerous registered child sex offender.

Another tool introduced into NSW Police's armoury to protect children from serious sex offenders is the Child Protection (Offenders Prohibition Orders) Act, which commenced operation on 1 July 2005. These orders give police additional powers to monitor and restrict the conduct and behaviour of high-threat offenders against children. Police can apply to a local court to prevent registrable persons from engaging in specific behaviour where there is a reasonable cause to believe the behaviour poses a risk to the sexual safety or life of children. Since the legislation commenced, police have successfully applied to the courts for more than half a dozen orders, which have placed substantial restrictions on offenders.

The squad also runs the Child Exploitation Internet Unit, which investigates child pornography and the growing problem of paedophile use of the Internet. The ease with which paedophiles may have been caught in the past is a thing of the past: most paedophiles now use the Internet to groom and procure children. The Child Exploitation Internet Unit is a very important unit in endeavouring to catch and incarcerate paedophiles using the Internet as a modern means of using technology to procure their victims. The squad was involved in the highly successful Operation Auxin. This nation-wide operation targeted Internet child pornography and netted those suspected of child pornography offences in New South Wales and throughout Australia.

As a result of Operation Auxin more than 100 people have been arrested and charged with more than 200 child pornography offences. As well as cracking down operationally, in January 2005 New South Wales introduced much tougher penalties for child pornography offences. By making

changes to the Crimes Amendment (Child Pornography) Act 2004, the Government increased the maximum penalty for possession of child pornography from two years to five years imprisonment. We also increased the maximum penalty for publication of child pornography from five years to 10 years imprisonment.

Another initiative being trialled by the Government is the Child Protection Watch Team. This interagency trial is based on the United Kingdom's multi-agency public protection panels. The team monitors and helps to manage the risks posed to our children by serious, high-threat sex offenders living in our community. The trial commenced in south-western Sydney in September 2004 and is currently being evaluated by the Ministry for Police. The Government is committed to the prevention of sex crimes and we recognise that special measures are required to protect the most vulnerable in our society—our children. I commend the commitment and dedicated hard work of all the staff in the Child Protection and Sex Crimes Squad. This is an extremely challenging area of policing work and I thank the squad for their vital work investigating and, wherever possible, preventing child abuse.

The Hon. EDDIE OBEID: Minister, what is the Government and NSW Police doing to address graffiti crime?

Mr CARL SCULLY: I am pleased to advise that on the Government's graffiti strategy, NSW Police responds to graffiti at both local and State-wide levels. NSW Police records on the computerised operational policing system [COPS] all reports of graffiti, whether made by a victim or a concerned member of the public. Local police have had additional anti-graffiti responsibilities since the commencement of the Summary Offences Amendment (Spray Paint Cans) Act 2002 in September 2003. The Act makes it an offence for store holders to sell spray paint cans to persons under the age of 18. Under this Act, local police work with retailers to ensure the responsible sale of spray paint and investigating cases where spray paint has been sold to minors.

Some local area commands and police and community youth clubs also participate in community paint-outs where graffiti is painted over. As well as working with communities, NSW Police conducts joint operations with RailCorp. For example, Operation Chalk targeted vandalism and graffiti crime on the CityRail network over a six-month period earlier this year. The operation concluded in May 2006 and resulted in 24 offenders being charged with 300 graffiti-related offences. Due to the success of Operation Chalk, a joint NSW Police and RailCorp task force, named the Police Rail Counter-vandalism Task Force, was established in May 2006. This has been set up for an initial trial period of 12 months.

An additional \$500,000 was provided by RailCorp to assist with police operational costs. NSW Police manage the counter-vandalism task force, which includes a team of 12 NSW Police officers working with RailCorp transit officers to perform high-level investigative work targeting graffiti and vandalism on the rail network. In the first month of operation alone, police attached to the counter-vandalism task force arrested 21 offenders in relation to 46 offences, including 22 graffiti-related offences. I am pleased to announce that the Lemma Government's efforts to crack down on graffiti-related offences are already paying dividends. These are evidenced in the latest official crime figures for New South Wales, which were released earlier this week. Figures from the Bureau of Crime Statistics and Research for the June quarter 2006 show that offences involving malicious damage to property, in other words graffiti, are now stable. This follows increases in this crime category in the previous two quarters.

I am pleased to note that this slowing down of incidents of malicious damage to property can be directly attributed to the New South Wales Government's proactive measures to target this costly and offensive problem. But more needs to be done to wipe out the problem of unsightly graffiti. We will continue to invest our efforts in this area.

The Hon. KAYEE GRIFFIN: What have the Government and NSW Police been doing in response to illicit drug crime?

Mr CARL SCULLY: Illicit drugs destroy lives and are a terrible scourge on our society. Not only is there a loss of human life caused by this terrible affliction, but it leads to an increase in crime as addicts steal to feed their habit or commit even more serious offences while under the influence of substances. The New South Wales Government is taking a series of proactive measures to

combat this insidious problem, and we are backing NSW Police with the tough powers, equipment and support they need in the fight against illicit drug crime.

I am pleased to advise that in the first six months of 2006 NSW Police have laid a series of drug-related charges, including 1,987 amphetamine charges, 5,914 cannabis charges, 928 ecstasy MDMA charges, 473 heroin charges and 281 charges concerning cocaine. During the same period police have made some significant drug seizures. These include 31 kilograms of amphetamines, 438 kilograms of cannabis, 19,183 cannabis plants, three kilograms of cocaine, 70 kilograms of ecstasy MDMA and three kilograms of heroin. In addition, 14 people were arrested for possession of precursor chemicals with intent to manufacture. In the first six months of this year 22 drug houses were shut down for the supply of illegal drugs other than cannabis.

In response to the spread of domestic cannabis factories within the community, the New South Wales Government introduced new legislation that significantly increases prison sentences for indoor cultivation of cannabis for sale or supply. These reforms also include new offences that leave an offender liable for an increase in their sentence of 20 to 25 per cent in the event that a child is exposed to the cultivation process or chemicals used for that purpose. Just days after that legislation commenced, police closed down a hydro operation in St Ives involving four houses and just under 1,000 plants. I will come back to that later.

(Short adjournment)

CHAIR: I have just had an indication that there is another question for Assistant Commissioner Collins. We will now recommence the hearing and then we will start with Opposition questions.

The Hon. MICHAEL GALLACHER: Mr Collins, just one quick question. I meant to ask you earlier but there has been such a break between the questions. You spoke earlier about the Taser stun guns and you mentioned that there are about 12 currently being utilised in the trial with the State Protection Group. Could you just tell me how many are actually being used by the Riot Squad in the trial?

Mr COLLINS: There is a bit of confusion in regard to the original question. If I can go back to the TAU unit—or the SPG, as we call it. They have had well practised arrangements in place for Taser guns for many years. In fact, they did trials on those and they have been using those for many years. I just need to clarify that is an issue. In terms of the Tasers that were allocated to the Riot Squad, there are around 12, to my understanding.

The Hon. MICHAEL GALLACHER: And how many, therefore, does the State Protection Group have?

Mr COLLINS: I am not quite sure of the numbers. I can take that on notice.

(Mr Collins withdrew)

The Hon. MICHAEL GALLACHER: Ms McPherson, I am going to focus primarily on sick leave.

Ms McPHERSON: I will just get the statistics.

The Hon. MICHAEL GALLACHER: How many officers are currently on permanent restricted duty?

Ms McPHERSON: I would have to take that on notice. I am sorry, Mr Gallacher, I have not got those.

The Hon. MICHAEL GALLACHER: How many officers are on long-term sick leave?

Ms McPHERSON: Again, I would have to take that on notice. I have not got that.

The Hon. MICHAEL GALLACHER: How many officers have been medically discharged since 1 November 2005?

Ms McPHERSON: Again, I would have to come back to you, but I am happy to do that.

The Hon. MICHAEL GALLACHER: How many police officers currently have medical discharge applications pending?

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

The Hon. MICHAEL GALLACHER: Given that this is an extremely important issue in respect to actual and authorised and how many police officers we are going to have in March and January of next year, do you have anything that might be able to shed some light on how many police currently have outstanding hurt on duty [HOD] claims, for example?

Ms McPHERSON: The issue of HOD is very different from post-88 death and disability, and the arrangements are now very different, as you would understand. The pre-88 officers, under new legislation, have an obligation to now participate in rehabilitation where previously they did not. There are also officers who put in a claim for hurt on duty as a record for further down the track, so in terms of your question, is it about awaiting medical retirement who are being processed or officers who have actually put in a claim for hurt on duty, as is their entitlement?

The Hon. MICHAEL GALLACHER: It probably goes to both.

Ms McPHERSON: Can I just go to post-88, the death and disability? As you know, that is very new and that has a requirement—quite a rigid and strict requirement—for rehabilitation. We are working very hard to identify jobs that are non-operational, if you like, but require police officers to carry out those duties and we are looking at deploying officers who, for some period of time, may need rehabilitation prior to going out fully operational.

So, there is a lot of work. I am sorry I do not have the statistics here. The issue for us is that the pre-88 officers are getting older and, as such, injuries they may have sustained in their earlier life are coming back to bite them, so to speak. Therefore, we are expecting that bubble of pre-88 injured officers and officers who are likely to put in their papers for retirement under that scheme not to get any smaller but to actually get larger as they are getting older.

The Hon. MICHAEL GALLACHER: What is the average time of these HOD claims that are outstanding?

Ms McPHERSON: There are two issues there. It really relates to the legal services review but it does dovetail in. The legal services review that has been undertaken just recently has a process where matters can be settled much quicker, therefore causing a lot less grief to officers than previously. Also, we are introducing a dispute resolution process. We try, to the very best of our ability, not to go to litigation and not to argue the case on general matters or draw them out and also, where there are offers of settlement and they are reasonable, then accept those offers of settlement rather than, as we have in the past, waiting until we are on the steps of court or get a judgment that is way in excess of what the previous settlement was.

There is quite a lot of work going on. There is a lot of reform that is underway in that area, but we are not waiting for the total reform. We are, the Assistant Commissioner for Legal Services and I, are working very hard to have hands on and try, as quickly as possible, to let these matters settle and let people get on with their lives.

The Hon. MICHAEL GALLACHER: There is no doubt that various forms of sick leave are having a major impact on the ability of the police to meet first response agreements and their other duties. To the best of your recollection, how many officers would be on long-term sick leave the last time you would have looked at it?

Ms McPHERSON: Again, I do not want to mislead you.

The Hon. MICHAEL GALLACHER: Please have a go?

Ms McPHERSON: There are some areas that are more adversely affected than others. I guess that comes back to the comment I made about the aging demographics of our officers. For instance, the North Coast area would have a larger problem than other areas and we are trying to address that through a mix and match of getting younger and fitter officers up there.

The Hon. MICHAEL GALLACHER: Statewide it would be a pretty static figure?

Ms McPHERSON: As I said, I think the hurt on duty issue is an issue because the officers are getting older and we do not think it is going to get smaller. It is about how quickly can we facilitate their exit. I think that is what we are working on because most of these injuries are genuine and most of the injuries have occurred at some stage. That scheme is a hurt on duty—if you like, a combination of what you would call a workers compensation claim and a superannuation claim.

The Hon. MICHAEL GALLACHER: What I am specifically after is an approximate number that the Committee can go away with today.

Ms McPHERSON: I am sorry. I am happy to get back to you but I do not want to mislead you. I know that in certain pockets—

The Hon. MICHAEL GALLACHER: I am not interested in certain pockets; I am interested in the approximate number of people statewide. You are the human resources manager for the entire police, are you not?

Ms McPHERSON: No, I am not. I am the director of corporate services.

The Hon. MICHAEL GALLACHER: You look after the issue of human resources within the police force?

Ms McPHERSON: Yes, I do.

The Hon. MICHAEL GALLACHER: And I suspect it would be your responsibility, as the director, to maintain a vigilance in terms of sick leave within the police force.

Ms McPHERSON: Yes, I do, but I also maintain a vigilance on a lot of other matters. I am sorry, I do not have those numbers in my head, but I am happy to come back to you.

The Hon. MICHAEL GALLACHER: Who is responsible for maintaining the sick leave numbers?

Ms McPHERSON: The director of human resources, who manages that through the information system.

The Hon. MICHAEL GALLACHER: Do you know how many officers are currently on long-term sick leave?

Mr MORONEY: No, I do not have that statistical number here. But let me clearly indicate that the management of sick leave, be it duty related or non-duty related, is obviously an issue of concern to the police. We have set a target of a 20 per cent reduction in sick leave over the next 12 months. That is the specific responsibility of the particular commander, be it the local area commander or the specialist commander, to manage sick leave in the workplace at that time. The human resources command, in one sense, keeps a numerical score. In addition to the proposed reduction of sick leave by 20 per cent, which is exceptionally higher than the broader public service, we have employed additional return-to-work co-ordinators to manage the issue of sick leave in the workplace.

The Hon. MICHAEL GALLACHER: I find it remarkable that neither yourself nor Ms McPherson can give us, even from the best of your recollection the last time you looked, an approximate number of how many officers are currently on long-term sick leave or indeed

permanently restricted duties. I would have thought that was the core in terms of your ability to have cars on the road.

Mr MORONEY: And my clear understanding of my appearance before the Committee is to provide factual information, not second guessing. I am happy to provide the factual information. It is not a figure that I keep statistically in the back of my head.

The Hon. MICHAEL GALLACHER: I find that remarkable. Where does the funding for workers compensation claims come from fund?

Ms McPHERSON: From the Treasury-managed fund.

The Hon. MICHAEL GALLACHER: Can you indicate how many officers are currently the recipient of a pension or benefit?

Ms McPHERSON: That is the hurt on duties superannuation scheme.

The Hon. MICHAEL GALLACHER: Yes, how many officers?

Ms McPHERSON: Can I just go back a step? As I said, there are two schemes. One of them is now workers compensation death and disability.

The Hon. MICHAEL GALLACHER: I understand that.

Ms McPHERSON: The other is the hurt on duty [HOD]. The hurt on duty—

The Hon. MICHAEL GALLACHER: I am asking HOD questions.

Ms McPHERSON: Okay. The HOD claim becomes a superannuation so you could possibly say—and I am trying not to mislead you by my explanation—is that at a certain age and stage entitlement under the old scheme comes anyway. As I recall, it is at about 50 onwards that that entitlement is there, roughly somewhere around there—it is 55. They get their entitlement as a superannuation fund. For me to be able to differentiate about all the people who have now left, I just do not have that.

The Hon. MICHAEL GALLACHER: Does anyone have that?

Mr MORONEY: I do.

Ms McPHERSON: I think it would be difficult for them—

Mr MORONEY: I would think the superannuation trustee because once they leave our organisation they are not our responsibility in the context of superannuation payments and entitlement.

The Hon. MICHAEL GALLACHER: How many current police officers joined prior to 1998?

Ms McPHERSON: I think there is roughly about 3,000 now left.

The Hon. MICHAEL GALLACHER: And how many of those—

Ms McPHERSON: And I am giving you that as an absolute approximation.

The Hon. MICHAEL GALLACHER: That is fine. I take it therefore that you do not know how many of those are fully operational.

Ms McPHERSON: No. I have just received a piece of paper—and again it is the approximate—from one of our advisers that approximately about 400 are on long-term sick.

The Hon. MICHAEL GALLACHER: Can your adviser perhaps tell you then how many are on restricted duties as well.

Ms McPHERSON: I could get that back to you. I will try to get that if we can.

The Hon. MICHAEL GALLACHER: Just in terms of numbers, can you give us an indication of how many of the grade one and grade two clerk positions will be done away with? They were discussed earlier.

Ms McPHERSON: Yes, I am happy to talk about that.

The Hon. MICHAEL GALLACHER: That is nice.

Ms McPHERSON: I am happy to talk about it because I have been working very closely with commanders and with local area managers. We are not now targeting clerk one and clerk two positions. What we have agreed with the local area commanders executive group is that a total restructure is required out there so that there is more flexibility for commanders to be able to move their support staff around as they wish. In conjunction with that, we have introduced a whole lot of improvements in the support systems. There has been a great investment of about \$40 million into those systems, and we are now automating things like leave.

The Hon. MICHAEL GALLACHER: I appreciate that. What I am after is just the number of positions, grade one and grade two, across the State.

Ms McPHERSON: I cannot answer you grade one or grade two, as I said. I am not sure what grade they will be.

The Hon. MICHAEL GALLACHER: What about grade three and grade four?

Ms McPHERSON: The grade three, grade four, that is the HRA role and there are 80 of those.

The Hon. MICHAEL GALLACHER: Is it right to assume that every LAC in New South Wales would have at least one grade one or grade two?

Ms McPHERSON: Absolutely. Indeed, most of them would have more than one.

The Hon. MICHAEL GALLACHER: So potentially we could be looking at anywhere up to 300 or 400 people who fall into the category of grade one, grade two and also grade three and grade four.

Ms McPHERSON: Can I just stop you there? We are not just looking at—if you are referring to the 300 staff, we are not just looking at the LACs for that. We are looking at the corporate head office and some of the specialist commands for that as well. As I said, there has been a lot of investment made into systems that can now automate, rather than have people manually doing the work. A lot of people are still doing that manual work. What we have agreed to do is not target any one grade out in the local area commands. With the local area commanders, we have agreed it is horses for courses. There are some commands where they would say they have people who can be spared; there are others who would say they cannot be spared, depending on their work load, the demographics—

The Hon. MICHAEL GALLACHER: So who will make the decision?

Ms McPHERSON: The commanders.

The Hon. MICHAEL GALLACHER: So it is nothing to do with you then; it will be up to the commanders.

Ms McPHERSON: No, I am supporting the commanders.

The Hon. MICHAEL GALLACHER: So what is the basis—

CHAIR: Order! Will you let Ms MacPherson finish her answer before you ask the next question?

The Hon. MICHAEL GALLACHER: Yes. The elucidation is not what I am seeking. I am actually after specific points. In relation to your answer you say the commanders are making the decisions.

Ms McPHERSON: I have given the commanders the target and the commanders will work with me, as I said, to restructure their support areas out in their local area commands to deliver those savings. Some of those positions are vacant—quite a number of them. We have not filled anything in those areas permanently for 12 months. We are expecting, in terms of individuals, it will not be the numbers that are on the table, the 80 or 160 or 300. We have been carrying a lot of funded vacant positions so we would be in a better position as we knew that the Government had set us this target as it has set other agencies.

The Hon. MICHAEL GALLACHER: What is the target, the financial target?

Ms McPHERSON: The financial target is \$15 million.

The Hon. MICHAEL GALLACHER: You want to save \$15 million from the Police budget?

Ms McPHERSON: No. I am sorry, the Government has funded 750 additional police. What it has asked us to do is look at investment that has been made in our back office and in our back office staff and make appropriate cuts in those areas.

The Hon. MICHAEL GALLACHER: To the value of \$15 million?

Ms McPHERSON: Yes. There are other things we are looking at to support those savings. They go to the procurement of motor vehicles, uniforms, a whole range—

The Hon. MICHAEL GALLACHER: Fewer motor vehicles?

Ms McPHERSON: No.

CHAIR: Please let Ms McPherson finish her answers before you come in.

Ms McPHERSON: I am talking about the way we purchase and fit-out vehicles and whether there is a better way and a cheaper way to do that—using LPG in some vehicles. We are looking at a range of things, it is not all from staff cuts.

The Hon. MICHAEL GALLACHER: In your capacity as director, can you please define what you mean by front-line resources?

Ms McPHERSON: Police officers and those officers who are daily working with police and support police in a technical sense.

The Hon. MICHAEL GALLACHER: A clerk who works for an Inspector or a sergeant in a police station who does processing of important works to maintain that police station, simple things, such as ordering pens and stationery and making sure vehicles are serviced, does that person fall into the category of front-line personnel?

Ms McPHERSON: No, they are back-office jobs.

CHAIR: We will now go to Ms Lee Rhiannon for questions.

Ms LEE RHIANNON: Minister, is it true that operational budgets of all patrols have been frozen until next year?

Mr CARL SCULLY: No.

Ms LEE RHIANNON: Say they get paid overtime, are the costs frozen?

Mr CARL SCULLY: The budgets have not been settled. They will be settled shortly.

Ms LEE RHIANNON: Once they are settled is there room for flexibility?

Mr CARL SCULLY: There always is. The commissioner would be better put to answer this in detail but the budget has to be done realising that if something occurs during the financial year that requires a strong response that is beyond the budgetary resources allocated to the command, obviously some supplementation is required. But we expect the commands to meet their budgets and a lot of effort is put into allocating the appropriate budget for each command.

Ms LEE RHIANNON: But the flexibility is still there?

Mr CARL SCULLY: It has to be. Just like the police budget was supplemented following the Cronulla riots. That was expensive, and the Treasurer approved additional funds.

Ms LEE RHIANNON: Moving on to the public order riot squad, has the PORS been deployed since it was established in January and can you provide details of the occasions on which it was deployed if it has been?

Mr CARL SCULLY: It has been deployed repeatedly. For example, I think every Canterbury game since the disturbances several weeks ago. It was deployed in Nimbin, deployed out in the Dubbo estate. Recently there were incidents in south-west Sydney. Almost every day it is deployed.

Ms LEE RHIANNON: Does that mean it is taking over from the regular police operations?

Mr CARL SCULLY: No, not at all. It is really effective policing. I was speaking to Steve Callan yesterday. He was telling me that general duties police turn up at an incident that could potentially get out of hand, and the public order and riot squad turn up and, guess what, at the mere sight of the vehicle they disperse. I think that is fantastic policing, the riot squad in their face.

Ms LEE RHIANNON: Maybe they were not going to do anything. Maybe they were just kids hanging out and you are overreacting.

Mr CARL SCULLY: I would rather the police overreact or escalate when they need not than the reverse. You would be the first to be on TV putting the boot into me and the police if we did that.

Ms LEE RHIANNON: I doubt that.

Mr CARL SCULLY: You would be. You would be hopping into us saying that we underreacted.

Ms LEE RHIANNON: Are you seriously saying that virtually every day PORS is out there?

Mr CARL SCULLY: Not necessarily everyday but quite often during each week they are deployed to assist in the management of public order and events—football games or wherever there is any suspicion there may be activity that is a little bit beyond a local area command. Those troops are highly trained.

Ms LEE RHIANNON: Troops?

Mr CARL SCULLY: They are troops. They are riot control troops, and I am very proud of them. Do not think that it is just the riot squad. It is the public order squad. Just as important as dealing with one or two riots and serious disturbances that might occur over 12 or 24 months, perhaps

its biggest role is in maintaining public order in the streets, supporting the commands. It is a specialist squad that is out there reassuring the community. The commissioner might be better placed to add to that.

Mr MORONEY: I made it clear on the creation of the squad that they were not simply there to train on a 24-hour, seven-day a week basis. They were, first and foremost, police officers, albeit police officers with a degree of highly skilled training. The focus had to be on public order. Thankfully, the issue of the riot aspect of their work does not occur all that often. So, they are out there working in such areas as recent demonstrations here in the city, ensuring public order, not responding to it once there has been a level of disorder but ensuring there is a level of order, that there is appropriate level of lawfulness in the activities of a number of people. They have been most effective in that regard.

Ms LEE RHIANNON: In the past year how many officers have required their capsicum spray canisters to be refilled?

Mr CARL SCULLY: I would have to take that on notice. I am sure the commissioner would to.

Ms LEE RHIANNON: What is the procedure for replacing capsicum spray? Do police officers have to explain why the canisters are empty?

Mr MORONEY: The use of capsicum spray is recorded on the COPS event report relevant to the operation in which the police officer is involved.

Ms LEE RHIANNON: I appreciate that but my question is if a police officer presents with an empty canister that needs to be refilled, does that require there to be an incident report or an incident number or is there a process for getting that into your system?

Mr MORONEY: Yes, there is. Indeed, in the use of any police appointments from firearms through to the use of capsicum spray there is a proper record. It would be the primary and the initial responsibility of supervisors and duty officers to ensure that that accountability exists and exists principally in the form of a proper record of the use and application of that. If there were inappropriate use, I would expect that issue would then be taken over by the complaints process.

Ms LEE RHIANNON: So, you would be able—and I appreciate you have to take it on notice—to give figures of how many police officers had required their capsicum spray canisters to be refilled in, say, 2005?

Mr MORONEY: I would imagine that that figure would be available. I do not know that a police officer on each occasion that he or she uses of the capsicum spray empties the canister. It may be available for several applications or several uses but if that canister was empty I am sure it is available for replacement.

Ms LEE RHIANNON: I would like to ask some questions about domestic violence. Are trained domestic violence officers replaced when they go on leave?

Mr MORONEY: Yes, I would believe so. Particularly where there is a high incidence of domestic violence. At the present time we are carrying out a range of trials, one in the metropolitan area at Campbelltown, and one in Wagga Wagga, of how we might better respond to the issue of domestic violence, both for the victim of domestic violence and the perpetrator of that violence. We continue to look at ways to improve the response to domestic and family violence and have a range of comprehensive policies, projects and programs to address this issue. Central to this we have more than 160 specially trained domestic violence liaison officers appointed as and from 1 November 2005. These domestic violence liaison officers provide support and assistance to victims and to other police dealing with domestic violence.

Every police officer in New South Wales has access to current key information on domestic violence, including search, education and training resources and domestic violence policies. That is available from the domestic violence knowledge map, which is available on the Police intranet site.

Since 2003 a number of the local area commands have used the domestic violence proactive support system. That is a partnership between local area commands and, agreeably, local welfare support agencies. As I mentioned, NSW Police is currently working with other government agencies in the domestic violence intervention court model. That is a two-year integrated pilot program, which commenced late in 2005. It is currently being trialled, as I mentioned, at Wagga Wagga and Campbelltown. The principal aim of the model is to improve victims' safety and increase perpetrator accountability through improved management of criminal domestic violence cases. In my latest discussions with the local area commanders at Campbelltown, Macquarie Fields and Wagga Wagga, they have reported a significant reduction in domestic violence in those locations where trials are currently under way.

Ms LEE RHIANNON: When I asked you whether trained domestic violence officers were replaced when they went on leave you said that you believed so. Would you take that question on notice so that you can ascertain if that is the case? My questions arise from work I have done in the Hunter where it was raised with me that when these officers go on leave they are not being replaced.

Mr MORONEY: I am happy to look at a specific instance.

Ms LEE RHIANNON: I am asking in a policy sense. When those officers go on leave do you require that they are replaced? I am interested in the official position and then I will detail the actual police stations. I will follow up my specific areas and you can give me the general policy.

Mr MORONEY: Yes, I am happy to respond to that.

Ms LEE RHIANNON: I have been told by a domestic violence worker in the Hunter that a number of summonses and other court documents are not being served on perpetrators before the matter goes to court, which has resulted in cases being dismissed. It is said that the documents are piling up at police stations because of lack of staff to deal with the paperwork. The story I am getting is that there are serious problems with how domestic violence cases are being handled in court because of lack of resources and lack of police officers to handle it.

Mr MORONEY: I am happy to take it on notice and I will take it up with the regional commander. Other than the broad description of the Hunter, if there are specific stations I am happy to look at those as well.

Ms LEE RHIANNON: What percentage of police callouts are related to domestic violence?

Mr MORONEY: Without having the percentages here in front of me, I would think the overwhelming majority of cases that police attend, certainly domestic violence, ranks high in the callout arrangement. As to the response to calls for assistance, I think domestic violence is certainly high. The issue of the compelling effects of alcohol abuse and/or illegal or illicit drug abuse in those domestic violence situations is compounded. The training of police officers in terms of how they respond to such situations is equally as important.

Ms LEE RHIANNON: What percentage of police staffing is devoted to training domestic violence officers?

Mr MORONEY: All police officers from recruit level through to front-line responders are trained in the issue of domestic violence. It forms part and parcel of the ongoing assessment of police officers in terms of their knowledge. As I have also mentioned, our police officers have available to them a range of education and training material, including the domestic violence knowledge map, which is available for inspection on the police intranet site.

Ms LEE RHIANNON: Minister, in the budget papers NSW Police has committed to an increasing emphasis on engaging business and local communities in identifying and responding to potential terrorist threats. An additional \$1.8 million is being put towards the maintenance of counterterrorist activities. What will the money be spent on? I am particularly interested, given the reported failure at the Federal level of initiatives such as the terrorist hotline. How do you engage business and local communities in identifying and responding to potential terrorist threats?

Mr CARL SCULLY: First of all, the Premier's Department has a counterterrorism unit, headed by Paul Clark, which does a lot of work in terms of a whole-of-government approach. I believe, Commissioner, that is the unit that facilitates the Government's interaction with the business community?

Mr MORONEY: That is correct.

Mr CARL SCULLY: They do a lot of work with Federal authorities, the AFP, ASIO and the Department of the Prime Minister, as well as with the NSW Police. A lot of the business work and relationships is done by that unit. Of course, NSW Police spend a lot of time working co-operatively with the Australian Federal Police and ASIO. I outlined before what that money is being spent on. I am happy to go through it again, such as bomb disposal units and extra equipment.

Ms LEE RHIANNON: I may have misunderstood. I thought the \$1.8 million in counterterrorist activities was for the work with business and local communities.

Mr CARL SCULLY: I am happy to take the question on notice if you want to get a formal answer.

Ms LEE RHIANNON: Yes.

Mr CARL SCULLY: There is not a lot of capital works. There are a lot of people involved in counterterrorism and they obviously spend a lot of time monitoring people and forming relationships with other law enforcement agencies, both in Australia and overseas, and working with Federal and State authorities, including relationships with the business community. I am happy, to the extent that I can give you a response to the information you require, to take that on notice.

Ms LEE RHIANNON: Yes. How many police recruits resigned within a 12-month period, say, in 2005 or 2005-06?

Mr CARL SCULLY: By way of clarification, by "police recruits" do you mean a police student who resigned before graduating or a probationary constable who resigned before becoming a constable?

Ms LEE RHIANNON: I will take the probationary constable.

Mr CARL SCULLY: You would like to know how many probationary constables who graduated but did not become a full constable resigned in the last 12 months?

Ms LEE RHIANNON: Yes.

Mr CARL SCULLY: I will take that on notice.

Ms LEE RHIANNON: How many police in total left the force in the same period?

Mr CARL SCULLY: Are you talking about the 12 months ending 31 August 2006?

Ms LEE RHIANNON: A 12-month period, say, 2005 or 2005-06, whatever is easier for you.

Mr CARL SCULLY: I am happy to do that.

Ms LEE RHIANNON: Do those people have exit interviews?

Ms McPHERSON: Yes.

Ms LEE RHIANNON: Is everyone given an exit interview?

Ms McPHERSON: If they so wish. They are given the opportunity.

Ms LEE RHIANNON: We lose money every time a police officer walks out because of the training they have undergone.

Ms McPHERSON: Absolutely.

Ms LEE RHIANNON: Do you think you should ensure that an exit interview is done with all of them?

Ms McPHERSON: We do what we can, but you cannot force people to undergo an exit interview if they really do not desire to do so.

Ms LEE RHIANNON: What efforts do you make to do the exit interview?

Ms McPHERSON: They do it at the local level.

Ms LEE RHIANNON: I am interested in the form. I have been told that it is just like ticking a box and they cannot give qualitative answers. It would seem that qualitative answers would be very useful so that you could see what was going on, because we are losing police at a high rate.

Mr MORONEY: When we talk about exits we are talking of those who resigned, those who leave because they have been dismissed by the Commissioner of Police, and those who retire because they have the requisite years of service or some medical impairment. So the reason may be quite clear: dismissal, medical impairment, retirement due to age. I guess what you are talking about are those who resign to take up some other occupation or profession.

Ms LEE RHIANNON: Yes, when they still have many working years ahead of them.

Ms McPHERSON: It is true there is a form, but there is also the opportunity for them to have an interview—if they so wish, as I said.

Ms LEE RHIANNON: How do they know they have an opportunity to have an interview?

Ms McPHERSON: I understand that that opportunity is given to them in their local area.

Ms LEE RHIANNON: How many take it up?

Ms McPHERSON: I am not sure.

Ms LEE RHIANNON: Can you take that question on notice?

Ms McPHERSON: Yes.

Ms LEE RHIANNON: Minister, I understand you have met with a Liverpool police officer called Mick Plotecki.

Mr CARL SCULLY: Yes, I have met with him on many occasions.

Ms LEE RHIANNON: I understand he has a program to deter people from stealing petrol. Can you tell the Committee about it and what has been the response to his program? Is it being implemented?

Mr CARL SCULLY: The program was developed by Superintendent Plotecki and Dave Darcy, who is the commander at Bankstown. The two of them launched that initiative on Wednesday. It involves a co-operative scheme with a large number of service stations. They are undertaking a trial in which customers prepay at various times of the day, depending on the circumstances of each service station. I think they estimate that as many as 50 out of 70 service stations will participate. I propose to contact Woolworths and Coles and the major petrol retailers. I am disappointed to note that representatives of the local Woolworths and Coles outlets have said they will not co-operate. My predecessor endeavoured to draw them in. If that is the reaction from Coles and Woolworths and the

big petrol chains I will be very disappointed. There is a direct correlation between the increase in the cost of petrol and the incidence of number plate thefts and the theft of petrol.

Ms LEE RHIANNON: I understand that this police officer has a roving patrol with pushbikes.

Mr MORONEY: Superintendent Plotecki has put in place a number of operations. It is opportune for me to acknowledge a body of work done by Constable Sharon Clark, who is a member of the highway patrol at Liverpool. In a three-month operation she has been solely responsible for the identification of more than 100 offenders involved in petrol theft from garages in and around the Liverpool area. She has been able to prefer a sizeable number of charges, not only in relation to the fraud on those various garages but also a number of peripheral criminal charges, including the theft, receiving or possession of stolen number plates. She has been almost a one-woman response wave.

Ms LEE RHIANNON: Is the pushbikes initiative associated with the petrol station project? I thought they were separate.

Mr MORONEY: I believe so, but I thought you were talking about the broader issue of deterring petrol theft and catching those responsible for it.

Ms LEE RHIANNON: I am trying to understand these new projects. I thought the roving patrol involving pushbikes was separate from the petrol theft initiative.

Mr MORONEY: That is a separate operation.

Ms LEE RHIANNON: How does that work? Is it Superintendent Plotecki's initiative and is it being taken to other areas?

Mr MORONEY: We are looking at how this might operate. Superintendent Plotecki has made an approach that I have endorsed. It will be virtually a mobile police station. It has come about through our focus on policing in the Moorebank area and trying to provide a different style of policing, rather than simply rebuilding the police station. This mobile police station will enable Superintendent Plotecki to respond quickly to either calls for assistance or, based on intelligence, to deploy police officers to particular locations. It is an encouraging program and, subject to its successful trial, I would be keen to see it expanded.

The Hon. KAYEE GRIFFIN: Minister, you were previously answering a question about illicit drug crime.

Mr CARL SCULLY: Under the former penalty levels, this was just below the threshold for large commercial quantities. Now 200 hydroponic plants—not 1,000—is the level at which the maximum penalties cut in. From now on, persons convicted for growing 200 plants or more could face a maximum penalty of 20 years' jail.

There have been emerging trends in respect of crystal methamphetamine, or ice. NSW Police officers are working closely with their Federal colleagues to deal with the growing threat of ice. In most cases this highly dangerous substance has been imported. However, police remain vigilant about its domestic production. Consequently, earlier this year \$5 million worth of the drug—some nine kilograms—was seized at a clandestine laboratory at Carlingford. This resulted in four persons being arrested. Police continue to closely examine trends concerning illicit drug importation, manufacturing and supply patterns. Active investigation of ice suppliers and traffickers will continue to be the top priority in drug enforcement. I am pleased to announce that so far this year a number of successful drug busting operations have been carried out by NSW Police.

CHAIR: Minister, please turn on your microphone.

The Hon. MICHAEL GALLACHER: It was okay, actually.

CHAIR: We do not need your running commentary.

Mr CARL SCULLY: Would you like me to start again?

The Hon. MICHAEL GALLACHER: It is your time; go right ahead.

Mr CARL SCULLY: I do not think the honourable member should laugh about the work that the police have done in chasing drug dealers.

The Hon. MICHAEL GALLACHER: I am laughing about your performance. It is pretty damn poor.

Mr CARL SCULLY: They have done a fantastic job.

CHAIR: Order! The honourable member does not have the call and he will be quiet while the Minister is answering.

Mr CARL SCULLY: You have 44 minutes to apologise for calling the commissioner a clown. I want you to apologise before we are finished. The end is approaching.

The Hon. MICHAEL GALLACHER: You had better head off now then.

Mr CARL SCULLY: You are a former police officer. Shame on you!

The Hon. MICHAEL GALLACHER: I don't talk to you; I talk to the commissioner.

Mr CARL SCULLY: I will continue. I was rudely interrupted by the shadow Minister. I am very disappointed that he will not apologise for his leader.

The State Command Drug Squad arrested two persons allegedly involved in the supply of cocaine. A total of 400 grams was also seized, with a potential street value of \$300,000. Drug squad detectives also arrested three offenders involved in the distribution of ecstasy tablets in the Sydney metropolitan area. This raid resulted in the seizure of 18,000 ecstasy tablets with an estimated street value of \$900,000. In addition, 12 kilograms of cannabis, 150 grams of cocaine, a number of firearms and \$755,000 in cash was also seized.

It might surprise some people to learn that in May this year Nimbin police seized 677 cannabis plants. I am disappointed that Ms Rhiannon is not in the room, but Ms Sylvia Hale is her and she can pass on the report the Greens. In Nimbin we seized 677 cannabis plants. I know the honourable member is not a regular visitor to the hemp embassy, but some interesting people are there and it might be worth a visit. I have been there; I was invited inside. An ongoing drug squad investigation into the supply of prohibited drugs in Sydney and the transportation and the supply of drugs between New South Wales and Queensland has resulted in the arrest of three persons in Sydney and northern New South Wales. In total, 2,560 ecstasy tablets, 491 grams of amphetamine and 454 grams of cannabis have been seized. I am advised that further arrests are expected.

In May 2006, police from the State Crime Command South East Asian Crime Squad charged an offender with a commercial supply of ice. At the time of his arrest, the offender was in possession of ice with an estimated street value of \$500,000. Detectives attached to the Joint Asian Crime Group and Australian Customs seized 390 kilograms of ecstasy tablets concealed in a shipping container of ink imported from Canada to Melbourne and then transported to Sydney. Between February and April 2006, the South East Asian Crime Squad dismantled an ecstasy distribution network in the inner western suburbs of Sydney. A group of four persons were arrested and 19 charges were laid relating to commercial supply.

As a result of intensive police action by local area commands and the South East Asian Crime Squad, a large number of individual hydroponic cannabis premises and several major networks were dismantled. This strong response to a new crime phenomenon led to a fall in the number of Asian-operated hydro houses detected from a peak of 47 in September 2005 to five in March 2006.

Operation Morad, the South-east Asian Crime Squad and the Australian Crime Commission charged two offenders with a commercial supply of ice. Police seized one kilogram of ice valued at

\$400,000. At the time, one offender was in the process of setting up a commercial ice distribution network, with the majority of the players being located in China. These arrests seriously disrupted this network.

In addition to the recent legislation concerning the indoor cultivation of cannabis, the Government has always taken a tough approach to drug crime through laws that target drug trends. These include the Disorderly Houses Amendment (Commercial Supply of Prohibited Drugs) Act 2002, to close down the cannabis cafes and other premises being used by drug suppliers; the Police Powers (Drug Premises) Act 2001, enabling police to close down drug houses and to move on or arrest people loitering to sell or buy drugs, now part of the Law Enforcement (Powers and Responsibilities) Act; the Police Powers (Drug Detection Dogs) Act 2001, which provides certainty for police and the community as to where drug detection dogs can be used without a warrant, now part of the Law Enforcement Powers and Responsibilities Act.

These are just a few of our drug prevention and diversion strategies. The State Government will continue to support front-line police in the fight against drugs and emerging forms of drug-related crime and the misery they cause.

The Hon. EDDIE OBEID: Minister, what is the current status of the DNA outsourcing trial?

Mr CARL SCULLY: DNA evidence is increasingly being used in the criminal justice system. It is a valuable investigative tool, linking crime scenes to suspects. Rapid advances in science have led to the growing use of DNA technology in securing convictions. As a result, the demand for DNA analysis has grown from 16,500 samples in 2001 to more than 29,700 submitted in 2005. Police are now taking more DNA samples than ever before and, as is the case in all jurisdictions, this has led to some delays in processing those samples. NSW Police currently submits forensic material to the Department of Health's Division of Analytical Laboratories [DAL] for DNA analysis.

In response to the increasing demand for DNA analysis services, this Government is examining a range of innovative options to improve DNA service delivery. One of these options has been to outsource to the private sector the analysing and processing samples collected from some crime scenes. The objective of the trial has been to determine how efficiently volume crime scene samples could be processed by another laboratory. These volume samples have come from offences such as break enter and steal motor vehicle and steel from motor vehicle. Another prime consideration has been whether this decrease in workload enables DAL scientists to process the more complex, serious samples and work on reducing the existing DNA backlog.

In 2005 NSW Police was provided with an additional \$1.5 million towards improving DNA analysis service delivery over two years. A portion of this has been allocated towards the outsourcing trial. In April this year the New South Wales Government signed a contract with Genetic Technologies Corporation Pty Ltd to supply DNA analysis services to NSW Police for a three-month period.

The DNA outsourcing trial was completed on 7 August 2006. During the trial period 1,350 DNA samples from volume crime scenes were submitted for analysis. The trial is currently under evaluation, so I am unable to comment on the outcomes achieved other than to say that earlier indicators were extremely positive. DNA evidence is a vitally important crime-fighting tool. It is helping put criminals behind bars. Anything that can speed up this process is welcome.

If this trial proves to be successful, NSW Police may be able to continue outsourcing a proportion of forensic material for analysis. This will give our hardworking police the chance to process a greater number of DNA samples more quickly, and hopefully catch more criminals. This is another example of the Iemma Government's ongoing commitment to ensuring our front-line police have the tough powers, equipment, resources and support they need to keep driving down crime. Crime is under control in this State.

The Hon. KAYEE GRIFFIN: Minister, what is the New South Wales Government doing to prevent illegal drug usage by New South Wales police officers?

Mr CARL SCULLY: The State Government, the Commissioner of Police and the public demand the highest levels of professionalism and integrity in our police force. Any officer who acquires or uses illicit drugs is not fit to wear the NSW Police uniform. Such illegal behaviour is fundamentally at odds with their responsibilities as an officer of the law. Not only do illicit drugs affect workplace performance but they can also bring users into close contact with the criminals who supply them.

The commissioner has repeatedly and publicly expressed his support for a zero tolerance approach to the use of illegal drugs within NSW Police. I wholeheartedly support the commissioner on this issue. In fact, I am willing to accept the loss from NSW Police of officers who engage in corrupt conduct by obtaining and using illegal drugs. In my book, they are no loss at all; we are better off without these bad apples.

Between 2003 and 2005 the Police Integrity Commission [PIC] conducted Operation Abelia, an investigation into drug use by some NSW Police officers. The commission focused on what can be done to prevent illegal drug use by officers, rather than confining its inquiry to investigating individual cases of officer misconduct. It is important to emphasise that the PIC found no evidence of widespread drug use in NSW Police.

The Police Integrity Commission noted that the NSW Police drug and alcohol policy has been, and continues to be, a model for other law enforcement agencies. That is gratifying. However, more needs to be done to ensure that those charged with upholding the law behave in a manner befitting their position at all times. As a result of the PIC report, the Iemma Government will take a number of steps to make it even harder for NSW Police officers to escape detection from taking illegal drugs.

These tough new measures will include increasing the random drug testing program to cover 15 per cent of current sworn NSW Police officers. This is a substantial increase from the current program, which administers the random drug tests to only 3 per cent of officers per year. The measures will also include amending the Police Act 1990 to enable officers to be recalled to duty for the purposes of targeted off-duty testing. This will capture officers who seek to hide their drug use by taking the drugs whilst not in uniform.

The measures will also include amending the Police Act 1990 to enable targeted testing for the use of non-prescribed steroid use; amending the Police Act 1990 to expand those circumstances referred to as "critical incidents" when mandatory testing is required, and to ensure that the testing is for both drugs and alcohol; and ensuring that drug testing of police recruits and students will be the standard expected of NSW Police officers. These measures have the full support of NSW Police and will be fully implemented by 1 January 2007. The cost of implementing these measures will be just under \$1 million per annum, which has been provided to NSW Police as an enhancement to its budget.

These improved detection processes will go hand in glove with a number of health and preventative measures put in place last year at a cost of an additional \$2.45 million per annum. These include the WellCheck program, to support specialist police in dealing with the stresses of the job. WellCheck formed an integral part of the overall Health Support Program and was introduced to help reduce the risk of psychological harm faced by employees working in areas with the highest risk of injury. The NSW Police Health Support Program provides access for all police officers to an external counselling service and to internal return-to-work co-ordinators for injured workers. There is also access to medical officers, psychologists, occupational health and safety officers, and peer support officers.

The Government's increased investment in the health and safety of our police will ensure that NSW Police has an enhanced capacity to detect illegal drug use by officers. This will benefit the community, who will have greater confidence in the professionalism and integrity of our police officers.

The Hon. EDDIE OBEID: Minister, what is the New South Wales Government's position on the future of single-officer police stations and related matters?

Mr CARL SCULLY: The New South Wales Government is committed to keeping open single-officer police stations. They are an essential part of policing in many country areas. They have been working effectively in several rural communities throughout New South Wales for many, many years. There are currently 144 one- or two-unit police stations in New South Wales, generally in smaller, low-risk country communities.

Not only are we fully committed to keeping them open, we are also investing more money in these valuable community assets. In 2004-05 the New South Wales Government upgraded security at our one- or two-unit police stations in rural areas across New South Wales. This came at a cost of \$1.15 million. These works varied according to the location and requirements, but upgrades generally provided improvements to lighting, fencing and screen doors. This Government is committed to keeping the single-officer stations operational. They do an excellent job in serving their respective communities. But the only commitment from the Opposition is to shut down these valuable rural facilities.

Mind you, the people of New South Wales have come to expect nothing less from a man who never tires from launching attacks on the police commissioner and his hardworking officers. He is on record as saying he would close single-police stations in high crime areas if the unthinkable happens and he ever gets elected to power. He owes it to the communities to name the single-officer stations on his hit list. He has deliberately refused to categorically rule out any police stations. He is treating rural areas, I believe, with complete contempt. The tactic is typical of the member for Vacluse, who is completely out of touch with ordinary families. He constantly attacks the police and ignores the tremendous job they are doing in driving down crime.

Not content with criticising front-line police, he now has their boss in his sights. He has called the commissioner a clown and threatened to sack him on day one if he ever becomes Premier. This is the same commissioner whose efforts have ensured that crime is under control in this State, as the latest figures from the Bureau of Crime Statistics have shown. Mr Debnam, it is high time you apologised to the commissioner and the people of New South Wales, who hold him in high regard, for this outrageous personal vendetta. With the backing of the New South Wales Government, the commissioner and his officers are doing a great job in protecting this community. We are continuing to ensure that our front-line police are given the tough powers, equipment, resources and support they need. We are ensuring record police numbers.

Can I take this opportunity of saying I have enjoyed a fantastic working relationship with this commissioner and, quite apart from what Mr Debnam has said about him, far, far from being a clown, he is an intelligent, hardworking police officer, who I believe is probably one of the best commissioners this State has seen, and I am disgusted by the continued attacks by the Leader of the Opposition upon him.

The Hon. KAYEE GRIFFIN: Minister, why did the Government introduce random drug testing for drivers?

Mr CARL SCULLY: I think that is a very, very good question. This is a significant road safety initiative that the Government, the police and the RTA—and Health, to a lesser extent—have spent some time working on. Victoria Police has had its program in place for about 12 months now and we have been monitoring that very closely. The Premier, the Minister for Roads and myself announced this yesterday: that the legislation is almost ready to be introduced. We have given notice of it and I believe next week it will be introduced. The van has already been purchased and over the next 12 months, once the legislation is introduced and we commence in about November, about 5,000 tests will be done.

It will involve three separate processes. Firstly, a swab off the tongue. If that is positive the person will then have to go into a van and give a saliva sample. If that is positive they will not be able to drive for 24 hours and the saliva sample will then be sent to the Division of Analytical Laboratories. If that is positive—that is, three positives in a row—if the last one is positive, a certificate will be issued and that will be evidence of the presence of an illegal substance whilst driving, for which there will be a period of disqualification and a fine. I think this is potentially a silver bullet in terms of the road toll, like random breath testing was 24, 25 years ago. We will start with one truck, 20 staff, 20 police officers trained and thousands of tests. I believe we will find that

this will be rolled out over the ensuing months and years ahead. I am very excited about it, as is the Premier and the Minister for Roads. We are going to be targeting the heavy vehicle industry initially, but also rave and ecstasy parties as well.

The Hon. EDDIE OBEID: How do you think the Opposition's plan to slash 29,000 public service jobs will impact on NSW Police?

Mr CARL SCULLY: That is an excellent question. It was a bit rich Ms McPherson being grilled about 300 jobs when they themselves want to get rid of 29,000 to 30,000 across the public sector. It can only mean that hundreds and hundreds of people will have to go out of NSW Police and, more importantly, it may well mean that to meet that target they will have to get rid of police officers, and that meets with our complete contempt.

CHAIR: We will now go to the Opposition for 10 minutes of questions.

The Hon. MICHAEL GALLACHER: My question is directed to Ms McPherson. Can you just indicate how long you have been with the police?

Ms McPHERSON: Twelve months on 19th September.

The Hon. MICHAEL GALLACHER: Prior to that you were with?

Ms McPHERSON: I was with RailCorp.

The Hon. MICHAEL GALLACHER: And prior to that you were with?

Ms McPHERSON: SRA.

The Hon. MICHAEL GALLACHER: Prior to that you were with?

Ms McPHERSON: Co-ordinator General of Rail.

The Hon. MICHAEL GALLACHER: And prior to that?

Ms McPHERSON: I was with the RTA. Prior to that I was with the Department of Motor Transport.

The Hon. MICHAEL GALLACHER: When you were with the RTA, from your recollection, who was your Minister then?

Ms McPHERSON: My first Minister there was Michael Knight.

The Hon. MICHAEL GALLACHER: Followed by?

Ms McPHERSON: Followed by Carl Scully.

The Hon. MICHAEL GALLACHER: When you went to Rail, who were your Ministers there?

Ms McPHERSON: My Ministers there were Carl Scully, Michael Costa and John Watkins.

The Hon. MICHAEL GALLACHER: And you came across 12 months ago to NSW Police. What is your current SES level in NSW Police?

Ms McPHERSON: Seven.

The Hon. MICHAEL GALLACHER: What is that in terms of a total remuneration package for your position?

Ms McPHERSON: 290.

The Hon. MICHAEL GALLACHER: Does that include a motor vehicle?

Ms McPHERSON: No, I do not have a motor vehicle. It includes my superannuation and everything else.

The Hon. MICHAEL GALLACHER: Just to get a rough idea, what sort of wages are the deputy commissioners on?

Ms McPHERSON: You would have to ask them. I think, from memory, they are on 270—around about 270. Could I just add, my substantive salary is the same as what I was on at RailCorp. I transferred over on that and have not had an increase for probably two years, two and a half years.

The Hon. MICHAEL GALLACHER: You have got a PA in your position?

Ms McPHERSON: She is a PA-cum office manager. Can I just explain the situation of my office? When I arrived in NSW Police I had three support staff. One of those positions was vacant and had somebody acting in it, so I abolished one of those positions and created a higher-level position that the person who was my PA now takes and carries out the duties as an office manager. So it is less than an executive officer but more than a personal assistant.

The Hon. MICHAEL GALLACHER: Am I right in assuming that PA that you have now got in this office manager's position is the same PA that you had when you were at Rail?

Ms McPHERSON: Yes, I brought her over with me.

The Hon. MICHAEL GALLACHER: The upgrade in her wages, could you indicate to us how much that was?

Ms McPHERSON: She did not get any upgrade, she came over on exactly the same money.

The Hon. MICHAEL GALLACHER: She is on exactly the same money?

Ms McPHERSON: Yes. No upgrade.

The Hon. MICHAEL GALLACHER: Ms Julie Wills, what position does she hold?

Ms McPHERSON: Julie Wills is the Director of Safety.

The Hon. MICHAEL GALLACHER: She was formerly with you at State Rail?

Ms McPHERSON: Yes, she had a position in State Rail and in RailCorp.

The Hon. MICHAEL GALLACHER: What was her last position in State Rail?

Ms McPHERSON: In State Rail?

The Hon. MICHAEL GALLACHER: Her last position prior to coming into the Police?

Ms McPHERSON: She was General Manager, Safety, Customer Services.

The Hon. MICHAEL GALLACHER: What level was that on?

Ms McPHERSON: That was roughly around about 160. I think they have had an increase so probably around about 180.

The Hon. MICHAEL GALLACHER: General Manager, Customer Service?

Ms McPHERSON: Safety.

The Hon. MICHAEL GALLACHER: Customer Safety.

Mr CARL SCULLY: Hold on, do not put words into her mouth.

Ms McPHERSON: She was General Manager, Safety, for the Customer Services group.

The Hon. MICHAEL GALLACHER: Ms Wills' position now is what level?

Ms McPHERSON: Director, Safety, for NSW Police.

The Hon. MICHAEL GALLACHER: And her remuneration package?

Ms McPHERSON: 190.

The Hon. MICHAEL GALLACHER: You brought in a group of consultants to recreate the Corporate Services group. Who are they?

Ms McPHERSON: Sorry?

The Hon. MICHAEL GALLACHER: I understand other consultants have come in from State Rail.

Ms McPHERSON: Ms Wills is not a consultant, she is an employee. There are a number of contractors. I do not have any consultants as such, under the definition of "consultants". What I have got are a number of contractors who have assisted in a number of areas—different people, different companies, and they are bringing in different people at different times.

The Hon. MICHAEL GALLACHER: And how many of those people, to the best of your recollection, have prior experience with State Rail whilst you were there?

Ms McPHERSON: Nobody from State Rail. I think from RailCorp may two, but look, I cannot be sure. There are other contractors around who would have worked in RailCorp. It is a pretty big organisation.

The Hon. MICHAEL GALLACHER: So they have come across from RailCorp whilst you have been there?

Ms McPHERSON: Yes, some of them have done work with NSW Police prior to my coming over.

The Hon. MICHAEL GALLACHER: Did you work with Helen Vickers while she was at Rail?

Ms McPHERSON: Yes, I did.

The Hon. MICHAEL GALLACHER: What is her relationship with NSW Police?

Ms McPHERSON: She has done a number of reviews for NSW Police.

The Hon. MICHAEL GALLACHER: You have obviously known her for some time?

Ms McPHERSON: I have worked with Helen. Helen was Corporate Council.

The Hon. MICHAEL GALLACHER: Can you indicate to the Committee to the best of your knowledge how many other senior positions within NSW Police have been filled, since you arrived at NSW Police, by former employees of RailCorp or State Rail?

Ms McPHERSON: One, to my knowledge.

The Hon. MICHAEL GALLACHER: Minister, do you agree with the Police Association that bureaucratic bungling was delaying the Wagga Wagga police station and not political game playing and do you agree with Mr Pritchard, who said, "It's just bureaucracy at its worst"?

Mr CARL SCULLY: The council took some time to approve that. In fact, I was out there recently with the commissioner and Daryl Maguire, the local member. I do not recall Mr Maguire raising with me concerns, other than he would like the police station built as soon as possible.

The Hon. MICHAEL GALLACHER: No, it was not Mr Maguire, it was Mr Pritchard, head of the Police Association?

Mr CARL SCULLY: I regularly run into Mr Maguire, who is a colleague of yours, and I deal with him as Leader of the House and he is the Whip for the Opposition. He was most appreciative that the commissioner and I visited Wagga Wagga. It is in need of an upgrade and we are committed to building it.

The Hon. MICHAEL GALLACHER: Mr Pritchard said that it was bureaucratic bungling that was delaying it. I just wanted to know whether you agree with him?

Mr CARL SCULLY: No. I have some advice here. The current State budget includes a provision for a new police station at Wagga Wagga with an estimated total cost of \$14.172 million. As I have said, the Government is committed to upgrading and a detailed planning process is required to be completed at the police's own site on the corner of Johnson and Tarcutta streets. A project control group was formed, which included local police representatives, Department of Corrective Services and the Attorney General's Department to develop the best outcome. I am advised that council has approved the development application and I will keep you informed when it is underway. The development application was lodged with council in December 2005 and it is proposed to call tenders later this year. No, I do not accept that. We are committed to doing it and Daryl is pretty happy with the Government. He knows that Labor delivers for the bush.

The Hon. MICHAEL GALLACHER: Minister, do you recall that I wrote to you on 6 February regarding a family's request for someone from NSW Police to speak to them about the murder of their daughter, Ann Maree Kropp, and her partner, a fellow by the name of Christopher Nancarrow?

Mr CARL SCULLY: Is that the murder I telephoned you about?

The Hon. MICHAEL GALLACHER: Yes?

Mr CARL SCULLY: Yes, and I dealt with that.

The Hon. MICHAEL GALLACHER: I did not want to discuss the private conversation we had, just the literature.

Mr CARL SCULLY: But we had a conversation and then I contacted the police. I understand that Queensland police came down and talked to the family.

The Hon. MICHAEL GALLACHER: No-one has been anywhere near them.

Mr CARL SCULLY: I treated your letter seriously, as I do, and I thought you went through the appropriate protocols. You corresponded with me and I rang you as soon as I got the letter. I telephoned. I will have to come back to you as to who I spoke to. I spoke to someone senior in Police and their advice was that it was more appropriate that Queensland officers come down and speak to them. I think that Queensland officers might have actually spoken to them on the phone. If nothing has happened, I am sorry about that. I had certainly taken the action that I thought was appropriate after you had conveyed it to my attention. I will deal with it.

The Hon. MICHAEL GALLACHER: Would it be possible to get at least one of the local police from Maitland to call in and just have a chat with them?

Mr CARL SCULLY: I do not think that is inappropriate. My recollection of the case is that they were concerned that they had not been apprised of developments. I think there was some concern about the processing of forensic material taking some time and the Queensland police were involved. My chief of staff this here. Perhaps he could liaise with your office. If no contact has been made, I am disappointed because I was assured.

The Hon. MICHAEL GALLACHER: Thank you very much for that. I will inform them that someone will get back to them. Commissioner, do you have concerns that senior bureaucrats are earning more money than your deputies?

Mr MORONEY: If I could respond to some of the earlier points you have made?

The Hon. MICHAEL GALLACHER: Yes.

Mr MORONEY: The recruitment of Ms McPherson to NSW Police was my responsibility. She was employed by me. I am the employer. She transferred on the current remuneration level that was then applicable to her position. In fairness to her it must be said that when, amongst other things, the sought determination was made in 2005, she declined any increase in that sought determination, which she was entitled to receive on the basis of past performance. The recruitment of the various other officers to whom you have referred has been in accordance with public sector guidelines. The remuneration levels, particularly as you relate of the two deputy commissioners, are currently the subject of review.

Ms LEE RHIANNON: Considering that other State and Territory police services restrict the use of racial descriptors to four agreed terms: Aboriginal, Asian, Caucasian and other, why is New South Wales the only State or Territory where the police service uses the term "Middle Eastern appearance" to describe a "criminal and/or suspect"?

Mr CARL SCULLY: I had a meeting several weeks ago with the Middle Eastern community arising out of Cronulla. Senior police and Stepan Kerkysharian were there and I was asked these very things. To respond, when you have a group of people who generally would be regarded as Caucasian saying, "We are attacking and potentially endeavouring to kill people because they are not white", and then you have another group of people engaged in a revenge attack saying, "We are sticking knives in the backs of these people. We are smashing their cars because they do not look like us", I am inclined to call it how it is.

Whilst there is some argument about what might constitute Middle Eastern appearance, it is the fact that there is a small part of the community in Australia known as Middle Eastern Australia, who come from countries known as the Middle East, particularly Lebanon, but other countries around the Middle Eastern region, who are causing significant levels of crime in relation to the small percentage of their population. We have a South-east Asian crime squad. Some years ago we had the triads, we had south-east Asian criminals engaging in home invasions. You could pretend that those people were not from South-east Asia and just say, "Australian residents are engaging in drug dealing and home invasions and we have got a Cabramatta squad to deal with it" or a south-western Sydney squad to deal with extra crime. We prefer to be up-front about it and say there is this issue. I know it does upset people from time to time.

Ms LEE RHIANNON: What percentage of crime in New South Wales is committed by people from Middle Eastern appearance?

Mr CARL SCULLY: I will take that on notice, but I know that Ken McKay has told me often that the principal problem is in south-western Sydney and that the percentage of residents who are Middle Eastern is much, much smaller than the percentage that the members of that community cause and contribute to the levels of crime. It is quite out of kilter. It is not like X per cent is the number and then it translates across to the same percentage of crime. It is right out of kilter and that is why we have had to concentrate the specific squad with most of its work in south-west Sydney.

Ms LEE RHIANNON: But I think that is the case with most communities, is it not?

Mr CARL SCULLY: Not necessarily, no.

Ms LEE RHIANNON: Are you saying that there are other communities where there is a greater percentage of crime being committed?

Mr CARL SCULLY: Where we need to concentrate our efforts, we do, like we have with the south-east Asian crime squad, headed by Debbie Wallace, which has done fantastic work, and now Ken McKay. If other communities emerge we will respond accordingly. At this stage we have only got those two.

Ms LEE RHIANNON: Is it true that the majority of crimes are committed by people of Anglo-Celtic background?

Mr CARL SCULLY: Across New South Wales?

Ms LEE RHIANNON: Yes?

Mr CARL SCULLY: I think the Anglo-Celtic community is the dominant community.

Ms LEE RHIANNON: Yes, that is my question.

Mr CARL SCULLY: Yes.

Ms LEE RHIANNON: So when are you going to establish an Anglo-Celtic crime squad?

Mr CARL SCULLY: We have police force that deals with crime.

Ms LEE RHIANNON: Precisely. So why can there not be a NSW police force that deals with Middle Eastern crime. You have just said that within the community that you are identifying as Middle Eastern appearance the proportion who are engaged in crime is not as high?

Mr CARL SCULLY: There is no evidence to suggest the percentage that the Anglo-Celtic forms is out of kilter with the percentage that it contributes to overall crime. We have a problem in respect of Middle Eastern persons. It is quite out of kilter and it needs a focused effort. We pursue criminals—

Ms LEE RHIANNON: When you spoke earlier—I may have misunderstood because I was surprised—I thought you said that the proportion of people of Middle Eastern appearance who are committing the crime is actually quite small within their community and smaller relative to other communities.

Mr CARL SCULLY: No, I said that there is a certain percentage within south-western Sydney of people who would generally be regarded as being of Middle Eastern Australia. That percentage is not a huge percentage; it is a reasonable percentage. But that does not translate to the volume of crime being committed by the community. It is much, much higher than the percentage you would expect that community to be committing. Accordingly, we have concentrated an enormous amount of resources—about 100 police—primarily in the south-west area to deal with it. We do not apologise for that.

Ms LEE RHIANNON: Going back to your response to one of my earlier questions, you said you call it as it is and you spoke of two sides. I gather you were speaking about the Cronulla incident at that time. When you consider that there were about 5,000 Anglo-Celtics and only a few hundred of Middle Eastern appearance got in their cars for the revenge attacks, it seems that you are not calling it as it is because if you were you would also be targeting Anglo-Celtic crime.

Mr CARL SCULLY: We do.

Ms LEE RHIANNON: Yes but not in terms of racial descriptors. You must agree that the racial descriptors are being used for political purposes.

Mr CARL SCULLY: Those descriptors are an unusual part of New South Wales policing . So far as I am aware it is only in respect of the Middle Eastern crime squad and the South East Asian crime squad. All the rest of the police resources are directed to crime generally.

Ms LEE RHIANNON: Did you just say you are only targeting Middle Eastern appearance, because I thought you said earlier that also this Asian crime—

Mr CARL SCULLY: South-East Asian—those two squads. They are the only two.

Ms LEE RHIANNON: Do you think the other State and Territory police forces are incorrect that they do not do the same thing?

Mr CARL SCULLY: They may well not have the problem. I do not think Darwin, Alice Springs or Kalgoorlie have the Middle Eastern crime problem we have. I do not think Coober Pedy has the problem with south-east Asian crime. We have the problems. I know they have to deal with their problems as they see fit.

Ms LEE RHIANNON: Before the 1995 election Mr Carr discovered the problem of gangs of youths wearing baseball caps back to front and frightening respectable citizens, and was concerned about that. Then in the 1999 election there was a fierce campaign of zero tolerance policing targeting so-called ethnic gangs, especially in Western Sydney. In the run-up to the 2003 election we had more gang panic and tough laws on gang rapes. What do you have in your bottom drawer for the 2007 election, because there seems to be a fairly clear pattern?

Mr CARL SCULLY: I do not think you meant to trifle with the issue of gang rapes. I do not think you meant to do that then.

Ms LEE RHIANNON: I was most definitely not trifling with it. You are the ones who have trifled with gang rapes. You are the ones who have used—in this very room there was a most disgraceful episode—

CHAIR: Order!

Ms LEE RHIANNON: —so do not come on that one.

Mr CARL SCULLY: You are better than that.

Ms LEE RHIANNON: That is going too far.

Mr CARL SCULLY: If you think I will sit down with you and discuss our election manifesto, what planet are you on?

Ms LEE RHIANNON: What planet are you on when you use law and order four consecutive times?

Mr CARL SCULLY: No, I do not. We do not apologise for being tough on this issue.

Ms LEE RHIANNON: It is not being tough—

Mr CARL SCULLY: It is.

Ms LEE RHIANNON: You work to scare people for a political agenda.

Mr CARL SCULLY: Absolute rubbish.

Ms LEE RHIANNON: It is not about making communities safer.

Mr CARL SCULLY: We are being extremely tough on scum bags and criminals and ratbags, and I do not apologise for giving the police the powers and the resources for rounding them up and locking them up. I have no apologies for that. If you are not happy with that, tough!

Ms LEE RHIANNON: Obviously we need to make our communities safer but there is certainly—

Mr CARL SCULLY: That is not letting them out. I sometimes wonder whether that is your policy.

Ms LEE RHIANNON: You know that that is not what we are saying at all.

Mr CARL SCULLY: You are soft on criminals.

Ms LEE RHIANNON: You know that that is not true.

Mr CARL SCULLY: I wonder.

Ms LEE RHIANNON: Going back to the Cronulla incident, a large group of people were talking about inflicting some horrendous crimes on people of Middle Eastern appearance, and people who are not of typical Anglo-Celtic appearance inflicted those crimes and spoke about the need for those crimes. Why are you not being even handed in terms of how are you are handling this situation? You have identified, and you said here tonight, that it is people of Middle Eastern appearance who are talking about killing people who are your typical Australians. Do you not think that your approach is far from even handed?

Mr CARL SCULLY: I find that question absolutely extraordinary. You would recall the attacks not by you or your party but by the Opposition and some elements of radio Australia saying that the police were soft and the Government had told the police to go soft on Middle Eastern criminals in the revenge attacks, and that they were too hard on all the Caucasians in locking up and rounding up white fellows but soft on Middle Eastern revenge attackers. That is what Peter Debnam did; he attacked and attacked and attacked. And it got some resonance. There are members of the media here—

Ms LEE RHIANNON: It got some resonance and you responded with your—

Mr CARL SCULLY: It got some resonance because the police were not in a position to defend themselves. They were quietly working behind the scenes investigating all those leads, with minimalist evidence—grainy footage, grainy photographs, a number plate here, a number plate there, a witness with a vague statement. Ken Mackay and his team chased every lead down every drainpipe. And when Strike Force Enogorra was finished what was the reality check? Some 51 Cronulla rioters and 53 revenge attackers were dealt with. It was even handed. It did not deliberately come out that way but it shattered and discredited any attack by Peter Debnam that the police had not been even handed. Now you are coming the other way, saying that we are being too tough on the revenge attackers, and that is not fair.

Ms LEE RHIANNON: Do not put words in my mouth. Do not verbal me. You pick up bad habits.

Mr CARL SCULLY: This is the position the police are in. They were chasing all the evidence that they could on all the people who broke the law. It just so happened on the day a lot of these drunken yobbos with a bit of sun in their face got carried away and committed pretty vile acts on national television. Others did it in the dead of night, but we got a lot of them. We did not get all of them but we got a hell of a lot of them. It is a very sobering message. Now we have the right squad, and we have plans being prepared as we speak that are not quite finished. We will be ready for next summer if any of these ratbags want to behave like that again.

The Hon. EDDIE OBEID: Are you concerned about the potential dangers of a changing policing policy in which a Premier or Minister for Police directly interferes in the operational decisions of the police force?

Mr CARL SCULLY: I am very concerned about it. I think people should be alarmed and affronted at the notion that on 25 March Mr Debnam will ring up the commissioner and say,

"Commissioner, you are sacked if you do not implement my political will. And, by the way, round up 200 Middle Eastern thugs and charge them with anything." Much as I want to be tough on the small element of the Middle Eastern community who are law breakers, I recognise the fact, as you know, that a vast majority are good, law abiding citizens. So the notion that a police force would be asked to roam the countryside looking for Middle Eastern thugs and charging them with anything is an affront to the rule of law and to the separation of powers between the government and the police. What it shows is that Peter Debnam does not understand the role of a Premier, a police Minister, a Commissioner of Police or the police force.

I get these bizarre claims from Peter Debnam that I directed the police to go soft on Middle Eastern thugs. I rang Ken Mackay and said, "Ken, this is just bizarre. I am so amused by this. What would your reaction be if I rang you and said this?" Apart from the fact that very soon after I put the phone down, I daresay, I would have lost my job and had my commission taken from me by the Governor. And that is what I would deserve have happen to me. It simply defies belief that any Minister with an IQ above about 40 would even think about having such a conversation. So I said to Ken Mackay, "What would you say?" He said, "Minister, I'd tell you to go to hell." I thought that is fantastic because that is exactly what a commissioner should say to a Premier who directed him to arrest people without any evidence, with not a scintilla of evidence to prove any charge. Commissioner Moroney would act appropriately, because it is illegal for a Premier to direct a commissioner to arrest people without charge. It is highly inappropriate telling the police how they should conduct their operations.

My role as police Minister is to support the police. As I said the other day in Parliament, I am Minister for Police. I am for them. I am there to get them policies in place, the budgets, the resources, the equipment they need. If the public has concerns about operational matters, my job is simply to convey that to the commissioner to make sure he is aware of any community concerns. That is the appropriate process. If members of Parliament are concerned about those sorts of issues, they can come to me and I convey them to be commissioner. The decisions as to how laws are enforced are matters for the commissioner and individual police.

Peter Debnam is out of control. He has no idea about the separation of powers between the Premier and Minister and the police commissioner. In true Bjelke-Petersen fashion, he would say "Don't you worry about that." We do worry, very much indeed. As I said to the House yesterday, if he gets elected Premier, I am going to take up drinking.

(The witnesses withdrew)

(The Committee proceeded to deliberate)