

GENERAL PURPOSE STANDING COMMITTEE No. 3

Tuesday 14 October 2008

Examination of proposed expenditure for the portfolio area

POLICE

The Committee met at 2.00 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. J. G. Ajaka
The Hon. A. Catanzariti
The Hon. M. J. Gallacher

Ms S. Hale
The Hon. E. M. Obeid
The Hon. R. A. Smith

PRESENT

The Hon. A. B. Kelly, *Minister for Police, Minister for Lands, and Minister for Emergency Services*

Ministry for Police

Mr L. Tree, *Director General*

New South Wales Police Force

Mr A. Scipione, *Commissioner*

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

Police Integrity Commission

Mr J. Pritchard, *Commissioner*

New South Wales Crime Commission

Mr P. Bradley, *Commissioner*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

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

CHAIR: I declare open to the public this inquiry into budget estimates 2008-09. I welcome Minister Kelly, and accompanying officials to this hearing. Today 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 photographs. In reporting the proceedings of this Committee, members of the media must take responsibility for what they publish or what interpretation they place on anything that is said before the Committee.

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, I remind you and the officers accompanying you that you are free to pass notes and to refer directly to your advisers whilst at the table. I remind everyone to turn off their mobile phones. The Committee has agreed to divide the time equally on rotation between Opposition, crossbench and Government members. Minister, the House has resolved that answers to questions on notice must be provided within 21 days; the Committee has not varied that requirement.

Transcripts of the hearing will be available on the web from tomorrow morning. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. I remind the Minister that he does not need to be sworn as he is already been sworn with his oath to his office a member of Parliament. I advise the substitution of Committee members as follows: the Hon. Tony Catanzariti for the Hon. Helen Westwood; the Hon. Michael Gallacher for the Hon. Trevor Khan; Ms Sylvia Hale for Ms Lee Rhiannon; and the Hon. Eddie Obeid for the Hon. Greg Donnelly.

ALEXANDER BRADLEY, Commissioner, New South Wales Crime Commission, and

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

FRANCIS MARY McPHERSON, Executive Director, Corporate Services, New South Wales Police Force,

ANDREW PHILIP SCIPIONE, Commissioner of Police, New South Wales Police Force, and

LESLIE THOMAS TREE, Director General, Ministry for Police, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolio of Police open for examination. As there is no provision for the Minister to make an opening statement before the Committee commences questioning we will commence with questions from the Opposition.

The Hon. MICHAEL GALLACHER: I direct my question to the Commissioner of the New South Wales Crime Commission. Mr Bradley, you would be aware of Operation Mocha, the final sale of about seven kilograms of cocaine on the streets of Sydney. I do not intend to touch on matters that are currently before the court involving Mr Standen; however, I remind you that the incident involving Mr Standen was an isolated one; only one person was engaged in crime. Was the Operation Mocha cocaine issue referred to as a controlled operation?

Mr BRADLEY: Are you asking whether it was referred to as a controlled operation?

The Hon. MICHAEL GALLACHER: Would cocaine that is going out onto the streets be classified as a controlled operation?

Mr BRADLEY: Yes. I am having a bit of trouble understanding how you are relating that to isolated crime.

The Hon. MICHAEL GALLACHER: I am sorry; I got a bit ahead of myself. I should have said that I do not intend to make any reference to the Standen case, which is currently before the courts. You might recall that you said it was an isolated incident.

Mr BRADLEY: Is that just an aside? Is it not related to the question that you want to ask?

The Hon. MICHAEL GALLACHER: It flows on to that because of its potential isolation. Has the Crime Commission been involved in other controlled operations involving the sale of drugs or firearms?

Mr BRADLEY: No, not by us.

The Hon. MICHAEL GALLACHER: That was therefore—

Mr BRADLEY: It was the sale of drugs to us, in the sense of "us and the police", which has been the subject of controlled operations.

The Hon. MICHAEL GALLACHER: Instead of using the term "sale of drugs" I refer to putting drugs back onto the streets in the form of a controlled operation. Has that happened on any occasion other than in Operation Mocha?

Mr BRADLEY: No.

The Hon. MICHAEL GALLACHER: Was that the only occasion?

Mr BRADLEY: Yes. When I referred to isolated crime that was not what I was referring to.

The Hon. MICHAEL GALLACHER: No, you were referring to him individually.

Mr BRADLEY: Yes.

The Hon. MICHAEL GALLACHER: So there has been no other controlled operation of drugs or firearms?

Mr BRADLEY: No.

The Hon. MICHAEL GALLACHER: I was going to ask a series of questions about how the controlled operations were conducted within the organisation. However, I will not ask you anything further at this stage. I ask Mr Pritchard, Commissioner of the Police Integrity Commission: Since legislation was passed to hand oversight of the Crime Commission to your organisation, how many referrals have been made to the Police Integrity Commission?

Mr PRITCHARD: We have received a number of complaints. I will not put a number on it, but it would be in early double figures—10 to 15, or something of that nature.

The Hon. MICHAEL GALLACHER: There have been 10 to 15 complaints?

Mr PRITCHARD: Yes.

The Hon. MICHAEL GALLACHER: Has the Police Integrity Commission been asked to investigate Mr Standen other than in relation to the matters that are currently before the court?

Mr PRITCHARD: I really do not want to canvass the issues that we may or may not be investigating within those numbers.

The Hon. MICHAEL GALLACHER: Are any staff of the Police Integrity Commission dedicated to overseeing investigations into the Crime Commission?

Mr PRITCHARD: Solely dedicated at the moment, no. The new provisions require us to report separately in the annual report, obviously for the 2008-09 year, on activities relating to the Crime Commission. We have instituted some internal procedures so that we can report on that, both in relation to resources from a personnel point of view and also to costs.

The Hon. MICHAEL GALLACHER: Have any of those investigations been self-initiated by your organisation, or have they all come through as a result of complaints?

Mr PRITCHARD: There is a mixture of self-initiated complaints—what we might call public complaints and what we might call other sources.

The Hon. MICHAEL GALLACHER: Has the Government given your organisation additional resources to conduct those inquiries?

Mr PRITCHARD: Yes. For the 2008-09 year we received extra recurrent funding of about \$669,000, plus a one-off extra capital injection of \$85,000.

The Hon. MICHAEL GALLACHER: Were those additional resources given as a direct result of you having to conduct additional inquiries into the Crime Commission?

Mr PRITCHARD: They accompanied the change in legislation. They are complementary to the extension of our jurisdiction, as it were.

The Hon. MICHAEL GALLACHER: Do you expect to be holding public inquiries into the Crime Commission in the same way as you do in relation to the New South Wales police?

Mr PRITCHARD: If any matter meets the criteria that we have regard to in relation to public interest as we do for other investigations relating to the police we will hold public inquiries. I am not in a position to indicate whether any matters we are doing at the moment will be—

The Hon. MICHAEL GALLACHER: What criteria apply?

Mr BRADLEY: The section in the Act simply states that the commission is to have regard to matters that it considers relevant to the public interest. We have our own criteria, such as exposing conduct that we think is serious or systemic and things of that nature. It would be the same criteria that agencies of this kind loosely describe and that are often set down in their annual reports.

The Hon. MICHAEL GALLACHER: As you would be aware, the New South Wales Police Force has certain responsibilities placed upon it to report to your organisation when it is conducting investigations of a particular nature?

Mr PRITCHARD: Yes.

The Hon. MICHAEL GALLACHER: Does that now happen with all investigations undertaken by the Crime Commission?

Mr PRITCHARD: Yes. It is a legislative requirement now that the commissioner, Mr Bradley, has a compulsory reporting obligation to report anything that falls within the definition of misconduct of a Crime Commission officer under the Act. It is similar to the principal officer reporting obligation for the ICAC in relation to corrupt conduct.

The Hon. MICHAEL GALLACHER: Historically, since the formation of the PIC how many joint investigations has the PIC conducted together with the Crime Commission?

Mr PRITCHARD: Historically I would not know from the time the commission started. I have been the commissioner for two years. There have been no joint investigations during my time as commissioner. We share resources, but we share resources with like agencies such as the ICAC in any event. Mr Bradley may correct me because he might have a longer corporate memory than I do in that sense, but I think Florida may have been the last joint investigation the PIC or the Crime Commission did. As I said, certainly there have been none during my time in the past two years as commissioner.

The Hon. MICHAEL GALLACHER: Mr Bradley, is that in fact the case, that Florida was the last one?

Mr BRADLEY: Yes, but it was not styled as a joint investigation under the legislation. I think we had a memorandum of understanding and it was called a joint pursuit of allegations or something like that. It was not a formal joint investigation in that sense. I am not sure, by the way, that Florida was the last. I just cannot

remember in the sequence where they lay, but I think there was one after Florida. I will take it on notice, if you wish, to provide a more precise answer. It is a matter that is in the public domain.

The Hon. MICHAEL GALLACHER: Do you envisage your organisation conducting investigations in the future collaboratively with the PIC?

Mr BRADLEY: Yes, I would expect so, just as the police do.

The Hon. MICHAEL GALLACHER: How, therefore, do you see the oversight role working in a joint operation?

Mr BRADLEY: I do not know whether they would be formal joint operations. I think there are some issues around that, which I will not bore you with; they are essentially legal issues. The fact that one agency has an oversight responsibility in relation to another does not prevent them from cooperating. Indeed, even in the oversight process, even in the investigation of something that occurs within my organisation, I would expect my organisation to offer full cooperation to the PIC, just as we did with the ICAC before the PIC. I would have thought on most days there is something going on between the police and the PIC, which is of a collaborative nature, and we would expect, although not on the same scale because we are a much smaller agency, to have similar relationships with the PIC.

The Hon. MICHAEL GALLACHER: Do you have to get sign-off or permission from the PIC before you use special powers that your organisation would have to be able to conduct investigations?

Mr BRADLEY: No. The PIC does not oversee our investigations in the sense that it supervises them. It is an organisation that deals with complaints about us and can initiate its own investigations into things that it thinks warrant scrutiny. For example, there are some very sensitive areas of operations that the PIC might think "It is time we had an audit."

The Hon. MICHAEL GALLACHER: In those areas where, for example, you are using joint resources—they might be technological resources, listening devices, telephone interceptions et cetera—how will that work given that it will be the one organisation that you will both be going to for use of the resources if the PIC at the same time was conducting an investigation into your organisation, albeit without your knowledge?

Mr BRADLEY: The PIC has a full suite of resources, as does the Crime Commission. Mr Prichard could answer this in more detail than I, if he were minded to. There is a range of electronic resources, which we both have and we can both operate independently. The likely convergence of resources is in areas where we have, say, a common target, in which case, to take the example you used, the resources of the PIC in relation to telephone interceptions might be used, or ours might be used, depending on a range of factors. It is not likely to give rise to any circumstances of possible prejudice or compromise to whatever the PIC might be doing in relation to our matters.

The Hon. MICHAEL GALLACHER: Do you agree with me that the reputation of your organisation has been severely damaged as a result of this investigation?

Mr BRADLEY: Which investigation?

The Hon. MICHAEL GALLACHER: The gentleman currently before the court, Mr Standen?

Mr BRADLEY: They are your words. I certainly would say that the reputation has been somewhat diminished by the allegations, yes.

The Hon. MICHAEL GALLACHER: Do you believe, as I do, unfortunately as I have to, that when this matter finally comes before court the organisation that you represent will be dragged through the public domain, and dragged through the wringer quite severely?

Mr BRADLEY: Once again, they are your words. We will be adducing evidence along with the Australian Federal Police [AFP] as to the matters that are alleged.

The Hon. MICHAEL GALLACHER: What steps are you taking to proactively reinstate that confidence with both the Parliament and, indeed, the wider community and other law enforcement agencies in your organisation, which is an absolute must if we are serious about tackling organised crime?

Mr BRADLEY: Well, reinstatement is suggestive of a circumstance that does not exist. I think that there are views about the Crime Commission, which may have changed, and some people's views may have been diminished by the allegation, but the work of the Crime Commission goes on. It remains successful work, productive work, and the relationships with key stakeholders seem to be sound, and that includes some of the agencies you just mentioned.

The Hon. MICHAEL GALLACHER: I take on board what you say, however, the gentleman we are talking about is not some clerk or telephonist; he is someone who has had access to the most detailed highly confidential information relating to informants, undercover operatives, investigations not only in New South Wales but, indeed, also around the country and arguably overseas investigations that involve New South Wales. I do not dismiss the importance of his role and I am concerned that we are not seeing enough to restore public confidence. I am interested to hear what you are doing to restore public confidence that everything that can be done is being done to protect witnesses, informants, undercover operatives et cetera. Unfortunately, today I am not seeing that.

Mr BRADLEY: It is not a subject that is usually open to public gaze—what we do with protection of witnesses and what we do with relationships with informers—and it is not surprising that you are not seeing it. But we are doing everything that we can, as you put it.

The Hon. MICHAEL GALLACHER: Do I take it therefore that all protocols and all procedures, going right down to the protection of witnesses, their locations, their families, their identities as well as absolutely everything else has been changed since the arrest of Mr Standen?

Mr BRADLEY: Changed? No. Attended to? Yes.

The Hon. MICHAEL GALLACHER: We can have complete confidence that everything has been done to protect absolutely everybody, and we are just moving on.

Mr BRADLEY: If you mean by "just moving on" that we are doing it in some cursory way, no. You should have confidence that we are doing the right thing, as we always have done, and we hopefully will be successful in regard to that.

The Hon. MICHAEL GALLACHER: Sir, how does this gentleman, who was identified in the Stewart Royal Commission, come to be your second in charge, basically?

Mr BRADLEY: He was not my second in charge.

The Hon. MICHAEL GALLACHER: And his position was?

Mr BRADLEY: He was an assistant director.

The Hon. MICHAEL GALLACHER: And you are the director?

Mr BRADLEY: No, I am the commissioner.

The Hon. MICHAEL GALLACHER: You are the commissioner. So he has been highly involved in all of the investigations that have been done for some years at the Crime Commission.

Mr BRADLEY: Not really, no.

The Hon. MICHAEL GALLACHER: Could you give me a rough idea—say, 50 per cent, 70 per cent?

Mr BRADLEY: No, nothing like that. He was—

The Hon. TONY KELLY: Madam Chair, I wonder whether you should make an adjudication on whether any of this is sub judice. I am not a legally qualified person, but I am just wondering whether some of it is getting a bit close.

CHAIR: Yes. I think it probably is. I have some material here on the issue of sub judice.

The Hon. MICHAEL GALLACHER: Madam Chair, I will not pursue that line of questioning.

CHAIR: If Leader of the Opposition wishes to refrain from this line of questioning, I believe he can continue.

The Hon. MICHAEL GALLACHER: I will postpone the line of questioning. I will leave the matters to some stage in the future when there will be some various work in regard to it. Madam Chair, could you please give me an indication of the time that is available?

CHAIR: Four minutes and forty-two seconds.

Mr PRITCHARD: Mr Gallacher, could I just mention in relation to that that we have commenced a systems review of the Crime Commission under the head of prevention function which comes with the jurisdiction and which involves a review of, I suppose, misconduct risks within the commission, particularly around informants and informant managing. We anticipate that some terms of reference will be drafted in relation to that. I have appointed an assistant commissioner in relation to that review to coordinate and conduct that review from outside New South Wales—someone who has no prior association with the Crime Commission. That will address some of the issues in some respect that you have just raised with Mr Bradley.

The Hon. MICHAEL GALLACHER: Yes. We have to restore the confidence as quickly as possible.

Mr PRITCHARD: Yes.

The Hon. MICHAEL GALLACHER: I will move on. Minister, since 2 October, we have had one person fatally shot and at least eight police officers shot at four separate locations. Do you agree with me that your Government's policy with regard to the rollout of Tasers to supervisors and duty officers is the wrong policy, and that the initial deployment of the weapon should have gone directly to front-line response vehicles?

The Hon. TONY KELLY: Thank you, Madam Chair. In response to the member's question, I state firstly that I do not agree with him. Police need to be able to curb violent situations quickly and effectively. Tasers have been used successfully in negotiating violent and precarious situations. That is why the Government has rolled out about 200 additional Tasers to duty officers and supervising sergeants across the State, after appropriate and rigorous training for use in extreme situations.

That training has been rolled out, and I will get you some figures in a moment to show just exactly what we have done. I think there have been 400 officers trained already. We intend to train approximately another 1,500, so we will have approximately 2,000 officers trained. It takes time to roll these things out and train the officers concerned. You cannot just hand everything out on day one. The training consists of eight hours of initial instruction, including the firing of three cartridges and passing a written test and an annual the certification every year thereafter.

Senior officers issued with the Tasers will be required to have experience in handling challenging situations, including defusing tensions before they consider the use of a Taser. Rigorous standard operating procedures have been developed for Taser usage, providing clear guidelines for use and stipulating the recording of the Taser usage. As we have pointed out, the Tasers have video cameras in them, so they record all usage. Tasers will be used only when other officers or emergency personnel are at the scene to render assistance, if required. Tasers have been on limited issued to the State over the past five or six years—the commissioner will correct me if I am wrong.

Mr SCIPIONE: That is right.

The Hon. TONY KELLY: Six years, I understand. They have been on limited issue to the State Protection Group, to country-based State Protection support units for the past six years, and to the Public Order and Riot Squad for the last two years. This has allowed their use in high-risk incidents—for example, siege

situations. Authority to use Tasers in such situations is granted by the Regional Commander or by an Assistant Commissioner. Tasers have now been used successfully to resolve a number of difficult situations. We have seen that in the media. Therefore it was decided to further deploy them in the second rollout.

We will continue to use Tasers only after a full assessment of the situation and in instances where senior police conclude that the person poses a real and immediate risk to themselves, members of the public or police. The deployment of additional Tasers will provide a broader safety net of options available to police to manage the most extreme behaviour, without having to resort to the firearm. In relation to further rollouts, perhaps the commissioner might like to make some comments as well. Obviously we will keep the matter under review. As I said, we have had the first stage where we had the Riot Squad and the State Protection Group, so this is the second stage. We now have to make sure that everybody is trained properly who will use those weapons. We will keep the matter under review. As always, we will take the advice of the commissioner. I do not know whether the commissioner has any additional comments he wishes to make.

The Hon. MICHAEL GALLACHER: Minister, can you indicate also whether it will be senior police who will be making the decision. You just said that senior police will therefore attend the scene and make the decision. Is that correct?

The Hon. TONY KELLY: That is my understanding. That is an operational matter perhaps the commissioner might wish to comment.

Mr SCIPIONE: Mr Gallacher, the rollout of the Tasers and the training will involve 1,500 officers in total. We have rolled out 400 already. There are two Tasers at every local area command across the State. There are a number we have held back pending the training. With a very large commitment to training, we need to have them there, plus it allows us to have some redundancy, should we need it.

In terms of those who are trained, they are those people who would necessarily be out on the roads, such as a mobile supervisor and a sergeant. Every sergeant in the State and every inspector in the State who is operational is to be trained. The notion of having a mobile supervisor is exactly that: If you are mobile, you are meant to be on the road all the time, to be there in support of the police. Certainly that is the way we are targeting. We are rolling it out at sergeant level. As I said, 400 have already been trained.

The Hon. ROY SMITH: Minister, I have had some problems recently with respect to car hoons, and I know a lot of other people have. Car hoons may not be the right term, but no matter where you drive in the suburbs these days, there are black streaks up and down the roads. I know that the issue gets plenty of publicity. I know that there was a terrible tragedy out near where I live at St Marys earlier this year as a result of street racing. We hear that the Government is doing more all the time. Recently I read that there is a new clamping program whereby vehicles are confiscated, but it just does not seem to go away, or diminish. Can you tell me what plans the Government has, if any, to crack down on this type of crime?

The Hon. TONY KELLY: They are your words, "car hoons", but I think everybody understands exactly which you mean by the term "car hoons". They are the ones who are racing on our roads, breaking speed limits dramatically, and causing a lot of concern about the safety of other people on our roads. The Government has introduced legislation that brings home the message to car hoons that the roads do not belong to them. Just recently we commenced provisions of the Act on 6 June 2008 that include increased penalties for street racing and aggravated burnouts, and we expanded the definition of an aggravated burnout offence.

The restrictions to the grounds on which a court may reduce or dispense with a period of vehicle confiscation apply to cases of extreme hardship only, and the power to crash test a forfeited vehicle. The remaining provisions, including those relating to immediate licence suspension, registration sanctions against vehicle owners, and wheel clamping, commenced only a few weeks ago on 6 September. One of the key initiatives of the car hoons Act was the option of wheel clamping as an alternative to impounding. In other words, the police will not have to impound the vehicle and take it away. If they prefer, they can have a contractor clamp the vehicle, perhaps even in the front yard of the home of the perpetrator, so that every time they walk in their front doors they are reminded that the car has been clamped because they have been a hoon.

That will minimise the need for the police to maintain holding yards for those hoon vehicles. As I said, vehicles may be clamped at the owner's home. That means that the vehicle will not only be in view every time they walk out the door but their neighbours will see it as well; it will be a constant reminder of what a fool they have been.

It is not the Government's intention for police to go around clamping vehicles; they have more important work to do. However, the police will still be able to do it, although we have these contractors. I am advised that the New South Wales Police Force has engaged two towing companies to participate as clamping agents in a 12-month trial of wheel clamping in both the Liverpool and Wollongong areas. Since the wheel clamping provisions of the car hooners Act commenced on 26 September, this sanction can now be applied. Because the wheel clamping provisions are challenging and new, they are being introduced on a trial basis. I think 10 clamps have been issued to the agent or contractor in the Liverpool area. There will be sufficient time to assess their effectiveness and identify the operational risks and issues both to the Government and to the clamping agents.

The agents will be required to carry out identification, and they will be permitted to charge a fee for wheel clamping. It will be the responsibility of the registered operator of the vehicle to pay all the clamping fees. In the case of someone who might have the bright idea of tampering with the wheel clamp, there is a penalty of \$2,200 for damaging and removing a wheel clamp. The police will still be able to impound a vehicle when a clamp is not available or if there is no suitable place for the vehicle to be clamped on the owner's property. That means that hooners who live outside the Liverpool and Wollongong areas and do not have the space to clamp a vehicle will not escape the sanctions; they will still apply. So far this year the police have confiscated 340 vehicles under street racing legislation. With the commencement of the remainder of the Government's hoon legislation, police officers now have stronger powers than ever to deal with those who treat our roads as private race tracks.

The Hon. ROY SMITH: You might be able to take this question on notice. When I started learning to drive, and when I was driving in my younger years, police were much more visible on the roads—the highway patrol, marked cars; there may have been unmarked cars but I did not see them. These days I see many warnings for speed cameras. I am sure they have a sobering effect; they keep reminding me to watch my speed. I do not know what it is but, whether we are talking about burnouts or street racing, I see a growth in that type of crime. Perhaps you can have a look at some statistics and confirm whether I am right or wrong, whether it is on the increase. I suppose it is hard to pinpoint causes but perhaps it has something to do with the visibility of police on our roads.

The Hon. TONY KELLY: I can say a few things about that. Only a few minutes before this hearing the commissioner related to me some of the numbers for the highway patrol. I will give you some statistics, but I think the commissioner might also want to point out some of them. There has been a significant reduction in the number of lives lost, and to a large degree that can only be because of the additional highway patrol officers. All police have a responsibility to respond to incidents on our roads. Our highway patrol officers are highly trained and skilled. They are generally attached to local area commands. The highway patrol taskings are based on targeted intelligence, focussing on local hot spots where injuries and fatalities occur.

The Government is committed to an additional 50 highway patrol officers during this term. That will build on the extra 100 officers from the January 2007 New South Wales Police Force intake who have already been allocated to the highway patrol. I am advised that the New South Wales road toll for 2007 was 445, which was a 10 per cent reduction on 2006. It is the lowest road toll since World War II, and I think the significant highway patrol presence is one reason for that. I will not go into the reasons I remember this particular figure, but in about 1982 some 1,300 people died on our roads. It is down to 445.

The Hon. MICHAEL GALLACHER: They did not have air bags and the technology in motor vehicles was completely different. I would love to see what it was—

The Hon. TONY KELLY: I will tell you privately why some of the other things have changed as well. Back in 1982 when 1,300 people were killed on New South Wales roads there were probably about half or one-third of the cars on our roads than there are today, and we have almost twice the population now. So there are significantly more cars, yet significantly fewer people die. You cannot say that our roads are any better or worse than Victorian roads. You cannot say that our medical system is any better or worse. It has to come back to policing. Police and the highway patrol are significantly more visible than in the past. Last week when I was travelling from Cowra to Bathurst just about every second vehicle was a highway patrol car or a police motor bike. I think I counted 23 of them.

The Hon. MICHAEL GALLACHER: I counted two between here and Broken Hill and back.

CHAIR: Order! We are inquiring into budget estimates; we are not having a chat across the table.

The Hon. TONY KELLY: That was obviously a lead-up to the Bathurst situation. The commissioner might like to allude to some of the figures he quoted to me about the highway patrol.

Mr SCIPIONE: In light of what the Minister said, I can advise that up until the end of September this year, as compared to the end of September 2007, there has been an increase in distance travelled by the highway patrol of about an extra 1,063,000 kilometres. That is up from 14 million to more than 15 million, which is a substantial increase. As was indicated, we have looked at doing things differently. On top of the increase in authorised strength and establishment in the highway patrol, we have also rejigged the way we deploy. Indeed, in December of last year the deputy commissioner, by agreement, advised that all dedicated traffic and policing resources are to be allowed to perform their core functions without any interference or diversion to other functions. That memorandum was sent to all region commanders and to the Commander, Traffic Services. We believe that that has probably added to the availability of officers, which has led to the increase in kilometres travelled.

More importantly, we have seen a marked increase in the number of random breath test infringements issued. So in that regard we are mindful of the need to continue to enforce the road rules rigorously. As recently as last weekend the police who have been involved in traffic operations of late have been firm in the way they have administered the laws relating to car hoon driving—the Hon. Roy Smith identified this—or burnouts and the like. Indeed, I witnessed a burnout vehicle being taken into police custody only last weekend at Bathurst. So they do it, and they do it regularly, and they will continue to do it.

Ms SYLVIA HALE: Mr Bradley, we were all extraordinarily interested to read not long ago a report by your Federal colleagues into the activities of our former Attorney General—his drinking proclivities and other interests. Can you assure the Committee that no such reports are compiled on members of the public or members of Parliament along the lines of the report compiled on Mr Debus?

Mr BRADLEY: Yes.

Ms SYLVIA HALE: Mr Scipione or Mr Tree, can you offer a similar assurance?

Mr TREE: No, none whatsoever.

Ms SYLVIA HALE: Are you saying that information which the New South Wales Police Force can access is never used for any political purpose?

Mr TREE: No.

Mr SCIPIONE: Can you repeat the question, because I am not sure what you are asking?

Ms SYLVIA HALE: I was wondering whether the Police Force or the Crime Commission compiled dossiers on members of the public or politicians along the lines of the dossier that was obviously prepared on our former Attorney General?

Mr SCIPIONE: I do not know what dossier you are referring to.

Ms SYLVIA HALE: There were reports in the media about two or three weeks ago about Mr Debus in the Northern Territory going to dinner and about what he had to drink et cetera.

Mr SCIPIONE: That was the Australian Crime Commission dossier?

Ms SYLVIA HALE: Yes.

Mr SCIPIONE: Certainly in NSW Police that does not happen. Special Branch was abolished in 1997. It is not something that is endorsed. In fact, it is something that we would monitor very closely and we have done that and we have worked very closely with the Police Integrity Commission [PIC] since the Olympics to ensure that we monitor that type of behaviour. It has been the subject of regular audit and every time we have come through with ticks.

Ms SYLVIA HALE: Yesterday a newspaper reported that taser stun-guns have been used in four incidents in the past 11 days despite assurance from police that the public would never see an officer fire one. Is it correct that there have been four incidents in the past 11 days?

Mr SCIPIONE: I will take that on notice because in fact it may well be that there could be more. Certainly the assurance to which you referred did not come from me. I have said, in fact, that the community should expect to see them. They are bright yellow. They are on the hip of every supervisor on the street and they are there to be used if an officer comes under attack or if they are needed to save a life of a member of the community.

The Hon. TONY KELLY: They are also there as a deterrent so when people see them they might be a bit reticent in their behaviour.

Ms SYLVIA HALE: Presumably they are used only when the police believe their lives are being threatened? Are they a substitute for the use of firearms?

Mr SCIPIONE: There are very strict criteria governing the use of a taser in New South Wales. Yes, you are right, we are talking in terms of severity when you are looking at saving somebody's life primarily. It is another option other than the use of a firearm and it is just one of a number of options that police officers available to them today.

Ms SYLVIA HALE: Mr Scipione you said that tasers have been rolled over during the past six years and you would be happy to provide the committee with details as to how often they have been used. Is there an investigation subsequent to the use of tasers? As a result of such an investigation has there ever been any finding that their use has been unwarranted?

Mr SCIPIONE: If you are talking about current the rollout, I will take you through the audit procedure for the user of a taser. Every use of a taser that happens now on the streets, consistent with what I have said—the yellow taser that is used by a mobile supervisor—is the subject of immediate investigation, if you like but that is your word not mine. I require the Deputy Commissioner, Field Operations, to review every use of the device, so much so that I have said not only will he review it on paper but he will view the vision that comes from the taser and listen to the audio that is captured. He is to do that as a matter of priority and he has to bring that to my attention. Every use is to be registered in a Use of Force Register. Every use is to be brought to my attention and we will deal with any inappropriate use. There are very full and comprehensive standard operating procedures. They are audited and they are subject to Ombudsman and PIC audit as well.

Ms SYLVIA HALE: Have there been any instances of inappropriate use, to use your words?

Mr SCIPIONE: If you are suggesting that inappropriate use is the tasing of somebody when police were not justified, no.

Ms SYLVIA HALE: In every instance in which they have been used you believe their use has been justified?

Mr SCIPIONE: Where a taser has been used, and a person has been tasered, every use to date has been a justified use of the device.

Ms SYLVIA HALE: The Minister said there is appropriate and rigorous training for their use, including eight hours instruction, a written test and annual re-certification and that people have experience of handling difficult situations. I notice there was no reference to any medical training in view of the fact that tasers are likely to exacerbate the risk of heart failure?

Mr SCIPIONE: No, that is right because what I have said is, the standard operating procedures must ensure, and they do ensure, that every time we use a taser we call trained medical experts to the scene.

Ms SYLVIA HALE: You do?

Mr SCIPIONE: Correct.

Ms SYLVIA HALE: Are you aware of an Amnesty International report of November 2004 that detailed circumstances in which more than 70 people died in the United States of America and Canada after being struck by a taser weapon?

Mr SCIPIONE: I am aware that there is a report. I can also advise you of a report from the National Institute of Justice in the United States, which is the pre-eminent research body governing law enforcement. It is arm of the United States Department of Justice, a government agency, which indicates that there is no evidence that at this stage can be drawn upon to say that the taser was the cause of death.

Ms SYLVIA HALE: Do you agree that Amnesty International is generally recognised as being a body that is independent of government influence and has been quite fearless in its preparedness to speak out against what it sees as violations of human rights? Presumably Amnesty has no particular row to hoe with regard to these deaths and one must believe its conclusions that 70 people have died are conclusions honestly drawn. Clearly, if people are stunned as a result of the use of tasers that has considerable impact upon them.

Mr SCIPIONE: It does. I think you may be alluding to an event at an airport in Canada. Let us look at the one in Canada as a case that could be worthy of further consideration. We looked at that. The unfortunate events though in that particular incident was that the person that was the subject of the taser was tasered multiple times by multiple devices. Now unfortunately if you were to use a blunt object and hit somebody on the head dozens of times with some severe force you are likely to severely injure them and probably kill them. So it is not necessarily the taser itself, it is the misuse of the taser and that is the very reason why I said, when I took this proposal to Government, I asked that there would be provision that we would always have a camera on the devices that were to be used on the streets by our general duties officers in order to ensure that we capture the events, not only what happened but the lead-up and what happened afterwards. So that the minute the safety is taken off the taser the device starts to record both picture and sound.

Now that is to be done for a couple of reasons. First and foremost, so we have a good, accurate record of just what happened. Second, to ensure that if somebody has a valid concern and raise a complaint there is evidence of what happened. Last, it protects officers should there be a complaint that is not justified. We know that has happened around the world. This is the first State in Australia to do this—no other State has done this anywhere in Australia. In fact, we are amongst the first few agencies in the world to use tasercam. We do it for all the right reasons. I am satisfied that, along with the research we have, all of the uses within New South Wales have never led to a death. There has never been a death attributed to a taser in Australia. The strength of the audit arrangements that we have put in place will stand us in very good stead. I think you will find that tasers will be a good device that will lead to much better outcomes, much of a reduction in the assault of our police officers and general safety level will lift in the community.

The Hon. MICHAEL GALLACHER: To assist a couple of the witnesses, I have no further questions of Mr Bradley or Mr Pritchard. If other members have no further questions, I am happy for those two witnesses to be excused.

(Mr Pritchard and Mr Bradley withdrew)

The Hon. MICHAEL GALLACHER: Mr Scipione, when did you make the application to the Government regarding the use of taser by non-specialist police?

Mr SCIPIONE: Did you say by non-specialist police?

The Hon. MICHAEL GALLACHER: Yes.

Mr SCIPIONE: General duties?

The Hon. MICHAEL GALLACHER: General duties, yes.

Mr SCIPIONE: I caused a review of literature and, in fact, had the Deputy Commissioner, Field Operations, travel to the United States last year to look at it, along with health personnel from the Department of Health in New South Wales to give me some advice. That advice came back. I then had the safety considerations, the occupational health and safety requirements that surrounded its use, not only from the officer safety angle but also from the community safety angle considered. That advice was provided to me earlier this

year. I took a recommendation to Government suggesting that we should be introducing such devices, but it would be with the safeguard of cameras on board.

The Hon. MICHAEL GALLACHER: Was your recommendation accepted fully?

Mr SCIPIONE: Yes.

The Hon. MICHAEL GALLACHER: Was your request only that they be given to supervisors and duty officers?

Mr SCIPIONE: At this stage, yes.

The Hon. MICHAEL GALLACHER: That is what you asked for at the time?

Mr SCIPIONE: I did at the time, yes.

The Hon. MICHAEL GALLACHER: Did anyone from Government come back and ask you why you were not interested in giving them to front-line general duties police?

Mr SCIPIONE: No, they took the advice that I provided to them and, as I have indicated very publicly, the use of these devices will be monitored very closely by all concerned. If there is some value in me going back to Government with a view to increasing the numbers out there, I will do that. The Minister of the day indicated that that would be an appropriate application and that it would be considered on its merits. At this stage we have just started the roll-out with 400 of 1,500 trained. We will watch this very closely and, as you are aware, the Ombudsman is certainly looking at this, as is the general public. Subject to advice coming back, if it becomes clear that there is value in a further rollout—bearing in mind we can only train so many at a time—I would be discussing with my Minister an increase in the numbers out there, but again we need to do this sensibly.

The Hon. MICHAEL GALLACHER: You appreciate that not only the Government and the public are looking, but so too are the front-line police. The ones that I have spoken to since the announcement are actually quite confused about the direction that it seems to be travelling in, based on the fact that each one of them is expected to carry a lethal weapon at their side—a firearm—yet it appears that there is not the same level of confidence in front-line police to have access to a taser. What you have done, or what the Government has done, is simply add another level of bureaucracy before an officer can use one of these weapons, and a very limited number have access to them. How would you address the confusion or lack of understanding by your own front-line police in terms of the policy?

Mr SCIPIONE: I am not sure that there is confusion. The deputy commissioner has published much material in this regard and there has been a lot of material made available through *Police Weekly* and on the intranet, so I do not believe that there is confusion, but you have to understand that a taser and a firearm are very different devices. The firearm is a device that they are all trained in and, without question, there is a need for that. That has been a longstanding historic arrangement in New South Wales and firearms have been issued individually for many years; however, tasers are a bit different. Even in my discussions with the Police Association there has been agreement generally, for instance, that a one-man unit on the streets that might be required to draw a taser without support from another unit could be worse off because they may well commit to a taser when in fact they need to commit to a firearm and, if they are committed to a taser and then have to abandon that and go back to a firearm, the vital seconds needed to make the decision—it may be too late.

This needs to be done sensibly and it needs to be done scientifically. That is why I sent a deputy commissioner to the United States to look at it. That is why we have reviewed every page we can. That is why I brought out the deputy commissioner from Los Angeles police only a couple of months ago and got him to bring as much information as he could to make sure that we were well briefed. They are different weapons. They are certainly devices that are used in an escalation of force process. We are training as many as we can as quickly as we can, but again, if it comes to the point where I am convinced that there needs to be further rollout within the training parameters and the amount of time it takes to train, I will go back to Government. That is out there, it is acknowledged, and certainly that is what I will be doing.

The Hon. MICHAEL GALLACHER: Last week, as you are probably aware, I travelled between Broken Hill and Moree and I spoke to police in Wilcannia. They were left scratching their heads thinking, "How

are we going to call a supervisor from Bourke when it is over three hours away on a dirt road? We can't say to a knife-wielding bandit, 'Can you just stand there for a few minutes', or as a matter of fact three hours." In country areas they are surely clearly disadvantaged by this policy because of the tyranny of distance?

Mr SCIPIONE: Yes, but they are probably the ones that are also most affected by the one-man station syndrome, whereby they are one out, and that could be problematic. They are the very considerations that I will have to give in any future application I make or any future advice I provide to Government to see if these can be rolled out further. It is acknowledged that this is not an area that is cut and dry, it is an area where there is much conjecture and many different attitudes.

The Hon. JOHN AJAKA: As I understand it, there are over 15,000 serving police officers?

Mr SCIPIONE: That is right.

The Hon. JOHN AJAKA: You are talking about 1,500. It is just not logical to me—and I am not a former serving police officer—that you are talking about less than 10 per cent of the entire New South Wales police force. Is it really a matter of resources, money and time? Is that the issue?

Mr SCIPIONE: No, it is not. It is a policy decision. You might say there are only 1,500 out of 15,000. Not all 15,000 are working general duties clearly, but—

The Hon. JOHN AJAKA: What would be the percentage of general duties officers?

Mr SCIPIONE: There are somewhere between 11,000 and 12,000 people that are in general duties, so that is a significant number, but you must understand that when you get to the point where you have a serious escalation and you are at the point where you are starting to engage—and they work through an escalation of force regime where they will talk first; they will communicate. They have a very good idea—in fact there are some jobs that people are tasked to that they would always have a mobile supervisor almost lead the charge. With mobile supervisors on the street, every station has a supervisor on the road. These are the people we have trained and these are the ones we are rolling out to. They are the 1,500. With two tasers in every station across the State, every local area command across the State, there are devices that are available. If it becomes clear to me that we need to broaden this then they are the discussions I will have.

The Hon. JOHN AJAKA: It would be a horrible situation for any family, in the death of a police officer or someone committing a crime where, if a police officer had a taser in his possession, the death would not have occurred, for us to simply say, "We're rolling them out". I would hate to see that situation. That is where I am having difficulty understanding why there is not greater emphasis on more and more. I appreciate what you have said, but I still have that concern.

The Hon. TONY KELLY: The police are rolling these out. Over the past couple of years we have been changing to the new equipment and, as we have seen here just from the questioning, there is not 100 per cent community backing. There are some people in the community who have concerns about it, and that is why the police are rolling it out cautiously, but I think somebody pointed out the other day that you do not necessarily want to see every policeman out there with something extra on his belt—a Glock, capsicum spray and the expandable batons that they already have, plus a taser. I think there has been a suggestion that maybe they should be in the car, but we are in the process of working towards that after we get some evidence base with the rollout, so it will take time, but as pointed out by some Committee members, you do not expect to see a taser on everybody's belt.

The Hon. MICHAEL GALLACHER: How many in the current class who will graduate in December will be trained in the use of the taser?

Mr SCIPIONE: The class coming out?

The Hon. MICHAEL GALLACHER: Yes.

Mr SCIPIONE: None. None of them are mobile supervisors or inspectors.

The Hon. MICHAEL GALLACHER: So none of them will be?

Mr SCIPIONE: That is right.

The Hon. MICHAEL GALLACHER: You are not even going to train general duties police who are not supervisors so that, if a supervisor goes down, the constable cannot reach the taser and say, "Let me take this out and take care of this situation, or do I have to resort to my gun and put a hole in you"?

Mr SCIPIONE: Well, it depends what you are asking—trained in the use of taser or trained in rendering safe firearms?

The Hon. EDDIE OBEID: What would you do, Michael?

The Hon. MICHAEL GALLACHER: The point is I would not know how to use one. You have to be trained to use them.

Mr SCIPIONE: They are not trained in how to render safe a number of firearms, but often they will be called upon to get it away, and clearly we are not expecting them to pick the taser up and use it because they will not be trained, they will not be certified, they will not have fired the number of commensurate cartridges, and they will not have sat the written test.

The Hon. MICHAEL GALLACHER: So let me get this right. Hypothetically, we have a scene. The supervisor turns up, gets out of the car and, before he has had a chance to utter a word, he is hit on the head with a brick, and down he goes. The offender has a knife. The constable, who is the only other person there, cannot use the taser because he is not trained in it. Is that correct?

Mr SCIPIONE: That is right.

The Hon. MICHAEL GALLACHER: So he then must take the firearm out and use his firearm if he feels that is warranted.

Mr SCIPIONE: If someone hit the sergeant on the head and he potentially could be dead, and the person has a knife, the officer probably has a justifiable use of force, which may in fact extend to a firearm.

The Hon. MICHAEL GALLACHER: But the person who is about to be tasered might not have been the one who threw the brick.

Mr SCIPIONE: Every situation is different. I would like to have a look at the situation.

The Hon. MICHAEL GALLACHER: Why are you not training general duties police going through the academy now in how to use those weapons?

Mr SCIPIONE: Because right now we are training to the optimum with those that will be using weapons. That is something that has been rolled out for some time—400 trained, 1,500 in total—and we are doing it full steam ahead.

The Hon. MICHAEL GALLACHER: Commissioner, this is amazing. The most likely constable or the most likely person to attend the scene before a supervisor—none of them in New South Wales will get access to training with a taser unless they have three stripes on their shoulders.

Mr SCIPIONE: It will not be only three stripes, it will be inspectors and also senior constables.

The Hon. MICHAEL GALLACHER: That is worse. They fly more desks than drive cars.

Mr SCIPIONE: If they are flying too many desks they are probably not out there doing what a duty officer is required to do. Certainly senior constables who are acting supervisors will ultimately be captured in that training.

The Hon. MICHAEL GALLACHER: Commissioner, how can you honestly say your biggest concern is your troops being injured yet deny them access to training to use one of these things in an emergency situation?

Mr SCIPIONE: Because at this stage we have made a decision and we have approval to roll out 220 of the devices. They are being rolled out and we are training for it. A decision has been made that we will not be rolling them out to constables until there is a clear justification and something that needs to be brought back to government by me.

The Hon. MICHAEL GALLACHER: But at any given time a large number of these weapons will be off the street because they will be being used on training days and requalification days. Is that correct?

Mr SCIPIONE: None of the two that are going out to each and every local area command, no. They are separate. They are fortress. We have purchased 229 and we have 168 at local area commands. The rest will be used for training.

The Hon. MICHAEL GALLACHER: Where does the supervisor at Broken Hill or the supervisor at Wagga go to be trained?

Mr SCIPIONE: I will take that on notice because I do not know where the training centre might be. Certainly I can provide that advice to you.

The Hon. MICHAEL GALLACHER: They will have to travel.

Mr SCIPIONE: It depends. It may well be that we might roll that out in the region.

The Hon. MICHAEL GALLACHER: That is a lot of rolling out. It looks to me like there is a degree of uncertainty in relation to policy because a lot of it seems to be being made up as we go along, not by you, but I suspect in terms of the rollout. Are the requalifications every year?

Mr SCIPIONE: Correct.

The Hon. MICHAEL GALLACHER: In addition to the requalification for a firearm every year? That is, two lots of requalifications for the use of—

Mr SCIPIONE: It may well be that it is part of the same process like it is with the spray. It is something that they would put into their mandatory training requalification.

The Hon. MICHAEL GALLACHER: But of course people from Broken Hill would not travel all the way to Dubbo to requalify for a firearm so surely they are not going to travel all the way to Dubbo to qualify or requalify for a taser.

Mr SCIPIONE: That is why I said I will take it on notice and let you know where they will be qualifying.

The Hon. JOHN AJAKA: My understanding is that when a recruit goes to the academy and is trained in firearms in particular—from what I have been told it is some of the best training in the world; it is not logical to me that those same recruits are not also being trained in the use of all weapons including a taser so that they are fully qualified when they come out. It seems ironic. In the army when new weapons are being introduced recruits are trained in all aspects of the weapons being used. They do not say, "We are going to teach your captain how to use one particular weapon that would be great for the rest of the recruits but they cannot use it." The recruits are already out on the premises at Goulburn being trained, the instructors are there and the equipment is there. Why would you not train recruits at the same time with both weapons?

Mr SCIPIONE: It is a valid question. Can I answer it this way: You say that every officer should be trained in every weapon. Our officers are not trained in the use of weapons that are used on the street alongside people from our tactical operations unit, weapons that are used sparingly by those who are trained and appropriately accredited, and used in certain circumstances. The probationary constables that will be sworn in in December are not trained in, I would suggest, half of the weaponry that is available to the tactical operations unit because at this stage in their career it is not appropriate. It may well change; in fact, I hope that it will change. I hope that out of this particular class we get lots of people who will become supervisors, duty officers or tactical operations unit.

The Hon. JOHN AJAKA: It is almost like saying we are going to train this entire new class in how to use the baton but we are not going to train any of them in how to use a gun because there is no need to. The reality is that a taser has to be, in many situations—your own words were "much better outcomes". It would have to be better than training them to use a pistol, surely?

Mr SCIPIONE: In certain circumstances, yes. Again, the criteria are such that at this stage they do not qualify. I have made it clear, and I say again, if there is a justifiable need then I will be taking that back to government. I am mindful that whilst there is a certain level of support there is also, even in this room, not quite the support from some other areas. It is part of the complexity we need to deal with. I am committed to keeping the officers safe.

The Hon. JOHN AJAKA: So it is completely a policy issue, not a funding issue. It is not an issue of not having the resources or that the Government is not providing you with the resources. If the resources were there would you still maintain this policy?

Mr SCIPIONE: At this stage because I want to see what the application of the device is. This is a very serious business, this is not mucking around. When you introduce a weapon like this into the streets you need to be certain of what is going to happen. You do not just try it and all of a sudden find out there could be problems. I do not expect that there will be but I want to be absolutely sure. I want to make sure that we are doing the right thing by as many people in the State as we can. There is not a long history when it comes to the use of these devices in Australia. There is much more history around the world. You have heard highlighted today some of the concerns by eminent groups like Amnesty International, so I have to weigh that up alongside the advice I get from an outfit like the National Institute of Justice. In weighing that up and in discussion with those that are responsible for providing advice to me, the advice I have in the first instance is that we should go to all mobile supervisors, all those who are acting in the mobile supervisor positions and duty officers to ensure that we have people on the street—not every constable and it will not be every probationary constable that is sworn in in Goulburn, but at this stage it is the decision that has been made. I have had no other consideration than getting this right. If that means I need to go back to government because we need to tweak the arrangements, so be it.

The Hon. MICHAEL GALLACHER: It would hardly be a tweak admitting that we had to change and ensure that every officer has access to one. That is not tweaking, it is a major shift in policy.

Mr SCIPIONE: It could be, but I suggest it will not be every officer. As I have said, there are certain circumstances where it is highly unlikely that I would go back to government and say every officer should have one. As I said, if somebody is one-out it can become a problem more than an asset, if you like. You are right, it is probably a serious policy shift, but the commitment is there and I am already encouraged to see the outcomes we have achieved by the use of these devices.

The Hon. MICHAEL GALLACHER: Can you see the logic in the position the Opposition has taken—not only our position but that of the Police Association as well—in making them part of the essential equipment, in every front-line vehicle and every general duty—

Mr SCIPIONE: It is certainly part of the debate that is out there; that is clearly the case. As I have said, subject to the justification and the determination of my office and me, if there is a case I will be going to look at what we need to do to broaden the application.

The Hon. MICHAEL GALLACHER: Minister, when you were in Cowra last week you spoke to front-line general duties police, free from the bosses I take it, or was it in company with the bosses?

The Hon. TONY KELLY: It depends on what you call the bosses. They had their bosses there. My boss was not there.

The Hon. MICHAEL GALLACHER: When you spoke to them what did the front-line general duties police say to you about the tasers?

The Hon. TONY KELLY: I am not sure—I have spoken to a lot of police in a lot of stations in recent times and I cannot recall whether the police at Cowra mentioned it to me. I might be wrong, but I cannot recall whether they did.

The Hon. MICHAEL GALLACHER: At the first opportunity you should head out to north-western New South Wales. You might get a very clear picture from the troops out there.

The Hon. TONY KELLY: I have a very close association with a lot of police in north-western New South Wales and I talk to them regularly.

The Hon. MICHAEL GALLACHER: I will come back to that shortly. Ms McPherson, are the graduating classes in May, August and December this year?

Ms McPHERSON: Yes.

The Hon. MICHAEL GALLACHER: Will it be the same timetable next year approximately?

Ms McPHERSON: As I understand it at this stage, yes.

The Hon. MICHAEL GALLACHER: Can we have a guarantee that we will not see what we saw in 2006 with the December graduating class being pushed back until late January 2007 to coincide with the Government's election strategy?

Ms McPHERSON: I thought I addressed that question at the last estimates committee hearing.

The Hon. MICHAEL GALLACHER: I would like to hear it again. Was that a yes or a no?

Ms McPHERSON: The circumstances are as you would expect them to be.

CHAIR: We will now go to crossbench members for questions.

The Hon. ROY SMITH: My question, which is directed to you in your capacity as Minister for Emergency Services, relates to fires, in particular, in national parks. As a pretty rugged bushfire season is about to commence I was alarmed by a report I saw not too long ago about the number of fires that are deliberately lit. With an increasing number of deliberately lit fires do the police have a strategy to detect and apprehend firebugs?

The Hon. TONY KELLY: Yes, they certainly have. Most people would be aware that the bushfire season officially started on 1 October. Incredibly, as you have indicated, some of those bushfires are the result of arson. That very serious crime threatens lives and destroys properties. I do not think people understand that they can be charged with murder if somebody dies because of a deliberately lit fire. The commissioner might elaborate on that issue later. The motives of offenders who deliberately light fires include revenge, vandalism, financial gain and intent to injure. That is why heavy penalties are in place for arson.

I am advised that maliciously damaging property carries a penalty of up to 10 years jail. If the fire is intended to injure a person, or if it is for profit, the penalty is up to 14 years jail. A threat to destroy or damage another's property attracts a penalty of five years jail. If any of these crimes are committed during public disorder, an extra two-year jail sentence applies. Under the Government's 2006 gangs legislation, threats to destroy or damage another's property that are connected with an organised criminal group, such as a bikie gang, carry a penalty of 10 years jail. The most serious category—maliciously destroying or damaging another person's property with the intent of endangering another person's life—carries a maximum penalty of 25 years jail, which I think is equivalent to the penalty for manslaughter or murder.

In the past we have witnessed that some of those deliberately lit fires have resulted in widespread damage and distress. The Government reminds the Committee of the importance of bushfire prevention. The police will be active in pursuing those who commit crimes. Police treat seriously all incidents of arson. Arson crime is investigated by local area commands. The Property Crime Squad within the State Crime Command also investigates arson and provides intelligence on arson crimes across the State. I am pleased to report that the arson squad currently is expanding to become a team of 16 detectives. Using advanced investigative methodologies the expanded arson squad will investigate bushfires where death or serious injury has occurred, where serial arsonists are suspected, where the fire is suspicious and there has been substantial property damage, or where the fire is high profile or has subsequently generated significant media attention.

Fire investigation is one of the main responsibilities of the arson squad. The other is intelligence gathering of people suspected of being involved in lighting fires. The squad also maintains a database of persons of interest and convicted arsonists. The law relating to deliberately lit bushfires is clear and severe. Under the Rural Fires Act a person who sets a fire, or intends to permit a fire to escape from his or her control, or causes injury or damage can be imprisoned for up to five years and/or fined. There are additional penalties for those people who hinder fire fighters or damage equipment. The New South Wales Police Force works with the Rural Fire Service to educate people in high-risk areas about bushfire prevention and preparing for the bushfire season that, as I said, began officially on 1 October. If people suspect anyone of deliberately lighting a fire, he or she should contact triple-0 so that the police can get on to them as quickly as possible.

Ms SYLVIA HALE: Mr Scipione, I do not wish to prolong unnecessarily the discussion of tasers but is it your expectation that tasers will be used at political demonstrations as crowd control measures?

Mr SCIPIONE: No. That is not one of the criteria by which one of these devices can be used. It is not offence specific; it is situation specific.

Ms SYLVIA HALE: We have an assurance from you that, as a general policy, they are not to be used at political demonstrations?

Mr SCIPIONE: It is not one of the criteria that governs their use or otherwise. At the end of the day it might well be that they could be used. But that will be only as a result of the behaviour of those with whom the police are engaging.

Ms SYLVIA HALE: When I was much younger no policy was in place for police to carry weapons other than truncheons. Since then police have been armed and we have seen a proliferation of weapons throughout the community. Rather than preventing their spread throughout the community it seems to me that it has been encouraged. Have any tasers been confiscated that have been found to be wrongly in the possession of a non-member of the New South Wales Police Force?

Mr SCIPIONE: Yes.

Ms SYLVIA HALE: How many have been confiscated?

Mr SCIPIONE: I would have to take that question on notice. There has been a large number.

Ms SYLVIA HALE: The expectation could be that not only would 1,500 be available to the police force but that that would be accompanied by a rise in the number of illegal tasers in the general community?

The Hon. TONY KELLY: It is a prohibited weapon. If somebody is caught with one he or she will be jailed for 14 years.

Ms SYLVIA HALE: There are all sorts of prohibited uses for firearms, but it does not stop them from being used.

The Hon. TONY KELLY: Why would you automatically expect there to be a proliferation of tasers? They are not stolen from the police.

Ms SYLVIA HALE: No, but the commissioner said that they might be illegally imported or whatever. The adoption of these new weapons, presumably as some sort of mechanism of defence, ultimately leads to their escalation and their proliferation throughout the community. We have seen that with firearms.

The Hon. TONY KELLY: I do not think that follows. I do not think you can say that just because the police have guns. I cannot ever remember seeing a policeman without a gun. You obviously are a lot older than I am if you have seen policemen without guns.

Ms SYLVIA HALE: From my recollection it was in the early 1960s or the late 1950s.

Mr SCIPIONE: No. We have had firearms in New South Wales for decades.

The Hon. TONY KELLY: I think we have had firearms in New South Wales since 1940.

Ms SYLVIA HALE: It might have been a bit earlier than the 1950s.

Mr SCIPIONE: I can recall many former officers with whom I had the pleasure of working telling me about a firearm that was so unreliable that they might as well not have had one.

Ms SYLVIA HALE: I do not want to get into semantics. I will move away from that issue.

The Hon. TONY KELLY: The police have had guns since the time of Ned Kelly.

Ms SYLVIA HALE: What is your understanding of the requirement by police officers to wear identification tags?

Mr SCIPIONE: This is something we talked about at the last estimates committee hearing. I now have a direction that police officers are to wear identification tags. I am sure you will recall one event that was the subject of discussions last year when a number of police did not wear their tags. An investigation was conducted to examine the circumstances surrounding that event. It was determined that the types of tags that people were being asked to wear had a pin on the back. In fact, concern was expressed that that might be an occupational health and safety issue. I took responsibility for that and said that we would be issuing Velcro, or non-pin, identification badges for that type of event in the future. I am pleased to be able to tell you that when I was at Bathurst on the weekend the Operations Special Group did not use one pin, but all the members of that group were wearing their nametags. That is current policy. That is the way it is and that is the way it will stay.

Ms SYLVIA HALE: I remember the questions that were asked at the last estimates committee hearing. I remember you suggesting that the former tags, because of the pins, had been used as offensive weapons. I recall asking you to give me some instances of where that had occurred but you were unable to do so. Moving on from that, can you explain why, on 13 July this year, at the climate camp outside Newcastle, it was possible for three members of the New South Wales Police Force to be photographed not wearing any form of identification? I am more than happy to hand you the three photographs. Will you undertake to the Committee to investigate the circumstances and to explain why those officers were not wearing tags?

Mr SCIPIONE: I will take that on notice. I am concerned to see a photocopy of a photograph. I would rather have something genuine, but I am certainly happy to take it. Anyone is entitled to make a complaint; such a complaint will be given due consideration and will be thoroughly investigated. On the basis of that, I am happy to take that advice. I assume that should we need to contact you for further information, witnesses and the like, we can get the information from your office.

Ms SYLVIA HALE: Yes. I think you will see that officers appear, to me at least, to be readily identifiable to people in the local area command and to no doubt know them.

Mr SCIPIONE: Thank you.

Ms SYLVIA HALE: I now refer to freedom of information [FOI] applications. How many applications to access police information pursuant to the Freedom of Information Act were determined by the New South Wales police during the year 2007-08?

Mr SCIPIONE: I would have to take that on advice. I can provide that to you on notice.

Ms SYLVIA HALE: While you are doing that, could you tell me the average time taken for receipt of the application to provision of information or other determination?

Mr SCIPIONE: I may have some information, if you bear with me. Failing that, I will certainly take those questions on notice. Let me provide you with some advice. Certainly the Police Force receives some 7,000 to 8,000 requests a year: it is up to 200 a week sometimes. The current backlog is around 700, and that is certainly the lowest it has been for quite some time. The Ombudsman's office has indicated that it is very comfortable with the current arrangements whereby the reviews that are conducted within the FOI unit are being undertaken appropriately. We certainly have raised issues. In fact, we have we have looked at a number of issues within the FOI arena, including the current 21-day time frame to process an application, the scope and cost of recovery fees, and certainly the improvements in technology. If you were to give me some further

questions with regard to the specific issues on which you are looking for information, I will be happy to take that on notice.

Ms SYLVIA HALE: I would also like to know whether you or the Minister, or both of you, received a letter in late February or early March from the New South Wales Combined Community Legal Centres Group regarding delays in the processing of freedom of information applications?

The Hon. TONY KELLY: Well, I was not the Minister for Police then. So I certainly did not.

Ms SYLVIA HALE: Commissioner, have you any recollection?

Mr SCIPIONE: I certainly have not got any advice to that effect here with me. So, I will take that on notice and make sure that we provide it to you.

Ms SYLVIA HALE: So you have no knowledge of why those letters have not even been acknowledged?

Mr SCIPIONE: If they came to my office, they would have been acknowledged.

Ms SYLVIA HALE: Is it the practice or has it been the reality that letters are not responded to for up to seven months or even longer?

Mr SCIPIONE: To what letters are you referring specifically?

Ms SYLVIA HALE: Letters of complaint from organisations such as the Combined Community Legal Centres Group that take up to seven months to receive a reply?

Mr SCIPIONE: I assume they are letters of complaint?

Ms SYLVIA HALE: They may be complaints. Most letters I assume are not just to wish you a pleasant day?

Mr SCIPIONE: No, that is certainly not the case.

Ms SYLVIA HALE: They would be to ascertain information or to make a complaint.

Mr SCIPIONE: If somebody writes a complaint, we have an obligation under the legislation to ensure that we actually act on that. In terms of the issues you are talking about, I am not sure whether those letters would have been sent to us, the Ombudsman or the Police Integrity Commission. Can I say though, if there are specific issues you would want me to follow up with regards to the specific letters, I am happy to do that. But, again, I am not working with any fact at the moment with which I can respond.

Ms SYLVIA HALE: For example, most councils—I am sure the Minister is aware of this—have a policy that letters from the general public must be responded to within a certain period of time, 21 days, a month or whatever. What is the department's policy in response to acknowledging receipt of letters?

Mr SCIPIONE: Let me tell you what my policy is and what my office is bound by. It is that we would be responding as soon as possible. I like to try to turn around responses within a couple of days, simply to acknowledge receipt of the correspondence, bearing in mind that it may well be a very lengthy process depending on what it is that is being asked for or what is being sought. However, I believe the courtesy requirements are that you in fact acknowledge receipt and then start working on the issues. So, with letters that come to my office there is a general policy within the commissioner's office in New South Wales that there is an obligatory letter acknowledging receipt sent as soon as is possible.

Ms SYLVIA HALE: In regard to freedom of information applications you say that the backlog has now been reduced to some 700. What measures have you put in place to reduce the time taken to process FOI applications?

Mr SCIPIONE: I might hand over to Ms McPherson, who has responsibility for the carriage of FOI matters. She can give you more details.

Ms McPHERSON: There has been an absolutely significant and sustained effort to reduce the backlog of applications and determining those applications. What sometimes follows on from there is that they may well be talking about the internal review process and then the process that follows that rather than the initial determination. Our initial determination time frames have been greatly reduced, but given the whole nature of the FOI system and given the entitlement to reviews and reviews internally by the Ombudsman and then by the ADT, there can be considerable delay. But that is the process. Our own internal processes have improved greatly.

Ms SYLVIA HALE: How did you improve them?

Ms McPHERSON: We put more resources in place. We have reviewed the management and we have also categorised that some things that were put in as FOIs were simply things that were available on the Internet or just available to staff, for instance, and they could go through a different process. So, what we did was actually make sure that things that came to FOI are about FOI, not about things that are readily available somewhere else where people can save their money.

Ms SYLVIA HALE: So this was in response to the Office of the Ombudsman announcing that it was to undertake an investigation?

Ms McPHERSON: No.

Ms SYLVIA HALE: Was it totally independent of that?

Ms McPHERSON: It was done independently of that and has been in place for some time. The Ombudsman currently is reviewing the processing of applications and has actually been in situ for a couple of weeks within the FOI unit. The New South Wales Police Force is cooperating fully with the review.

Ms SYLVIA HALE: In relation to the APEC exclusion list, it would appear from investigations undertaken by the *Sydney Morning Herald* and others that persons appeared on that list courtesy of their association with either Greenpeace or Mutiny. A spokesperson for the Police Force, Mr Daley said, "The list was created to target only those who were genuinely suspected of acting as the potential leaders of violent or unlawful activity during APEC 2007 Leaders week and those who had a known history of violence and/or unlawful conduct at previous demonstrations." Why would people whose affiliations were with Greenpeace or Mutiny but who had no record of violence included on that list?

Mr SCIPIONE: The actual section of the APEC meeting police powers Act, which no longer exists but did at the time, gave the Commissioner of Police the power to actually approve the list of excluded persons. When he was satisfied that those persons would pose a serious threat to the safety of persons or property in an APEC security area, they could in fact be included on the list. There were only 61 people who were deemed to be excluded from the declared areas, despite the suggestion that there were many more. All of these persons were informed in writing that they were excluded, if their location was known—that is, if we knew who they were, we told them. The Supreme Court heard an application on the constitutionality of the excluded persons list; it failed. The court said it was constitutional. Being identified as an excluded person was not an offence and had no application at all outside the security area, nor did it carry any long-term legal implications for that person. So, it is not something that stays with them. It is not a criminal record. It was not something that will necessarily come to the attention of authorities at some time in the future. The limited use of the capacity to exclude persons from these declared areas was despite the high level of reporting on intended protest numbers and activities. It was used appropriately to security the areas, and the power specifically related to persons, not necessarily to any group that they were part of, and related to people who would pose a serious threat to the safety of persons or property of the APEC security areas.

Ms SYLVIA HALE: Can the 61 people be assured in time that the information held about them has been disposed of?

CHAIR: Order! The Time for crossbench questions has expired.

Mr SCIPIONE: I am sorry, I missed the question.

The Hon. EDDIE OBEID: You were not one of them, were you, Sylvia?

CHAIR: Order! If no other Government member has a question, I have a question for Mr Tree. It is in relation to the prohibited weapons review. I understand that submissions closed last month for that. When do you anticipate that the review will be finalised? Did you accept late submissions? Mine was late.

Mr TREE: I am sure we did. Our standard practice is to accept late submissions on any reviews the Ministry undertakes. We will be assessing the submissions and we will take late submissions. As to when the review will be completed, I would imagine it will take us some months, but we will come back with a suggested time frame. We will be going back to the Government after that with a suggested position on issues.

The Hon. MICHAEL GALLACHER: Commissioner, do you remember saying on 26 September, in reference to the number of alleged abductions/stalking events, that the New South Wales Police Force had received 30 reports of alleged attempted abductions in the past seven days compared to a total of 20 for the previous six weeks. Do you recall that, sir?

Mr SCIPIONE: Yes, I do.

The Hon. MICHAEL GALLACHER: We have been monitoring reports, both in the media as well as in the police media, that since the end of August and early September our list now runs to 67 events over that time. Is that consistent with the figures that you have?

Mr SCIPIONE: I do not have the current figures here, Mr Gallacher. I am happy to take it on notice and come back to you on that, but I have not got those current figures as of today.

The Hon. MICHAEL GALLACHER: What do you have with you?

Mr SCIPIONE: In fact, the figures I have are not even as current as those that you have quoted. They particularly relate to 2007 and are based on the Bureau of Crime Statistics and Research [BOCSAR] figures. I am happy to take those on notice and make sure that we get that information to you. What I have is that there were 247 abduction attempts in Sydney in 2007, according to BOCSAR statistics.

The Hon. MICHAEL GALLACHER: Given the degree of public concern about the spike or spate of reported incidents, is it fair to ask why you would not have with you the most up-to-date figures on something that most parents in particular would be incredibly concerned about?

Mr SCIPIONE: The figures change daily. What I can tell you is the figure that has not changed: We have not had a child abducted.

The Hon. MICHAEL GALLACHER: Is that good luck, or good management?

Mr SCIPIONE: That is not for me to comment on. The reality is that we have not had one abduction. Having said that, and as the figures are so volatile—and they change daily; there were a number of reports of attempted abductions over the weekend—the numbers are definitely there. It is not as if we or I have shied away from this. I have come out and said, "No, we have certainly had a spike." You can be sure of that advice, in terms of ensuring that we certainly would not be producing or presenting figures that would be wrong. We do not want to do that because that is misleading in itself. If you can give me a time for which you wish to get a solid number, we can provide that figure correctly.

The Hon. MICHAEL GALLACHER: I take it you are concerned about the spike.

Mr SCIPIONE: Oh, very. Indeed.

The Hon. MICHAEL GALLACHER: Even though there were some comments also attributed to you at the time recognising some of the reports given to you by the police were false.

Mr SCIPIONE: Yes.

The Hon. MICHAEL GALLACHER: I take it therefore that still a number of those reports are true.

Mr SCIPIONE: I am sorry—"a number of those"?

The Hon. MICHAEL GALLACHER: A number of the reported or alleged abduction attempts are true.

Mr SCIPIONE: So serious are these matters that I take every report as being true until it is otherwise discounted. Unfortunately, we have had to charge some people with public mischief. That is the rarity. Let me go back to the original, which is that we take every report as being genuine until we can actually rule it out.

The Hon. MICHAEL GALLACHER: Minister, does your Government also take these allegations incredibly seriously?

The Hon. TONY KELLY: Of course we do. The Government takes seriously any incident that has the potential to cause harm to children. I am advised that that recent spate of incidents when children had been approached by persons unknown to them do not appear at this time to be related. Each of them must be investigated on the evidence that the police have to hand. All reported incidents cause the community, me and particularly officers of the New South Wales Police Force a great deal of concern.

The police have released information to try to make sure that the public is informed and increase their vigilance. That is one of the reasons why the police have a new program whereby they go around—I think they have already approached some 20,000 schoolkids—to educate them about safe places and to be aware of stranger danger.

The Hon. MICHAEL GALLACHER: Minister, I recognise that you are the third Minister for Police we have had in the last couple of weeks.

The Hon. TONY KELLY: Not in the last couple of weeks, no.

The Hon. MICHAEL GALLACHER: It seems so quick. Can you indicate to the Committee what you have done since becoming the Minister to call for a task force to address this problem?

The Hon. TONY KELLY: What I have done is make myself aware of the changes that the police have made recently, particularly in going out to the schools to make sure that young people who are at risk of stranger danger are aware of what they should be doing and that there are a number of safe places. There were concerns about safe houses no longer being in existence, but part of the reason for that was that it was difficult to control people coming and going. Whereas it might have been a safe house at one stage and a sign was first put up on the window, the tenants change and there was no guarantee that the new people in that house would provide a safe house but might do the complete opposite.

The Hon. MICHAEL GALLACHER: Because you do not have the police to keep a check on them, it is impossible.

The Hon. TONY KELLY: Also we got down to about 10 communities in the State because very few people are interested in doing it. That is why the police changed the way they were doing it. They are now undertaking this Penguin program.

Mr SCIPIONE: There are a number of programs underway. Mr Gallacher, one of the questions you have raised is again something that it would probably be helpful for the Committee to have advice upon. One of the concerns that I have had for some time now is the ability these days, with advanced graphics and the Internet, for some people to reproduce safety house logos, and that potentially paedophiles may trade in these electronic reproductions, print them, and then put them on the front door, the front wall or the post of a house. That has been our concern. It is certainly something that has been considered when we look at how best we could manage this.

The Hon. MICHAEL GALLACHER: There is nothing stopping them from doing it now, though.

Mr SCIPIONE: There is not, but what we have said to parents is that the Safety House Program does not exist any more. If the signs are up there, you do not need to necessarily think that that is necessarily a safe place to go.

The Hon. MICHAEL GALLACHER: Safety House is an issue that we will debate a later stage. It is an important issue.

Mr SCIPIONE: Sure.

The Hon. MICHAEL GALLACHER: But I feel that simply running up the white flag and saying, "Paedophiles might do this, therefore we will offer nothing as an alternative", is something I would like to come back at a later stage to debate.

The Hon. TONY KELLY: I do not believe that is true.

The Hon. MICHAEL GALLACHER: Well, I do.

The Hon. TONY KELLY: The police are not saying that we are offering nothing. What they have come up with is the Keeping Me Safe Program. They are going around schools. I was correct that it is the Penguin mascot, Constable Charlie, that the police are using to try to get the message across to young children. But the idea is that the program helps children to identify safe adults in their life and in the community and to identify safe places in the community, such as the home, streets, and areas such as fire stations or police stations, and say no when they are frightened if they are being asked something.

The Hon. MICHAEL GALLACHER: How many youth liaison officers or school liaison officers do you have in New South Wales in place right now? If you are going down that path, how many do you have?

The Hon. TONY KELLY: Perhaps the commissioner has that figure.

The Hon. MICHAEL GALLACHER: While you are there, tell us how many hundreds of thousands of school children we have in New South Wales.

The Hon. TONY KELLY: There are 40 positions.

The Hon. MICHAEL GALLACHER: How many school students, high school in primary school, do we have in New South Wales?

The Hon. TONY KELLY: Some 20,000 have already been through the new program.

The Hon. MICHAEL GALLACHER: How many high school students and primary school students—

The Hon. TONY KELLY: That is a question for the Minister for Education and Training.

The Hon. MICHAEL GALLACHER: You are the one who is pushing the policy and you do not know how many school students you have. The fact is that we have literally hundreds of thousands of schoolchildren, and you are trying to suggest that 40 police officers can do it. Jesus might have done it with two loaves of bread and a couple of fish, but these guys are not that good.

The Hon. TONY KELLY: So far the police have educated about 20,000 students. Under the Safe Houses Program, there were only about 200 houses in the State. There were 10 communities with an average of 20 houses each. So the program the police now have is much more effective.

The Hon. MICHAEL GALLACHER: What have you done to call for a task force in relation to the abductions?

The Hon. TONY KELLY: If the police commissioner thinks a task force is needed, it is entirely up to him to set it up.

The Hon. MICHAEL GALLACHER: It is interesting that you say that because back in 2005 your predecessor had no problem calling for a task force relating to the theft of ATM machines, called Operation Piccadilly or task force Piccadilly. But when it comes to today's issue relating to children you are silent on this and saying that it is a matter for the police Minister.

The Hon. TONY KELLY: I did not say police Minister. It is the commissioner.

The Hon. MICHAEL GALLACHER: I cannot tell the difference sometimes because one minute it is you who is speaking on operational matters and the next minute it is the police Minister.

The Hon. EDDIE OBEID: He is the police Minister.

The Hon. MICHAEL GALLACHER: That is what I am saying; it becomes so confused. Why is it that in 2005 the then police Minister was calling for a task force in relation to the theft of ATM machines, yet in 2008 you are not saying a word?

The Hon. TONY KELLY: I am waiting for you to finish speaking.

The Hon. MICHAEL GALLACHER: I have. I wanted you to understand.

The Hon. TONY KELLY: I also note that the commissioner has pointed out that there has been no actual abductions.

The Hon. MICHAEL GALLACHER: So that is it. Are you saying you are happy with that?

The Hon. TONY KELLY: No. If the police commissioner believes that a task force is needed, then he will set one up. At the moment he has the Keep Me Safe Program, which is working well.

The Hon. MICHAEL GALLACHER: By keeping you safe or by keeping the public safe?

The Hon. TONY KELLY: It is the name of the safe program.

The Hon. MICHAEL GALLACHER: Do you think that a task force of a specialist team of police should be brought together to look at these strategies and to look at the intelligence in relation to the offences or the attempted abductions that are occurring, particularly in parts of Western Sydney and in the Hunter Valley?

The Hon. TONY KELLY: Unlike the Opposition, it is an operational matter. Obviously I do not want to get involved in operational matters. That is up to the commissioner.

The Hon. MICHAEL GALLACHER: So is it a new policy from the Minister for Police that you will not be participating in press conferences announcing police policy in the future? Are you announcing that you will not be participating in any operational announcements relating to the New South Wales Police Force because it is an operational matter?

The Hon. TONY KELLY: We do not make the policy decisions.

The Hon. MICHAEL GALLACHER: Who does?

The Hon. TONY KELLY: Sorry, we make the policy decisions. We do not make the operational decisions of the New South Wales Police Force; the commissioner does.

The Hon. MICHAEL GALLACHER: But you make the announcements.

The Hon. TONY KELLY: We make announcements about policy decisions. There has been one occasion where the police commissioner introduced new policy, which I announced, but I did not make the policy.

The Hon. MICHAEL GALLACHER: So hypothetically—

The Hon. TONY KELLY: It was his operational policy.

The Hon. MICHAEL GALLACHER: So I suggest, hypothetically, that you will not be making any public calls—

CHAIR: Order! The hearing today is to deal with budget estimates. It is not appropriate to be asking the Minister hypothetical questions. You should be asking proper questions.

The Hon. TONY KELLY: In any case, I would much rather take the commissioner's advice on this than your advice.

The Hon. MICHAEL GALLACHER: I do not care about Madam Chair's advice. I am asking you.

CHAIR: You should take notice of what I am saying because I am chairing the hearing.

The Hon. MICHAEL GALLACHER: I take it that you will not be participating in any public announcements in the future with regard to police operational matters.

The Hon. TONY KELLY: It depends on whether the commissioner wants me to be involved, but I will not be making operational decisions.

The Hon. MICHAEL GALLACHER: I did not say that. I said "announcements".

The Hon. TONY KELLY: No—

CHAIR: Order! The Hon. Michael Gallacher should cease interrupting the Minister when he is answering questions.

The Hon. TONY KELLY: I will not be making operational decisions or interfering with police operational matters, unlike the Coalition when it was in government. It tried to allocate police at various police stations throughout the State and got itself into all sorts of trouble.

The Hon. MICHAEL GALLACHER: Is it the case that you have police policy under your control?

The Hon. TONY KELLY: Not operational policy.

The Hon. MICHAEL GALLACHER: But you still have police policy.

The Hon. TONY KELLY: Not operational policy.

The Hon. MICHAEL GALLACHER: And you still determine where police stations will be located.

The Hon. TONY KELLY: We do not determine where police officers go.

The Hon. MICHAEL GALLACHER: No, but you determine where police stations will be located.

The Hon. TONY KELLY: Only in conjunction with the police commissioner.

The Hon. MICHAEL GALLACHER: Sometimes it will be operational; sometimes it will not be.

The Hon. TONY KELLY: We look at the funding side of it. We get involved from that point of view. We do not get involved in deciding how many police officers or what type of police officers are in which particular town or suburb.

The Hon. MICHAEL GALLACHER: It is a bit of a long bow.

The Hon. TONY KELLY: No, it is not a long bow. It is fraught with danger. I will give you some great examples of decisions that were made by the Coalition Government.

The Hon. MICHAEL GALLACHER: That is a long time ago.

The Hon. JOHN AJAKA: Clearly everyone is concerned when we hear these stalker claims. We all have children, and it is frightening. From my perspective, I do not recall hearing of this many in such a short time. It is almost an epidemic. So 40 police officers are visiting all schools. Has the Government considered an intense advertising campaign to warn children about these matters, what to do and how to do it?

The Hon. TONY KELLY: As I said, the New South Wales Police Force has instituted this new program. There are youth liaison officers in schools as well.

The Hon. JOHN AJAKA: But should there be a television advertising campaign, something that will immediately reach everyone over a period? Is it a matter of funding? Is it a matter of budget not having the funds available?

The Hon. TONY KELLY: You should ask the commissioner whether he believes that that sort of campaign would be effective.

The Hon. JOHN AJAKA: Is it a matter of not having the funding available?

Mr SCIPIONE: In terms of?

The Hon. JOHN AJAKA: Running an intense television advertising campaign to hit all the children?

The Hon. TONY KELLY: You complain about the television advertising we do as a government.

The Hon. JOHN AJAKA: Millions of dollars are being spent on advertising to tell us that it is wonderful that we have a water desalination plant. Surely this would be better.

The Hon. TONY KELLY: Not all kids are watching television all the time. It is much more effective to get them while they are at school when their time is dedicated to listening; it is a set period of school time in which they must listen. That is much more effective.

The Hon. JOHN AJAKA: Surely you could advertise during school hours, when teachers and principals can be told to ensure that the kids see these programs. All I am concerned about is that the Government is spending money on telling us about water desalination plants but that is not the issue here. Surely the money would be better spent on teaching children what to do in terms of stalking. I would hate to think that the commissioner's hands are being tied because there is no funding.

Mr SCIPIONE: No, they are not. Safe Houses has been running since 1984. We reinvigorated it late last year. In December last year we launched this new particular program, and that program has with it a range of different strategies. Keeping Me Safe was the name of the project in terms of advertising, educating and providing advice to kids and their parents. We worked with the Shopping Centre Council of New South Wales; the council helped us. We sponsored a school safe booklet. The booklet has been designed with the Department of Education and Training, the police, the child protection unit from New South Wales Police Force, the sex crime squad, the independent and Catholic schools association and the protective behaviours group. The interactive book is being used to visually stimulate the students so that they have a good understanding of who they are approaching as opposed to approaching anyone, thinking that they are safe simply because there is a sign out the front.

The Hon. ROY SMITH: Earlier my colleague Ms Sylvia Hale referred to the proliferation of weapons—referring to firearms—in our community. All the statistics I have seen from the Bureau of Crime Statistics and Research in relation to firearms crime suggest that that is not the case. All the statistics I have seen show that the number of firearms in the community has been declining for many, many years. Is there evidence that there is a proliferation of weapons in the community, compared to previous years? Is there an increase or a decrease?

Mr SCIPIONE: I do not have any advice with me. I am assuming that you are talking about firearms when you mention weapons, as opposed to other weapons.

The Hon. ROY SMITH: Yes.

Mr SCIPIONE: Non-firearm. I would have to get that advice. I do not have that here with me. Certainly, at this stage trends with regard to offences that have been committed using firearms have generally remained stable. Indeed, if you were to consider robbery with a weapon that is not a firearm, that has fallen significantly; there has been a 17 per cent reduction over the past 24 months. In terms of the actual numbers of firearms that are seized, I need to take that on notice. Certainly at this stage we continue to work to take illegal

firearms out of the community on the basis that they are being used to commit crimes. Before I could make a comment with regard to these trends I would certainly like to see the data. I will take that question on notice.

Ms SYLVIA HALE: In relation to the New South Wales Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities, you no doubt saw the report in today's *Sydney Morning Herald* about the Northern Territory intervention out of which not one person has been charged and convicted of child sexual offences in Aboriginal communities. That intervention has resulted in a lot of heartburn and anger within Aboriginal communities. Will you undertake to adopt your own portfolio of a transparent, publicly accessible reporting regime for the funding and implementation of the actions in the New South Wales Interagency Plan to Tackle Child Sexual Assault In Aboriginal Communities for the period 2006-11, including a publicly available annual report for the portfolio, the amounts and sources of all resources for each of the plan's actions relevant to your portfolio, the results to be achieved through those resources, progress in achieving the results and the results of not being achieved, the reasons for failure to achieve them and the action to be taken to ensure that they will be achieved in future?

The Hon. TONY KELLY: The Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities in New South Wales was released in January 2007 in response to Breaking the Silence report released by the Aboriginal Child Sex Assault Taskforce. The responsibility for its implementation is the Minister for Aboriginal Affairs. However, it contains some 88 actions, 31 of which involve the NSW Police Force. I am advised that the NSW Police Force is making progress on the implementation of all 31 relevant actions. Actions have already been implemented by police include the secondment of two NSW Police Force officers to the Australian Crime Commission's National Indigenous Violence and Child Abuse Intelligence Task Force. NSW Police Force is also putting into place, along with the Department of Community Services and NSW Health, recommendations from the joint review of Joint Investigation Teams, including in late 2006. Those teams comprise specially trained child protection officers from the NSW Police Force and staff from the Department of Community Services and NSW Health, working together to investigate child abuse.

I am aware that the Minister for Aboriginal Affairs recently produced a status report on the progress of the interagency plan showing that the NSW Police Force has not progressed action items 10 and 11. Action 10 is for the NSW Police Force to review all relevant standard operating procedures that impact on child sexual assault in Aboriginal communities or the arrest of an Aboriginal person for child sexual assault. The decision has been made by NSW Police Force to delay action on this item until such time as the Special Commission of Inquiry into Child Protection Services, currently being conducted by Justice Wood, releases its findings. That is a sensible delay to ensure that any new procedures that are developed are consistent with any recommendations that he might make, thus avoiding reworking or any multiple reworking of procedures. Item 11 is to ensure consistent data collection on the Aboriginality of offenders by police, Juvenile Justice and Corrective Services to be able to better monitor trends and patterns. Agreement on which type and what type of data collection would be most appropriate is being finalised between the agencies, including the NSW Police Force so that this action item can then be progressed further. They are working on all of them.

Ms SYLVIA HALE: I was seeking an undertaking that there would be a transparent, publicly accessible report prepared by your department on how the implementation of the plan was proceeding.

The Hon. TONY KELLY: As I said, the responsibility for that is the Minister for Aboriginal Affairs. We will obviously participate with him on that.

Ms SYLVIA HALE: In view of the budget review in November, does the Minister anticipate funds for these action plans being reduced?

The Hon. TONY KELLY: I cannot say. All I can say at this stage is I do not really anticipate that. The Premier and the Treasurer have not ruled out anything, as far as I am aware, except that payroll tax will not be increased. As far as I am aware that is the only commitment they have made, so everything is being reviewed. I do not really expect it to be cut back.

Ms SYLVIA HALE: Commissioner, an article in today's *Sydney Morning Herald* titled "Too little data for violence research" suggests that lack of alcohol sales data in New South Wales is hampering efforts to understand the link between alcohol consumption and violence. Indeed, is it correct that you commissioned a Western Australian academic to trace the relationship in Western Australia because sales data is available in Western Australia but similar sales data is not available in this State?

Mr SCIPIONE: You have asked me about four questions. I am not sure which one I am going to answer.

Ms SYLVIA HALE: Is it true that you have commissioned a report into the relationship between sales of alcohol and the commission of violent crimes?

Mr SCIPIONE: No, that report is something that has been commissioned by the Department of Premier and Cabinet [DPC] as part of the State Plan and the Premier's delivery unit considerations in preparation for some advice that might go to government for consideration. But that is a body of work that is being conducted by the Western Australian researcher and is something that will be going back to the DPC.

Ms SYLVIA HALE: Presumably, it is an issue in which you have considerable interest and you will be apprised of the results of that investigation?

Mr SCIPIONE: I am sure that I will be brought into that as part of the Department of Premier and Cabinet considerations deliberations in support of State Plan outcomes. I would expect that I would be advised, yes.

Ms SYLVIA HALE: In the interests of establishing that link, or that one does not exist, will you urge the Government to start to collect such data, given that it is very valuable in terms of policing resources and the extension of hotel operating hours, et cetera?

Mr SCIPIONE: This is one of the multiple questions. What data are you talking about?

Ms SYLVIA HALE: The data on alcohol sales. Where alcohol is sold and how much is sold? I understand that up until 1996, because the States were levying taxes on alcohol they kept data as to how much was sold within the State. When the High Court ruled that that could no longer take place, New South Wales, unlike Western Australia and Northern Territory, abandoned the collection of those statistics and information. Therefore, unlike Western Australia, it is much more difficult in this State to establish whether there is a correlation between alcohol sales and violence.

Mr SCIPIONE: If the question you are asking in relation to the *Sydney Morning Herald* media reporting of this matter today is do I have a view as to the position with regard to the imposition of that type of data being collected, well first and foremost I think it might be appropriate for the DPC to actually get the research results and then, subject to what is in the results as opposed to something that is in the newspaper, determine where they may need to go. That is not going to be a consideration for me. Appropriately, that will be a policy decision and something in which I do not play a part. At this stage I think it would be most wise if we actually await the results and know what is recommended before we make any determination about where we should go.

Ms SYLVIA HALE: According to this report, Dr Chikritzhs was asked by New South Wales—I am not sure which authority within New South Wales—to investigate the link between the trading hours of licensed premises and violence in New South Wales because she had done a similar study in Western Australia. She is quoted in today's newspaper as follows:

Dr Chikritzhs says her study in NSW will struggle without the vital data. "[Currently] we can't actually tell you how much alcohol is being drunk in your local postcode," she said.

"It's a really important part of the jigsaw puzzle because we put that together with what we know of police-reported violence and drink driving [as well as] what we know about which venues are trading with extended hours, or which are the new ones."

It goes on, but surely given your interest in hotel trading hours, excessive alcohol consumption within the community and resultant violence, will you be urging the Government to recommence the collection of that data?

Mr SCIPIONE: What I need to do is look at the outcomes we get from the particular research. I think it is probably a little pre-emptive to start going one way or another in any direction until we get the research. The Department of Premier and Cabinet has commissioned the research. We will await the outcome and, subject to that, I am sure there will be further discussions.

Ms SYLVIA HALE: Commissioner, you have been featured in the media recently saying that you are determined to crack down on violence and, if necessary, to close hotels or restrict trading hours. I notice that Clubs NSW and other people who have vested interest in the consumption of alcohol are opposed to the measures you propose. What is your response to that?

Mr SCIPIONE: I have always said that anything that would add to the level of criminality on the streets of New South Wales is something that we will focus on. The incidence of alcohol-related crime and the incidence of antisocial behaviour linked to alcohol-related crime is something that is concerning—in fact it is an area where we have seen an increase in assault-related matters. Clearly it is of interest. We expend a lot of operational capacity every year just dealing with these types of events. That will not diminish—it cannot. We work very closely with the industry and we do that on the basis that we achieve a lot more if we work hand in hand, and that is not just hotels, it is clubs—in fact it is every licensed outlet. We will continue to do that.

We have seen a lot of work that has been undertaken and at this stage, as we move into the warmer months, you will see an increased police presence patrolling those areas known to be hotspots, be they in the city or anywhere else in the State. I cannot see that changing. At this stage we have a responsibility to ensure that we pursue the liquor licensing laws. We will do that together with the Office of Liquor, Gaming and Racing. We have created recently a 30-person licensing command specifically to deal with these areas that are of concern and to continue to help, not just in terms of enforcement but education, so I am certain that you will see a continued commitment to making our streets safer because, at the end of the day, that is what it is all about, that is the reason why we are out there. We will certainly be continuing to work with communities that would identify to us, and regularly identify, areas that they are concerned about. That is something that again we have been committed to for some time, and that will continue.

The Hon. TONY KELLY: I know that the time is up, but the commissioner has said that he is working very closely with the Hotels Association and Clubs NSW, and by far the vast majority of local government, hoteliers and clubs work with the police to ensure—and they have a cause to ensure—that they reduce violence. What has not been reported in the metropolitan media are two instances in the past two weeks where police have closed down hotels—one in Tamworth, which was virtually an \$18,000 penalty for the particular hotelier because he could not trade over the weekend, and only a few days ago in Orange another one was closed down for three days. So where the police cannot get cooperation, after discussion with the hoteliers, they will use the full force of the law.

CHAIR: I would like to thank Mr Tree and the other staff of the Ministry for Police, Commissioner Scipione and Ms McPherson, and other people from NSW Police Force who are here today.

(The witnesses withdrew)

The Committee proceeded to deliberate.
